

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, 8 August 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

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1. Apologies	
2. Declarations of Interest by Members and Officers	
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5. Land off Kestrel Rise, Rainworth (17/00418/OUTM) (Site Visit: 9.25am – 9.40am)	14 - 47
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#### **PART 2 – ITEMS FOR INFORMATION**

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#### **PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS**

None

#### **PART 4 - EXEMPT AND CONFIDENTIAL ITEMS**

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

None.

#### **NOTES:-**

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

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

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

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

ALSO IN

ATTENDANCE: Councillors: D. Clarke and R.J. Jackson.

22. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor R.V. Blaney.

23. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Member/Officer

Agenda Item

Councillors: Mrs A.C. Brooks,  
G.P. Handley and D.R. Payne

Agenda Item No. 11 – Land at Staveley Court, Farndon, Newark (17/00218/FUL).  
Agenda Item No. 13 – Land Opposite 40 – 46 Wolfit Avenue, Balderton (17/00911/FUL).  
The three Members were Directors of Newark and Sherwood Homes and declared their interests on the grounds of potential bias. They left the meeting and took no part in the discussion or voting of both items.

Councillor R.A. Crowe

Agenda Item No. 6 – The Old Vicarage, Church Lane, South Scarle (17/00644/FUL), Personal Interest as the applicant's son is a friend of the family.

Councillor J. Lee

Agenda Item No. 13 – Land Opposite 40 – 46 Wolfit Avenue, Balderton (17/00911/FUL), Personal Interest on the grounds of potential bias. He sat in the public seating area and took no part in the debate or vote for this item.

Agenda Item No. 17 – Field Reference 2564 A17 Winthorpe (17/00921/FULM), Personal Interest as the Newark Showground had objected to the application and had sponsored Councillor Lee in the past.

24. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

25. MINUTES OF THE MEETING HELD ON 6 JUNE 2017

AGREED that the minutes of the meeting held on 6 June 2017 be approved as a correct record and signed by the Chairman.

26. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business as follows: Agenda item 12 was taken after agenda item 9, and then item 10, 8, 11, 13, 15, 14, 16 and 17. The agenda resumed to its stated order thereafter.

27. JANANDRA, STATION ROAD, HARBY (17/00280/OUT)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought outline planning permission for the erection of two bungalows on former agricultural land.

The application had been referred back to the Planning Committee after originally being reported to the 9 May 2017 meeting of the Committee, where Members resolved not to determine the application, but asked Officers to seek amendments to the scheme. The proposal had been revised on the basis of Members' discussions.

Councillor C. Nolan, representing Harby Parish Council, spoke in support of the application in accordance with the views of Harby Parish Council on the grounds that this was a small development that suited the needs of the village and was in keeping with the surrounding dwellings. The community led plan indicated that small developments were supported and this was the type of development that would meet the needs of a number of different types of residents.

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

Members considered the application and it was felt that as Harby Parish Council was in support of the application and the developer had reduced the scheme from three bungalows to two, the development was acceptable. Members took into consideration that the development was within a SP3 village but felt that one or two developments was acceptable in order to provide accommodation for the community to down size and for the village to remain sustainable.

AGREED (unanimously) that contrary to Officer recommendation outline planning permission be approved, subject to a condition that the bungalows be single storey only and the submission of a revised red edged site location plan showing the reduction in size of application site for clarity and the avoidance of doubt.

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

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

28. THE OLD VICARAGE, CHURCH LANE, SOUTH SCARLE (17/00644/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought the erection of a garage building, demolition of existing conservatory and replacement with new and all associated external works. This application had been deferred from the June meeting to allow for a site visit to be undertaken.

Councillor D.J. Clarke, representing South Scarle Parish Meeting, spoke against the application in accordance with the views of South Scarle Parish Meeting as contained within the report.

The Business Manager - Growth & Regeneration informed Members that if they were minded to approve the application, that an additional condition to remove permitted development rights to insert additional openings could be placed on the garage.

Members considered the application and it was felt that the proposals were not acceptable even though a very similar garage had been approved on appeal. Members felt that the development was too close to neighbouring properties and the height of the garage was not necessary. Taking that a side, Members felt that an additional condition to remove permitted development rights to insert any additional openings within the garage could be imposed.

AGREED (with 12 votes for, 1 vote against and 1 abstention) that the planning permission be approved, subject to the conditions contained within the report and the inclusion of an additional condition removing permitted development rights to insert any further openings or additional to the garage.

29. LAND OFF HOCKERTON ROAD, HOCKERTON (17/00801/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the erection of two detached two storey dwellings. Both dwellings were four bedrooms with internal double garages.

Members considered the application and felt that as the proposed dwelling was in close proximity to listed buildings and buildings of interest, the design could be improved. Members were all in agreement that a development on this site would improve this untidy plot of land. It was suggested that the applicant be asked to improve the design for the two properties.

Members resolved to defer the application to allow officers the opportunity to negotiate with the applicant to improve the design of the proposed dwellings.

A Member sought clarification regarding the reason for the time limit set out within Condition 1 stated it was in accordance with Section 51 and it was confirmed that this was an error. Section 51 stipulated commencement within three years and not eighteen months as reported.

*(Councillor J. Lee took no part in the debate or vote for this application as he was not present for the duration of the Officer presentation).*

AGREED (with 11 votes for and 2 votes against) that the application be deferred in order for the applicant to be asked to submit an improved design for the two properties.

30. WHITE COTTAGE, FARNSFIELD ROAD, BILSTHORPE (17/00596/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the erection of a 1.5 storey detached dwelling with integral garage and workshop.

Members considered the application and felt that the proposal was acceptable.

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

31. WHITE COTTAGE, FARNSFIELD ROAD, BILSTHORPE (17/00665/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a two storey detached dwelling and a detached double garage.

Members considered the application and felt that the proposal was acceptable.

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

32. LAND AT THE OLD FARMHOUSE, SCHOOL LANE, NORWELL (17/00765/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the erection of a detached dormer three bedroomed lifetime dwelling. The proposed utilises the existing vehicular access for the Old Farmhouse from School Lane.

Councillor R. Ward, representing Norwell Parish Council, spoke in support of the application in accordance with the views of Norwell Parish Council; as contained within the report.

Members considered the application and took into consideration the Conservation Officers comments, the nine letters of objection and that the proposal was backland development, some Members felt that the Officer recommendation for refusal was correct. Other Members felt that Norwell was sustainable given that it was serviced reasonably well with local services and facilities and small dwellings such as this one should be allowed in order to keep the village sustainable. It was also commented that there was not enough buildings available on the market for people with disabilities and this could be built to specification.

AGREED (with 9 votes for and 5 votes against) that full planning permission be refused on conservation grounds only in part accordance with officer recommendation.

33. ROEWOOD LODGE, BLEASBY ROAD, THURGARTON (17/00641/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the erection of a detached two bedroomed dwelling with a detached garage. The proposal was an amendment to a previously approved application (15/02291/FUL) which approved a detached two bedroomed dwelling over two floors with an integral garage.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Applicant to Thurgarton Parish Council which outlined how the proposals had been amended over the course of the application.

Councillor R.J. Jackson as local Ward Member spoke on behalf of Thurgarton Parish Council against the application in accordance with their views, as contained within the report.

A Member raised concern that the internal configuration of the bungalow could be converted to create a three/four bedroomed property and whether planning permission would be enforced to retain the two bedroom property. The Business Manager - Growth & Regeneration confirmed that the property would have to be built as stipulated within the description of the development and could be enforced if built differently. However, once fully implemented and occupied, over the course of time the property could be modified internally without planning consent to create additional bedrooms.

Members commented on the location of the garage at the front of the property. Clarification was sought as to whether the garage could be located at the side or to the rear of the property, as the overall look was not in keeping with the street scene and was too close to the busy main road. It was therefore suggested that the application be deferred in order for officers to negotiate with the applicant to consider the re-siting of the garage.

AGREED (with 13 votes for and 1 vote against) that the application be deferred in order for the re-siting of the garage to be pursued by the applicant.

*(Having declared interests on the grounds of potential bias given their positions as Directors of Newark and Sherwood Homes. The Chairman, Vice-Chairman and Councillor Mrs C. Brooks took no part in the discussion or vote in relation to the following minute and left the meeting).*

The Chairman sought Planning Committee approval, which was agreed unanimously for Councillor B. Wells to act as Chairman for the duration of the following minute.

34. LAND AT STAVELEY COURT, FARNDON, NEWARK (17/00218/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for a total eight, two storey dwellings arranged as pairs of semi-detached properties.

Members considered the application and it was commented that whilst the development was ideal, concern was raised regarding the increase in car parking that this development would have in an area with existing car parking issues.

AGREED (with 10 votes for and 1 abstention) that full planning permission be approved subject to the conditions contained within the report.

35. RULE NO. 30 – DURATION OF MEETINGS

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

AGREED (unanimously) that the meeting continue for a further one hour.

*(Having declared a Personal Interest in the following minute, Councillor J. Lee sat in the public seating area and took no part in the debate or vote. He addressed the Committee as Local Ward Member).*

36. LAND OPPOSITE 40 – 46 WOLFIT AVENUE, BALDERTON (17/00911/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for a pair of single storey semi-detached dwellings each with two bedrooms that would be made available for the social rented (affordable) market.



Councillor J. Lee, local Ward Member for Balderton North & Coddington spoke neither against nor in support of the application. He commented that the houses were needed in Balderton and he had been working with the residents and the applicant trying to seek a compromise. Balderton Parish Council initially had no objection to the three dwellings previously proposed although they had recently changed their decision on the current proposal. The major concern of the residents was that they did not have vehicular access to their properties and car parking on Wolfit Avenue would become a greater problem with the increase in cars from the proposed application.

The Business Manager - Growth & Regeneration commented that there were areas that could be explored with Newark and Sherwood Homes to alleviate car parking if the Committee were minded to grant planning permission.

Members considered the application and felt that addressing the car parking was a fair compromise as the properties were needed within Balderton.

AGREED (with 9 votes for and 1 abstention) that:

- (a) full planning permission be approved subject to the conditions contained within the report; and
- (b) additional car parking on Wolfit Avenue be pursued with Newark and Sherwood Homes.

*(The Chairman, Vice-Chairman and Councillor Mrs C. Brooks returned to the meeting. Councillor D.R. Payne resumed Chairman).*

37. LAND AT CAVENDISH WAY, CLIPSTONE (17/00582/FULM)

The Committee considered the report of the Deputy Chief Executive which sought full planning permission for the erection of 107 dwellings with associated access, parking and works.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: Nottinghamshire County Council Highways; Neighbouring Party; and the Agent.

The Business Manager - Growth & Regeneration informed the Committee that he had received information yesterday, informing him that the local primary school in Clipstone was full to capacity, a greater contribution of maximum £252,010 would be secured from the developer for the local primary school, subject to Nottinghamshire County Council demonstrating that the school was full to capacity.

Members considered the application and raised concern regarding the small amount of green space included on the development and that there were no facilities in terms of shops, community centres etc. Members questioned why more facilities had not been requested at the earlier planning stage. Concern was also raised regarding whether the health provision within Clipstone could accommodate an additional 1,000 patients.

The Business Manager - Growth & Regeneration confirmed that each development had areas of green open space. An area had also been established for community facilities, which was on the market. The applicants had, following negotiation, agreed to also provide for the full education contribution, subject to Nottinghamshire County Council confirming that all local primary schools were at capacity and in need of the contribution requested.

AGREED (with 10 votes for and 4 votes against) that full planning permission be approved subject to the conditions and completion and engrossment of a Section 106 agreement.

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

The Committee considered the report of the Deputy Chief Executive, which sought planning permission to undertake works to the west of the existing caravan park in order to facilitate the siting of 15 additional touring caravans. The applicant was marketing this particular part of the site as an adult only section to cater for couples who preferred quieter pitches with the remainder of the site catering for families with children.

This application was deferred from the 4 April 2017 Planning Committee. The reasons for deferring the application were as follows.

To obtain clarity in terms of whether there was a restriction on the original permission in terms of no. of caravans stored (as opposed to being there for holidays), whether there was a condition on the consent relating to landscaping as the hedgerow had been removed.

Seek clarification from the Environment Agency regarding any permit for the septic tanks as there had been concerns about sewage in adjacent fields. Possible concerns regarding external lighting.

Need to look again at the wording of the conditions as Members were concerned that a caravan could remain on site permanently which was contrary to touring nature.'

This application was deferred again from the 9 May 2017 Planning Committee. The reason for deferring the application was to allow time for a report from Environmental Health to be presented to the next meeting of the Planning Committee.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Neighbouring Party; and the Planning Case Officer regarding the revision to conditions 5 and additional condition 6, to read as follows:

Condition 5 – The pitches hereby permitted for use of 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.

Condition 6 – The development hereby approved does not allow for any pitch of caravan to be occupied for residential purposes at any time. Reason: For the avoidance of doubt.

A Member commented that this application had been deferred twice by the Planning Committee and felt that nothing had been achieved from that. The Business Manager confirmed that Environmental Health had reported that an investigation has been undertaken and dye had been put down the drains to try and establish whether there was a problem with the drains. The results had concluded that nothing was found that would have given rise to spillage. The Farmer had indicated to the Member that he felt that there was a dumping issue. The Business Manager additionally confirmed that there was no evidence of dumped foul sewerage on the site. An asbestos chicken shed was also reported to have been taken down and buried on the land which would contribute to a further contamination issue. The static caravans were also being advertised for sale on Right Move and with a local estate agent.

The Business Manager Growth & Regeneration confirmed that Right Move had advertised the holiday park homes and in planning terms, as this was a holiday park, there was no planning breach. Tighter control could be enforced for the holiday park as detailed in the proposed additional conditions as above. Members if minded to approve the application could also request a contamination survey on this site to determine the condition of the land.

AGREED (unanimously) that:

- (a) full planning permission be approved subject to the conditions contained within the report and the following additional conditions:
  - (i) Condition 5 – The pitches hereby permitted for use of 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.
  - (ii) Condition 6 – The development hereby approved does not allow for any pitch of caravan to be occupied for residential purposes at any time. Reason: For the avoidance of doubt.
- (b) an additional condition be attached requiring contamination survey be undertaken on site to determine the condition of the land.

### 39. RULE NO. 30 – DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of an additional hour had expired and a motion was proposed and seconded to extend the meeting by a further one hour.

AGREED (unanimously) that the meeting continue for a further one hour.

40. FORMER RUFFORD COLLIERY, RUFFORD COLLIERY LANE, RAINWORTH (17/00732/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for an energy storage facility which would comprise utility scale batteries plus backup generation including 8 silenced containers housing generating diesel engines. In addition would be ancillary transformers, switchgear and other high voltage equipment enclosed within a compound.

The Business Manager Growth & Regeneration informed the Committee that Nottinghamshire County Ecology and Nottinghamshire Wildlife Trust had both responded shortly before the meeting with no objections subject to conditions. No response had been provided to date from Natural England.

Members considered the application and felt that the proposal was accepted, subject to no objections being received from Natural England and to the suggested condition by the County Council. It was therefore proposed that delegated powers be granted to the Business Manager Growth & Regeneration to approve the application on confirmation of no objection from Natural England and subject to the conditions contained within the report and the suggested mitigation condition.

AGREED (unanimously) that Members of the Planning Committee were minded to approve the application, subject to there being no objection from Natural England. Delegated powers be granted to the Business Manager Growth & Regeneration for the application to be approved subject to the conditions contained within the report and suggested by the County Council and no objection from Natural England.

41. FIELD REFERENCE 2564, A17 WINTHORPE (17/00921/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought the removal/variation of condition 10 attached to application 16/01796/FULM; erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping.

Members considered the application and felt that the proposal was acceptable.

*(Having declared a Personal Interest Councillor J. Lee took no part in the debate and vote).*

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

42. LOCAL DEVELOPMENT FRAMEWORK TASK GROUP

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

43. APPEALS LODGED

AGREED that the report be noted.

44. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 8.12pm

<b>Application No:</b>	<b>17/00418/OUTM</b>		
<b>Proposal:</b>	<b>Outline application for proposed residential development of 95 dwellings consisting of bungalows, and a mixture of 3 and 4 bedroom dwellings with access to be considered</b>		
<b>Location:</b>	<b>Land off Kestrel Rise, Rainworth</b>		
<b>Applicant:</b>	<b>Rippon Homes Ltd – Mrs Linda Bradley</b>		
<b>Registered:</b>	<b>10.03.2017</b>	<b>Target Date:</b>	<b>09.06.2017</b>
			<b>Extension of time agreed in principle</b>

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation determination because the recommendation differs from the Parish Council’s views.**

The Site and Surroundings

The site comprises an agricultural field measuring approximately 5.01 hectares located to the south of the settlement of Rainworth on land to the west of Kestrel Drive. The land forms approximately half of an allocated site for residential purposes, with the remainder of the allocation located to the west on land adjacent to Warsop Lane. Housing on this land is currently under construction. The site is roughly rectangular in shape. Residential properties are located to the east of the site, a recreation ground/play area is located to the north of the site and open fields located within the Green Belt are located to the south of the site. There is a public footpath located approximately 100 metres to the south east of the site which leads through countryside to the south of the site. A hedgerow borders the north, west and south boundaries of the site.

Relevant Planning History

There is no planning history directly relevant to the application site. However, the site forms part of a wider housing allocation (Ra/Ho/2). Planning applications relevant to this allocation include:

16/01852/NMA Application for a non-material amendment application to planning permission 15/00523/RMAM for the erection of pergola style structure around all bin collection points – permission December 2016

15/00522/FULM Residential Development of 30 additional dwellings within the existing site boundary of Outline Permission 13/01256/OUTM – pending decision. Members previously resolved to approve planning permission subject to conditions and a S106 Agreement being entered in to to account for an uplift in developer contributions.

15/00523/RMAM Reserved Matters Application following Outline Approval Ref 13/01256/OUTM - Residential development of up to 130 dwellings with associated access – permission August 2015

13/01256/OUTM Residential development of up to 130 dwellings with associated access – permission January 2014

### The Proposal

The proposal is in outline with access only to be determined at this stage. All other detailed matters are reserved for subsequent determination. A Site Layout Plan has been submitted setting out the location for development for the whole of the site. The application is for a development of up to 95 dwellings.

Following consideration of comments received during consultation on this application, the overall number of dwellings proposed was reduced from 110 to 95 with the submission of revised plans on 23 May 2017 to address amenity and highway concerns raised during the application process.

Although details of appearance, landscaping, layout and scale are matters reserved for subsequent approval, a Site Layout Plan has been submitted with the application. This indicates the provision of 22 2-bed and 3-bed bungalows, 6 2-bed houses, 29 3-bed houses and 38 4-bed houses with a number of different house types. The ridge heights of the dwellings vary but the maximum ridge height of a two storey dwellings would be approximately 7.8 metres. The maximum ridge height of the proposed bungalows would be 4.9 metres.

There would be a planted buffer to the south of the site with a footpath link to the wider housing allocation. An amenity area, children's play area, sports grounds and allotments/community gardens area also proposed in the north west of the site and would occupy approximately one quarter of the overall site area.

The Site Layout Plan demonstrates two points of vehicular access. Access to 14 dwellings would be provided off Kestral Drive and the remainder accessed via two roads through the housing development to the west which lead to Warsop Lane. An emergency access only with bollard/gate restriction would be located adjacent to the north boundary of the site and prevent a through route between Kestral Drive and Warsop Lane.

The plan indicates that dwellings are likely to be set to front a road which splits into two to adjoining adjacent estate roads with a number of cul-de-sacs in between.

The planning application is also accompanied by the following documents:

- Transport Assessment
- Framework Travel Plan and Full Travel Plan
- Flood Risk Assessment
- Extended Phase 1 Ecological Assessment
- Design and Access Statement
- Contaminated Lane Survey
- Topographical Survey
- Viability Appraisal

### Departure/Public Advertisement Procedure

Occupiers of 252 neighbouring 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 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- 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 Ra/Ho/2 Rainworth - Housing Site 2
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

*National Planning Policy Framework 2012*

*National Planning Practice Guidance PPG (March 2014)*

*Newark and Sherwood Affordable Housing SPD (June 2013)*

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

### **Consultations**

#### **Rainworth Parish Council –**

*Comments received 21.04.2017:*

Strongly object to the application.

Objections/observations to the proposals are as follows:

- Based on the total dwellings proposed under the DPD for the whole site RA/Ho/2 the total amount of remaining allocated dwellings is 30 for the remainder of the site.
- The master plan for the whole site was to provide 190 dwellings



- 160 dwellings have already been built on one half of Ra/Ho/2
- 110 dwellings is over intensification of the site
- The 5 year land supply is already meeting its target
- Rainworth does not need another large development, 3 large developments been built in the last 5 years
- Rainworth already has a majority of 3 bed semi's, further proposals should concentrate on what is lacking in Rainworth i.e. 4 bed detached houses and 3 and 4 bed bungalows. Many families now consist of extended family; Rainworth does not have enough 4 bed dwellings to cater for this.
- There is no mention of allotments in the original DPD. Rainworth is already served with adequate sized allotments, further allotments are not required
- Rainworth Parish Council owns the open space on Preston Road which adjoins the proposed site; the boundary hedge must be retained to clearly define the boundary.
- The DPD states 'the main entrance to the site via Warsop Lane, development of more than 150 dwellings will require the identification and provision of a second point of access to serve the site which should not be via estate roads to the north and east'. The proposal clearly shows a point of access from Kestral Rise for 17 of the proposed dwellings. A restricted access by way of bollards or gate could potentially be vandalised giving access to the remainder of the whole site.
- The proposal will put more strain on already oversubscribed Schools and Doctors Surgeries. Rainworth residents have a monumental task in getting a Doctor's appointment at present, a further new development in Rainworth will only exasperate this problem even further.
- There are minimal employment opportunities in Rainworth. Rainworth does not have sufficient employment prospects to meet the need of local residents seeking employment at present and no potential employment projects from businesses have been brought to the attention of the Council that would support further development in Rainworth;
- Vehicular movement would also increase in the area surrounding Joseph Whitaker School. With many children walking to and from Blidworth it is felt that extra traffic could potentially cause a risk to pedestrians.

**Natural England** – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

*Rainworth Lakes and Rainworth Heath Sites of Special Scientific Interest* - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

*Green Infrastructure potential* - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

**Nottinghamshire Wildlife Trust** – No comments received.

**Severn Trent Water** – No objection subject to the inclusion of a condition requiring drainage plans for the disposal of surface water and foul sewage to be approved.

**The Environment Agency** –The site falls in Flood Zone 1 and I would like to suggest that you consult the LLFA regarding from sustainable surface water disposal. No objection from the EA.

**NCC Lead Local Flood Authority** - No objections in principle subject to the following comments. The proposals raise concerns over the long term viability of the surface water drainage and it is strongly recommended that this must be considered and dealt with to the approval of the LPA should this application progress further. Issues to consider include, but are not limited to, reliable and effective operation, maintenance and ownership of all soakaways and the suitability / acceptance of drainage assets for adoption. It is recommended that the LPA condition approval of a detailed surface water drainage design and management proposal as part of any approvals given.

**Nottinghamshire County Council (Archaeology)** – No comments received.

**Nottinghamshire County Council (Education and Libraries)** –

In respect of education; a proposed development of 110 dwellings would yield an additional 23 primary and 18 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £263,465 (23 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education; the proposed development is within the catchment of Joseph Whittaker School for which any contributions would be covered under CIL regulations.

In respect of libraries; we would seek a developer contribution for the additional stock that would be required to meet the needs of the 264 population that would be occupying the new dwellings. This is costed at 264 (population) x 1.532 (items) x £12.50 (cost per item) = £5,056.

*Planning to meet increasing demand for school places – the context:*

The Education Act 1996 dictates that Nottinghamshire County Council has a duty to secure school places for all children of statutory school age who are resident in the county and whose parents want them to be educated in a Nottinghamshire state-funded school. Subsequent Education Acts have built upon this but the obligation placed on local authorities has not changed.

Funding for the provision of additional school places is derived from two sources:

1. An allocation from DfE (Education Funding Agency) to meet demand from the families occupying existing housing stock. Increasing demand on places in this case is a direct result of either rising birth rates or a net inward migration.
2. Developer education contributions which are required to mitigate the impact of new housing developments on infrastructure.

*Forecasting the demand for school places – the methodology:*

The methodology employed by the County Council for forecasting pupil numbers is the same as that used by most other local authorities. The County Council groups primary schools across the county into 'primary planning areas'. Population profile data is aggregated to postcode and age group, which enables the numbers of children in each cohort to be mapped against school catchment areas. In turn, this data is aggregated to the primary planning areas. This provides the number of young people living in each planning area organised by National Curriculum Year.

The statutory school census data for an individual school for each of the past 3 years is compared to the corresponding population profile data for the planning area the school is in. This results in a 3 year period percentage intake from the planning area. These 3 percentages are averaged;

however, the average is weighted towards the more recent census year. This percentage is then applied to the appropriate population profile data for the next 5 years to create a first admission and infant to junior prediction for the following 5 years. There is always a degree of movement into and out of schools throughout the year and this is calculated to produce a 'cohort flux' – for example, losses or gains between one school year and the next. The average cohort flux for each year group over the past 3 years is calculated for the school which is then applied to each cohort projection to predict numbers for the following year. The same methodology is employed to forecast the demand for secondary school places.

*Demographic changes:*

In line with the underlying national trend, Nottinghamshire has seen an increase in birth rates across the county since 2007. This is reflected in the overall school population but is particularly well illustrated in the numbers of primary age children. The total primary number on roll (NOR) had seen a steady decline in numbers between 2001 and 2010 but subsequent years have seen a sharp increase in total numbers to the school year 2014/15. The numbers of 4 year olds entering the school system show a sharper increase. Across the whole of the county, the number of 4 year olds began to increase around 2006.

Given the falling rolls of previous years, this sharp increase in numbers of 4 year olds did not impact on the county's overall ability to provide pupil places where they were needed. However, as smaller cohorts of older children are replaced by larger cohorts of young children, pressure on places inevitably increases.

*Meeting expected demand resulting from proposed housing developments:*

The County Council's consideration of whether or not developer contributions towards education provision are required will be informed by the projected demand for places compared with the known capacity figures. *Seemingly 'spare' capacity at a school does not necessarily equate to there being sufficient capacity at that school as it is a DfE expectation that schools should not operate at more than 90-95% of their capacity and NCC officers consider recent trends in in-year applications to ensure that a school is able, wherever possible, to accommodate the normal movement of families around the area. This does NOT include new families moving into an area as a result of them occupying newly built houses.*

The projected demand for places, taking into account the proposed development, are calculated during the planning application process using the formulae described in the County's planning obligations strategy. This, in turn, is translated into a funding requirement which is again detailed in the strategy as a per pupil place cost. Any costs to be paid to the County Council will be index linked through the Section 106 agreement.

Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required; however, where the proposed development would result in insufficient projected capacity, a contribution will be required. There may be a requirement, in some cases, for the provision of a completely new school. This is likely to be the case if the proposed development is in an area where all schools have already been expanded to reach their site capacity, or where the development is large enough to sustain its own school. Where a new school is required, the base level of contribution required will be an appropriate area of land for the required size of school plus the cost of building the school. If there is insufficient capacity to accommodate the increase in pupils likely to be generated by a development and the development itself cannot enable the necessary provision the County Council will raise objections to the development.

*Analysis of the impact of application 17/00418/OUTM:*

The proposed development is situated within the primary catchment area of Lake View Primary School and the secondary catchment area of Joseph Whittaker School. Although there is no guarantee that all families in the proposed new housing would apply for places in these schools, it is very likely that this will be the case, especially if families are unable to travel far to a school. The mitigation required is based upon this assumption but this is moderated by an analysis of the availability of places at all schools within the planning area.

The charts below illustrate:

- the projected total demand for places at each school
- the first admissions places allocated
- the projected demand for places in each cohort for the next 5 years

The total projected demand for places typically masks the pressure on first admissions places in the school resulting from the increased birth rates in recent years.

There is pressure on school places at Lake View Primary School. There is no capacity to accept more children.

The proposed housing development is within the catchment of Joseph Whittaker School for which any contributions would be covered under CIL regulations.

*Conclusion:*

Nottinghamshire County Council therefore have no alternative but to request primary education contributions from any proposed housing development at Kestrel Rise Rainworth. A proposed development of 110 dwellings would yield an additional 23 primary and 18 secondary places. We would therefore wish to seek an education contribution of £263,465 (23 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

The information above is given on the understanding that it is based on the best information available to Nottinghamshire County Council at the time. District Council colleagues are advised to contact the County Council again in the future if they require a 'project' to be named. None of the information above should be used to denote a project.

**NHS Nottinghamshire** – No comments received.

**Notts County Council (Highways)** –

*Comments received 23.05.2017:*

The Submitted Travel Plan (received 03.07.2017) can be approved.

*Comments received 23.05.2017:*

Further to comments dated 19 April 2017, the Applicant has now submitted drawing 188.14.01D that reduces the size of proposed development to 95 dwellings, with 14 of these served off Kestrel Drive. This addresses a major point raised in my earlier comments, and one of the suggested conditions.

Assuming this new plan, size of development and numerical split between those dwellings served from Warsop Lane and those served from Kestrel Drive is acceptable to the Planning Authority and suitably identified on any permission, the only other condition I would seek is as previously stated:

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, surfacing, junction radii, visibility splays and drainage (hereinafter referred to as reserved matters.) All details submitted to the LPA for approval shall comply with the County Council's current Highways Design Guide and shall be implemented as approved. *Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience.*

*Comments received 19.04.2017:*

This is an outline application with all matters reserved. The principle of the development is acceptable. Previous consideration of residential development in this area has centred around the number of dwellings served from a single access point off Warsop Lane (via Taylor Wimpey development). Normally 150 dwellings are served from one access point, but this access was specifically widened such that it was agreed that up to 240 dwellings could be served off it. 160 dwellings have already been approved and are in the process of being built. This leaves capacity for another 80 dwellings to be served from an extension of roads running through the Taylor Wimpey site. This latest proposal seeks approval for 110 dwellings, but also indicates the potential (should it be acceptable) for some of this development to be served off Kestrel Drive.

In the circumstances (and notwithstanding any indicative site layout plans submitted) it is now considered that the development could be accepted with say 15 - 20 dwellings served off Kestrel Drive and the other 90, or so, served via Warsop Lane/Taylor Wimpey site. Whilst this would take the number served off Warsop Lane to around 250 dwellings, it is considered that this increase would not significantly affect highway safety and capacity. The junction of Warsop Lane and the Taylor Wimpey access road has already been designed to adequately cater for the 240 dwellings scenario.

A pedestrian/cycle/emergency vehicle link between the 15-20 dwellings and the rest of the development should be made and can be appropriately designed to prevent the through movement of private cars. In conclusion, no objections are raised subject to the formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, surfacing, junction radii, visibility splays and drainage (hereinafter referred to as reserved matters.) All details submitted to the LPA for approval shall comply with the County Council's current Highways Design Guide and shall be implemented as approved. *Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience.*

**NCC Transport and Travel Services** - The proposed access points appear to be from a new entrance onto Kestrel Drive and two links into the newly built residential development to the West, the nearest current bus stops are approximately 350 metres from the centre of the site on Rugby Road.

*Bus Service Support* - Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network. This part of Rainworth is served by Stagecoach service 27 which operates hourly between Rainworth and Mansfield. This commercial service does not receive any financial support from the County Council. Additional services operate from the

centre of Rainworth, a short walk away, to Mansfield and Newark. Further information about the local bus network is set out in the Transport Assessment document

*At this time it is not envisaged that contributions towards local bus service provision will be sought.*

*Infrastructure-* An appraisal has been carried out of the bus stopping facilities which are the shortest distance from the entrance to the site. The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0257 Rugby Road – Bus Stop Pole, Polycarbonate Bus Shelter and Raised Boarding Kerbs.

*Possible Infrastructure Improvements* - Transport and Travel Services would request the following improvements:

NS0257 Rugby Road – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Replacement Polycarbonate Bus Shelter, Solar Lighting and Enforceable Bus Stop Clearway.

Transport & Travel Services would request that a planning condition be issued that states the below:

*No part of the development hereby permitted shall be brought into use unless or until improvements to the bus stop on Rugby Road (NS0257) have been carried out to the satisfaction of the Local Planning Authority and shall include a replacement polycarbonate bus shelter, solar lighting, and an enforceable bus stop clearway.*

*Reason: To promote sustainable travel.*

**NSDC Environmental Health** – no comment.

**NSDC Strategic Housing** –

*Comments received 23.05.2017:*

‘I can confirm that we had 15% affordable housing provision on the TW site. Also the tenure breakdown was 50/50 for rent/shared ownership as opposed to 60/40%. This improves the viability for them. This was further increased by allowing discount for sale in lieu of shared ownership as I could not secure an RP for this part of the site. There was a 130 and then an additional 30. I need to check if there is also a financial contribution towards affordable housing as this was mooted but not confirmed. I think we should look to be achieving the same but with a policy compliant tenure mix. (60/40 in favour of social rent).’

*Comments received 17.03.2017:*

‘The proposed scheme should deliver 30% affordable housing provision in accordance with Council policy. This equates to 33 units.

I note from the proposed site layout that only 18 affordable houses are to be provided (16.4% of overall site). This represents a loss of nearly 14% on the site. As far as I am aware the Council has not received any evidence in terms of viability to support the reduction.

There is demand for smaller 1 and 2 bedroom homes, particularly ground floor accommodation for older people. I would recommend that this scheme provides a more balanced mix reflecting housing need for the affordable on site contribution.

60% social/affordable rent and 40% intermediate (Shared Ownership) proposed. I recommend a discussion with the Council's Strategic Housing team to determine an appropriate mix.

Pepper potting is usually recommended to avoid a concentration of social housing.

The Council will seek 100% nomination rights on the first lets of all affordable homes, potentially dropping to 75% for subsequent re-lets

Construction of the affordable housing to commence before 40% of the market housing is completed and should be available for occupation before 60% of the market housing is completed.

The Council expects developers to work with Registered providers for the purposes of delivering and managing the affordable 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. Rainworth is part of the Mansfield Fringe Sub area and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 83 flats/maisonettes, the highest level of need and for 44 semi-detached houses, the second highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for total need for affordable housing, totally 333 homes. 83 households require 1 bedroom and 250 households require 2 bedrooms. These numbers account for both existing and concealed households.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need for affordable housing and the Council therefore considers that developing new affordable housing will deliver council priorities in terms of housing need. There is a breadth of evidence to support need for smaller affordable homes in this location.'

**NSDC Parks and Amenities** – No comments received.

**NSDC Community Projects Manager** - I have no objections to this proposal in principle subject to a community facility contribution being secured as per the current Supplementary Planning Document. The contribution should be indexed linked and would be potentially allocated to community facilities within the Rainworth village which would include improvements to the village hall, the Joseph Whitaker School Sports College and other such provision as deemed appropriate. The sports college facility is open Monday to Friday, 17.00 – 22.00 hours and all day Saturdays and Sundays and is very well patronised, it provides a wide range of sporting opportunities that include Indoor Cricket, Squash, Badminton, Volley Ball, Net Ball, Short Tennis, Gymnastics, Martial Arts, Dance, Football and disability and inclusive sports.

## **NSDC Local Plans –**

*Comments received 18.04.2017:*

The application seeks outline consent for dwellings; with, as I understand it, all matters bar access reserved for subsequent determination. The principle of development has been established through the allocation of the site, with Policy Ra/Ho/2 providing the framework for how development should be brought forward. Whilst the principle of development is acceptable it still remains important that the detail of the proposal is acceptable.

Cumulatively the extant consent on the western portion of the allocation and this proposal would, at 270 dwellings, greatly exceed the 190 anticipated by Policy Ra/Ho/2. When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development then the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy. In the case of Ra/Ho/2 the sites gateway location, the need to provide for a strategic landscape buffer to the south and west of the site and highways constraints were important site characteristics which informed the setting of a notional capacity of 190 dwellings, and in turn the policy requirements.

The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. In this case I would suggest that the matter needs to be considered on an allocation-wide basis, taking account of the implications from granting consent on the western portion of the allocation. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development, and particularly not for statistical reasons alone. As explained above the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District-wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

Given that design and layout will be matters reserved for subsequent determination you will need to be satisfied, in line with the site allocation policy (Ra/Ho/2), Core Policy 9 'Sustainable Design' and Policy DM5 'Design', that a good standard of design and layout could be subsequently achieved within the parameters granting outline consent would provide. A key influence on design, density and layout should be the need to provide for a good level of integration and coherency between the two portions of the wider allocation and to manage the transition from open countryside to the main built-up area, and the impact on the Green Belt.

In this respect the site allocation policy requires landscape buffering to the south and southwest of the site to maintain a physical and visual break between Rainworth and Blidworth, and to minimise the impact of development on the Green Belt. It is possible that this matter could be dealt with subsequently via an appropriately worded condition. However you would need to be



content that the scale of development would be unlikely to prejudice an effective landscape screening scheme being subsequently devised, and that this can complement that already secured for the western part of the allocation.

I note that the TA provided in support of the application suggests that the site is accessible from both Kestrel Drive and Warsop Lane, with the arrangements provided by the western portion able to accommodate up to 400 dwellings. However my understanding is that the Highways Authority considered that constraints would limit the number of dwellings, site-wide, to 240 from a single point of access on Warsop Lane. This would leave 80 dwellings for the area subject to the current application, which the proposal clearly exceeds. This advice was however predicated on a single point of access from Warsop Lane. Whilst the site allocation policy requires the 'principal access' to be provided off Warsop Lane it does not preclude additional arrangements, though it is stated that any secondary access should not be via the existing estate roads to the north and east. The adoption of a pragmatic view on this may be appropriate dependent upon:

- 1) The acceptability of this in technical highway terms; and
- 2) The extent to which this would cause unacceptable impact on the residents of the existing residential estate.

I would defer to the Highways Authority for consideration of the proposals suitability in technical terms (though I would point out that the point of access from Kestrel Drive appears fairly narrow). In terms of the potential impact on amenity this would, in respect of the wider estate, be limited by restricting the number of dwellings accessed via these arrangements. The indicative layout suggests 17 and appears consistent with the scale and pattern of existing development (there are I believe 18 properties on Woodpecker Drive). My concern lays predominantly with the potential impact on no.2 Woodpecker Drive, which would be positioned fairly close to the proposed point of access. In my view you will need to be satisfied that the degree of impact on this property would be acceptable.

Should you be minded to support the proposal then I would strongly suggest that the numbers able to be accessed via Kestrel Drive is restricted. Were the numbers to greatly exceed that indicated in the proposal then I would have greater concern. Ultimately however I would defer to your greater expertise in assessing impact on amenity.

Whilst a matter reserved for subsequent determination the proposal does include an indicative mix, over which I would have some concern. In terms of the market sector the Housing Market & Needs Assessment Sub-Area Report (2014) shows demand to be predominantly focussed on 2 bed (32.3%) and 3 bed (24.8%) unit types, with lesser demand shown for 1 bed (17.2%), 4 bed (14.1%) and five or more bed (11.6%) units. Consequently in the absence of any more detailed information provided by the applicant, it would not be unreasonable to expect the market elements of any subsequent scheme to be weighted in a way which approaches this split. Whilst the emphasis on 3 bed units would be consistent with demand in the sub-area, a significant proportion of the suggested mix concerns 4 bed units (x 28) for which there is less demand. The inclusion of bungalows would be welcome, given the acknowledged shortage throughout the District, and the emphasis on 2 and 3 bed units within this element would be supported.

The applicant should be advised that were a detailed scheme reflecting the above mix to be submitted it would need to be supported by robust justification – either on viability or site specific grounds. In my view it would also be appropriate to have some regard to the mix secured on the western portion of the allocation and how this has, or hasn't, contributed towards the meeting of local housing need. It is crucial that any subsequent scheme is able to provide for a mix of dwelling

types which reflects the nature of local housing need, and contributes towards the creation of a mixed and balanced community. I am therefore of the view that should you be minded to support the proposal this matter ought to be controlled by Condition. With this requiring that any subsequent Reserved Matters application covering the site in whole, or part, contains a housing mix and type which reflects the housing needs of the area at the time of submission.

In terms of affordable housing provision (17%) the proposal is non-policy compliant in falling short of the requirements in Core Policy 1, and I'm unaware of any justification (again viability and/or site specific circumstances) having been provided. As with the market elements of the scheme I consider that the suggested mix would also require justification, with the Sub-area report showing demand to be restricted to 1 and 2 bed units. Nevertheless should you feel that you wish to support the proposal but consider the information provided is insufficient with regards to; numbers, type, tenure and location of the affordable units, the timing of construction (particularly in relation to the overall development) and the arrangements to ensure initial and subsequent affordability - then I would suggest the use of a Condition, in line with the guidance provided at Para 3.35 of the Affordable Housing Supplementary Planning Document.

The site allocation policy requires the incorporation of 'strategic open space' to form an extension to the existing Preston Road facility to the north. I note that the applicant has provided an indicative layout showing that this could be achieved with the numbers proposed.

Positive management of surface water through the design and layout of development is required by Policy Ra/Ho/2. In this respect I note the current objection from the Lead Local Flood Authority (NCC), which will need to be overcome in order to demonstrate that this matter can be dealt with positively at the scale of development proposed.

Both Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets, and I note that the application is supported by a Phase One Ecological Assessment. I would defer to relevant stakeholders for its consideration, though it does not appear to have considered the potential impact on breeding population of nightjar and woodlark in the Sherwood Forest area (*Sherwood pSPA*). Natural England has recommended the adoption of a precautionary approach prior to resolution of the Special Protection Area issue, though I recognise that the body has raised no objection to the proposal.

Through the same policies Suitable Alternative Natural Green Space (SANGS) would be sought to reduce visitor pressure on the Birklands & Bilhaugh Special Area of Conservation. Policy DM7 is clear in advising that the quantity and quality of SANGS shall be developed and agreed in conjunction with the District Council and Natural England. In coming to a view over this aspect it should be noted that the site allocation policy carries significant open space requirements, which this portion of the allocation would need to meet. As such a scheme has been submitted which appears able to address this requirement, and it may be that in combination with provision already secured on the western portion of the allocation the site-wide need to provide for SANGS would be satisfied. Again it is noted that Natural England has not provided any objection.

There remain significant outstanding matters, which include providing reassurance that any subsequent detailed scheme would be able to provide for an appropriate housing mix (this could be addressed through an appropriately worded condition), justification of the shortfall in affordable housing provision, demonstration that appropriate highways arrangements can be provided for at the scale of development proposed and that the proposal will be able to positively manage its surface water impact. Whilst these matters may be capable of remedy the proposal as

it stands does not comply with the Development Plan, accordingly strong material considerations would be required to determine it positively.

**Viability Consultant** – The applicant has sought to challenge the level of developer contributions by way of Affordable Housing provision on the basis that the policy based 30% Affordable Housing would render the development economically unviable. The Applicant has submitted a viability appraisal concluding that only 10% Affordable Housing provision is viable in tandem with S106 contributions of £268,000.

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 reasonable return to the landowner and developer.

The detailed methodology to assess the economic viability of development is set out in ‘Vi-ab Viability for Town Planners Guidance Notes’.

*Key Assumptions:*

GENERAL		
Net Developable Site Area		5Ha
Development Scenario		Greenfield
Total Unit Numbers		95
AREAS		
Net Residential Sales Area	Houses	8881sqm
	Apartments	0sqm
Gross Construction Area	Houses	8881sqm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	Houses	£1940qm
	Bungalows	£2475sqm
CONSTRUCTION COSTS		
	Detached Houses	£1246sqm
	Bungalows	£1169sqm
	Semi Detached Houses	£1029
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Costs	Pumping Station	£112000
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£2,169,684
Existing Land Use Value	Based on EUV £20,000 Ha	£100,000
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£1,134,843

<b>OTHER FEES &amp; COSTS</b>		
Professional Fees		7.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		5.0%
Finance		5.0%
<b>FIXED DEVELOPER CONTRIBUTIONS</b>		
CIL		£0
Planning Obligations	Applicant's allowances	
	Primary Education	£263,465
	Libraries	£5056
<b>FINANCE COSTS</b>		
Interest		7%
Arrangement Fee		0%
<b>DEVELOPMENT PROFIT</b>		
Development Profit Return on GDV	Market Housing	14%
	Affordable Housing	6%

#### *Assumptions Comments:*

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal. The applicant's Professional Fee allowance of 7% and Developer Profit Allowance of 14% has been adopted.

CIL charges do not apply in this location.

The assessment broadly agrees with the Applicants assessment of sales values based on comparable evidence prepared in connection with the Council's CIL review. Similarly the assessment of build cost based on current BCIS rates is similar to that of the applicant. The applicant's allowance of £112,000 for the construction of a pumping station has been allowed as an additional abnormal cost.

The Council's benchmarking methodology has been applied to the land value allowance. The existing use value adopts £20,000 per Ha for greenfield land and applies 50% of any uplift in value resulting from planning permission to establish a competitive return to the landowner. The residual value with residential consent is £2,169,684 (at £433,937 per Ha). This results in a land value benchmark of £1,134,843.

#### *Viability Results & Conclusions:*

It is considered that the development could not viably deliver the policy based target of 30% Affordable Housing. The appraisal demonstrates marginal negative viability of -£117,602 with S106 contributions of £268,521 and 10% Affordable Housing. The marginal negative viability represents only 0.6% of the capital value of the scheme and is not therefore considered significant.

It is therefore considered that the Applicant's offer of 10% Affordable Housing is reasonable in this case.

**Access and Equalities Officer** – An application for Building Regulations approval would be required.

**Neighbours/interested parties** – 22 letters of representation received. Main issues raised include:

#### Highways

- The new road will access the development via Kestrel Rise which is not suitable to take any more traffic;
- The proposed site layout would increase traffic to an already narrow site entrance that is very often obstructed by vehicles owned by/visiting Cambridge Close;
- The view for traffic both ways at Cambridge Close/Kestrel Rise and Cambridge Road/Cambridge Close is severely restricted;
- Children very often play in the road to the entrance of Kestrel Rise and cannot always be seen on approach;
- Should further development be granted on the land, please take into consideration that an alternative access to Kestrel Rise be used to carry out the construction works;
- Cambridge Road is already a 'rat-run' for vehicles taking a short cut from Blidworth Road through to the Rainworth to White Post Road, the likelihood of an increase in such usage is obvious and surely has to rank at high to severe on any risk register;
- The plans show that seventeen of these properties will have access from Kestrel Rise which in my view will make it extremely dangerous at the junction of Cambridge Close and Kestrel Rise, due to the amount of on street parking on Cambridge Close;
- Some type of physical speed restriction should be considered on Preston Road;
- Concern that emergency access would be used by all houses.

#### Amenity

- There was an intended buffer of trees between Woodpecker Drive and any new development which is not shown on the proposed plans which would cause a loss of privacy.

#### Other

- The road name is Kestrel Rise not Kestrel Drive;
- The neglected play park at the top of Preston Road which was sacrificed to pay for the skate park at the Pit Lane should be reinstated this would reinstate the facilities to entertain and give our children a safe place to play;
- The land must be contaminated.

### **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.

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, “boost significantly the supply of housing”. Paragraph 17 states further that

the planning system should *'proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.'* The NPPF indicates that this will be achieved first and foremost, by local planning authorities, *'using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.'*

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing supply when set against the OAN requirement of 454 dwelling per annum. Nevertheless, in line with the recently published Housing White Paper which promotes a requirement to boost housing supply, the positive determination of policy compliant proposals on allocated sites remains fundamental to sustaining a healthy housing land supply position.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD, now forms the Local Plan for Newark & Sherwood. The proposal site is located in Rainworth, a Service Centre, allocated for development in the Core Strategy (adopted 2011) under Spatial Policy 1 and Spatial Policy 2. The site forms part of Rainworth Housing Site 2 as identified in Policy Ra/Ho/2 of the Allocations and Development Management DPD (adopted July 2013). The DPD confirms the site as one of the two sites allocated for housing development in Rainworth. The Policy sets out that the wider site is allocated for residential development providing around 190 dwellings with associated public open space.

Policy Ra/Ho/2 sets out a detailed approach for the bringing forward of the site. This approach requires the;

- Preparation of a comprehensive Master Plan for the whole of the site setting out the broad location for development and the phasing of new development;
- Management of the sites gateway location;
- Provision of strategic buffer landscaping to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact on the Green Belt;
- Assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary;
- Provision of the sites main access point from Warsop Lane with any secondary point not being via the existing estate roads to the north and east;
- Positive management of surface water;
- Incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities;
- Developer funded improvements to the public foul sewer system and wastewater treatment works to ensure there is sufficient capacity to meet the needs of the development;
- Investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary; and
- Investigation of potential archaeology and the securing of any necessary post-determination mitigation measures.

Policy DM1 of the ADMDPD refers to proposals<sup>30</sup> being supported for housing within the Service

Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 refers to development within sites allocated in the ADMDPD being supported for the intended use provided that they comply with the relevant Core and Development Management policies relating to site specific issues.

Through the sites inclusion as part of the allocation Ra/Ho/2 the principle of development in this location has therefore been established. A masterplan for the wider allocation was considered under previous planning applications. It is still however important that the detail of the proposal is able to satisfy the relevant aspects of the District's development plan with the addressing of the requirements of the site allocations policy particularly important in this respect. This includes consideration of whether the proposal would fulfil the requirements for the full delivery of the allocated site (bearing in mind that the remainder of the site is already under construction). It is crucial, given the split in land ownership that the allocated site is brought forward in a coherent and comprehensive manner. The Site Layout Plan shows the two sites would be physically connected by two internal access roads with associated footpaths and planted buffer footpath with footpath link.

### Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery. Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. Whilst an appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

### *Density*

It is recognised that the precise level of development will be a matter reserved for subsequent determination, the application does however suggest up to 95 dwellings on this part of the allocation.

When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation, it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD.

Where site owners and promoters made the case that their sites could accommodate a greater level of development the Inspector made it clear that this was a matter for the planning application process; the test of soundness was satisfying the targets of the Core Strategy. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone.

In the case of Ra/Ho/2 the sites gateway location, adjacency to the green belt and the resulting need for strategic landscape buffering were all important site characteristics which informed the setting of a notional capacity of around 190 dwellings across the allocated site. Up to 160 dwellings could be constructed on the wider allocated site (130 dwellings benefitting from reserved matters consent (15/00523/RMAM) and an application for up to 30 additional dwellings is currently pending determination (15/00522/FULM) although the Planning Committee has already resolved to approve the application subject to suitable conditions a revised Section 106 Agreement to account for the uplift in the number of dwellings when compared with the 130 dwellings originally approved). A key consideration in the determination of previous applications on the wider allocated site and current applications continues to be whether the development would present a constraint to the full delivery of the allocation, whether policy requirements are being met across the allocation and whether development is likely to give rise to unacceptable local environmental, highway or amenity impacts.

Highways requirements means that the number of dwellings which can be served off Warsop Lane are restricted (160 dwellings on the western half of the allocated site would in theory leave scope for a further 80 dwellings to be provided on the eastern half of the allocated site). However, alternative vehicular access off Kestral Rise means that 95 dwellings can be provided in total. This is contrary to RA/Ho/2 which provides that the main entrance should be via Warsop Road and secondary accesses should not be via existing estate roads to the north and east. This issue is addressed in the 'Impact on Highway Safety' section below.

The Site Layout Plan shows 95 units at a density of 30 dwellings per hectare (based on the net site area of 3.122 Ha which excludes open area and adoptable roads). A similar density is achieved across the entire 10.9 Ha site allocation.

A reduced number of houses closer to 'around 190 dwellings' as indicated in the allocations policy would not meet the density requirements set out in the Core Strategy and in my view would not ensure that an effective and efficient use of allocated land is achieved. The proposed development still enables the provision of over 1Ha of the overall site area as amenity space including allotments, sports facilities, play area and buffer with path.

In any case, I am satisfied that the indicative house density would be in keeping with the character of the area and would meet the overall objectives of Core Policy 3.

#### *Mix and Type*

I am mindful that the layout plan submitted is only indicative and therefore the housing mix may change when the precise mix of dwellings is determined as part of the reserved matters application. The following housing mix is indicated:

	<b>Affordable</b>	<b>Market</b>	<b>Total (%)</b>
2 Bed Bungalow	-	8	8 (8)
3 Bed Bungalow	-	14	14 (15)
2 Bed	6	-	6 (6)
3 bed	4	25	29 (31)
4 Bed	-	38	38 (40)
<b>Total</b>	<b>10</b>	<b>85</b>	<b>95 (100)</b>

In terms of market sector housing the Housing Market & Needs Assessment Sub-Area Report



(2014) shows demand to be predominantly focussed on 2 bed (32.3%) and 3 bed (24.8%) unit types, with lesser demand shown for 1 bed (17.2%), 4 bed (14.1%) and five or more bed (11.6%) units. I note the comments of colleagues in Planning Policy which suggest that the scheme should better reflect this split. This was passed to the applicant for review however, a response has been received confirming that the Applicants market research and experience in this area shows that the planned mix is more appropriate for the locality. This experience is given in the context of the delivery of the dwellings on the wider site and nearby and thus is relevant to this application. I am also mindful of the viability issues on the site (discussed under 'Developer Contributions' below). Given that the scheme would deliver a majority of smaller 2 or 3 bed units (60% overall), I do not consider the split of house types to be so different to warrant resistance of the proposal on these grounds.

### Impact on Visual Amenity including the Character of the Area

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

Policy Ra/Ho/2 requires the management of the sites gateway location, the provision of strategic buffer landscaping to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact on the Green Belt. It also states that the housing development should have an 'appropriate design which addresses the site's gateway location and manages the transition into the main built up area'.

The site lies on the southern outskirts of the village on land which is undulating. Given that the scheme is outline, the detailed design of the development including layout and landscaping are reserved for subsequent approval. The development would inevitably have a negative impact on the landscape and the character of the surrounding area by virtue of the fact that a predominantly greenfield site would become a housing site.

However, the provision of a buffer zone to the southern boundary of the site would comply with the requirements of the housing allocation policy. The proposed buffer does taper off towards the east of the site however it is noted that an existing wooded area (outside of the red line boundary) exists to the south east corner of the site. The illustrative site layout indicates this buffer would not be as wide as indicated on the Proposals Map within the DPD, but would still equate to an area of 0.2 hectares. Nevertheless, I consider the plan does illustrate a substantial buffer could be provided subject to the final layout. Any reserved matters application relating to layout will need to demonstrate that once the final details of property curtilages and road layouts are provided, a suitable landscape buffer can be retained to maintain a physical and visual break to minimise the impact on the Green Belt. The proposed areas of open space would also provide relief from the harder aspects of the development and help the transition between the development site and the adjoining Green Belt. The planting species to be incorporated into the buffer could be influenced by those incorporated in the buffer on the adjoining site.

I note the comment received during consultation with regards to the provision of a buffer to properties on Woodpecker Drive. The allocation policy actually refers to a buffer being provided to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact on the Green Belt.

The predominant house type in the surrounding area comprises 2-storey dwellinghouses. Whilst final design details are reserved for subsequent approval, the submitted details state that the general height of new housing would be bungalows and 2-storey which is considered appropriate to the character of the area.

In conclusion I consider that an appropriate design of development including layout, scale, appearance and landscaping could be developed which addresses the sites edge of settlement location and manages the transition into the main built up area in accordance with the aims of Policy Ra/Ho/2, Core Policy 9 and DM5. It is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the submitted Site Layout Plan.

### Impact on Residential Amenity

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

The submitted layout indicates that dwellinghouses at the density proposed could be sited a sufficient distance from one another as well as from the existing dwellinghouses, so as not to have a detrimental effect on one another. The likely height of the dwellings proposed, as set out under 'Design/Character of the Area' above, would also help to ensure there are no undue impacts on amenity.

Access to the dwellings off Kestral Rise would pass close to the side elevation of No. 2 Woodpecker Drive which contains an obscure glazed door and three high level windows. However, a close boarded fence would separate the dwelling from this access and it is not considered that intensity of use of this access (given that it would serve 14 dwellings max.) would give rise to any unacceptable amenity issues.

This issue would need to be considered in greater detail when the reserved matters of appearance, layout and scale are applied for, however, I am satisfied that the illustrative layout provides sufficient certainty that the objectives of Policy DM5 can be achieved.

### Impact on Highway Safety

Policy Ra/Ho/2 requires an assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary and the provision of the sites main access point from Warsop Lane with any secondary point not being via the existing estate roads to the north and east.

Whilst the indicative layout does show access through the existing estate roads to the north and east, the Highway Authority have confirmed that they have no objection to this subject to a maximum of 15-20 dwellings being served off Kestral Rise. 14 dwellings are indicated to be served off Kestral Rise. As such, it is not considered reasonable to resist the access arrangements as proposed. The internal highway would need to be formally agreed when the reserved matter of 'layout' is applied for. This is subject to a conditions requiring details of parking, turning, access widths and visibility splays beings submitted and approved by the LPA.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy Ra/Ho/2 in being suitable to serve the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

### Ecology

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

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

I am aware that a population of Nightjar and Woodlark in the Sherwood Forest area may justify its classification as a potential SPA ('pSPA'). As such, the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc) Regulations 1994) need to be applied. The application site is located within the 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England. The LPA must seek to prevent pollution or deterioration of habitats and not increase the likelihood of birds being disturbed and/or predated.

Whilst the proposal is unlikely to result in any direct habitat impact, it is necessary to consider any indirect impacts. As with the consideration of the previous planning application on the wider allocated site, it is agreed that the site is too far away to have a significant impact on nightjar or woodlark. Any increase in recreational pressure could cause an indirect impact. Nottinghamshire Wildlife Trust have not commented on this application. Nor do Natural England raise any objection to the application subject to the provision of green infrastructure. It is considered that the provision of recreation and buffer area (as indicated on the submitted layout plan) would help to demonstrate that the applicant is trying to reduce the likelihood of increased recreational pressure at Rainworth Heath/Rufford and Blidworth. A £30,000 contribution towards SANGS (Suitable Alternative Natural Green Space) was secured on the adjacent allocated site. The current application proposes a greater provision of recreation/buffer area proportionately that would sit alongside the existing Preston Road recreation ground than the adjacent site. Viability issues presented with this application would inhibit the provision of a similar level of monetary contribution in this case.

I consider that the significant level of Public Open Space anticipated within the development with links through to existing space will encourage residents to use recreational space adjacent to their homes. There are woodland and rural areas available for recreation within walking distance of the site including Tippings Wood and Boundary Wood. A National cycleway and the local long distance footpath, the Robin's Hood Way are also in close proximity. In addition there is the local footpath

network west and south of the town. The use of such local areas reduces potential impact on the areas that support the protected birds.

An extended Phase 1 Ecological Assessment has been submitted with the application. This recommends that further surveys be undertaken in relation to reptiles, badgers and birds. It also recommends the retention of certain sections of hedgerow. Without knowing the outcome of the surveys, it is not possible to confirm whether or not any mitigation measures would be required which would affect the indicative site layout plan. It is recommended that standard ecology mitigation measures be controlled by condition. Whilst the layout of the proposal is a matter for subsequent approval, the resolution below is subject to the further surveys not affecting the existing parameters set by the indicative layout currently proposed. It is recommended a condition be imposed requiring further consideration of existing vegetation to be retained for further consideration at the reserved matters stage.

### Archaeology

Policy Ra/Ho/2 states that the development will be subject to 'the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application.' Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

No comments from the County Archaeology Officer have been received. Albeit it is noted that on consideration of the application on the adjacent land, it was recommended that a condition requiring a geophysical investigation be undertaken before development commences with any necessary mitigation measures to be undertaken to ensure any archaeological findings are dealt with appropriately. It is considered that subject to the imposition of a similar condition the proposal is considered to raise no issues under Core Policy 14 and Policy DM9.

### Flooding/Drainage

Policy Ra/Ho/2 requires the positive management of surface water and developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include "*necessary mitigation as part of the development or through off site measures where necessary.*" Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

The site is not located within Flood Zone 2 or 3 however as it exceeds 1ha in size, a Flood Risk Assessment has been submitted with the planning application. The Lead Local Flood Authority has expressed concern in relation to the long term viability of the surface water drainage system proposal indicated in the submission. However, notwithstanding the submitted details, they have advised no objection to the proposed development subject to the imposition of a condition requiring a detailed surface water drainage design and management proposal.

No information has been provided with regards to developer funded improvements to the public foul sewer system and wastewater treatment works and Severn Trent Water have not set out any specification requirements to accommodate the additional demand from foul water (sewerage and waste water) from the development in their consultation response. However they do recommend a condition relating to surface water and foul sewage which I consider to be sufficient to ensure a satisfactory drainage solution is achieved in accordance with the aims of Policy Ra/Ho/2 and Policy DM10.

### Contaminated Land and Coal Mining

The NPPF and Policy DM10 require planning decisions to 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 Ra/Ho/2 requires investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary.

A Combined Phase I Desk Study and Phase II Exploratory Investigation has been submitted with the application. This includes a Coal Mining Report. In relation to coal mining, no specific precautions or investigations are recommended. I am therefore satisfied that this issue has been addressed in accordance with the requirements of Policy Ra/Ho/2.

In relation to contaminated land, the submitted report concludes that 'the Topsoil may be regarded as being uncontaminated and may therefore be re-used in proposed gardens and soft landscaped areas to act as growing medium, placed at a thickness to suit the planting regime (typically minimum 0.15m thickness). We would recommend that any oversized objects or deleterious materials are removed from the formation surface prior to the placement of the topsoil in proposed gardens and soft landscaped areas. The soil test results are not sufficiently elevated to represent a potentially significant risk to controlled waters.' I am therefore satisfied that this issue has been addressed in accordance with the requirements of DM10.

### Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

A Viability Report has been submitted as part of the application which sets out that Section 106 contributions of circa. £268,521 and an affordable housing contribution of 10% would be viable.

Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. The main areas for which development contributions are sought are considered below:

### *Affordable Housing*

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met. In this case the Council's Housing officers have confirmed that they would expect that this site will achieve 30% affordable housing. Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership). The application proposed this tenure mix.

At 10%, the level of affordable housing proposed falls below the 30% sought through Core Policy 1 of the Core Strategy. In applying the Core Policy both the nature of housing need in the local housing market and the impact on viability need to be considered. In this respect I have sought advice from the Council's Viability Officer (set out in the '*Consultations*' section above) who is satisfied that the case presented provides a fair assessment of the site and the market circumstances.

### *Community Facilities*

The SPD sets out that a development of 95 dwellings would equate to a community facilities contribution of £112,218.75 plus indexation (£1,181.25 per dwelling). The community facility contribution could be used to support community facility infrastructure improvements as identified by the in the Community Projects Officer. However, the application does not propose any contribution towards off site community facilities due to the viability of the development overall. In this respect I have sought advice from the Council's Viability Officer (set out in the '*Consultations*' section above) who is satisfied that the case presented provides a fair assessment of the site and the market circumstances.

### *Open Space*

Policy Ra/Ho/2 requires incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities. In accordance with the requirements of the SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. The Site Layout Plan includes a large area of public open space including amenity area (1368m<sup>2</sup>), allotments/community gardens (1140m<sup>2</sup>), sports facilities/grounds (5016m<sup>2</sup>) and children's play area (1710m<sup>2</sup>). This area formed part of the wider concept plan for the whole allocation and is located adjacent to the Preston Road recreation ground to the north of the site. The SPD also requires all residents to live within 300 metres of an area of natural and semi natural green space between 0.2Ha and 1Ha in size. Overall, this level of provision is considered acceptable.

The open space would also need maintaining. Given the applicants viability case, this would indicate that a commuted sum for maintenance to the Council or Parish were they in a position to adopt the open space is not an option. Any S106 would need to include a requirement for a management company to be set up to maintain the open space.

### *Education*

In respect of education; a proposed development of 95 dwellings would yield an additional 20 primary places. Nottinghamshire County Council would therefore wish to seek an education

contribution of £229,100 (20 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

### Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. In respect of libraries, Nottinghamshire County Council would seek a developer contribution for the additional stock that would be required to meet the needs of the 228 population that would be occupying the new dwellings. This is costed at 228 (population) x 1.532 (items) x £12.50 (cost per item) = £4,366.

### Summary Developer Contributions

A summary of the developer contributions/S.106 requirements including a comparison between the contributions sought on the west part of the allocation (13/01256/OUTM) and the anticipated level of contributions that could be accommodated within the available funds for the development to remain viable is set out below:

	<b>Required by 13/01256/OUTM on west part of allocation (130 dwellings)</b>	<b>Policy Requirement current application 17/00418/OUTM (95 dwellings)</b>	<b>Proposed contribution as a result of development viability</b>
<b>Affordable Housing</b>	<b>15% on site and £322,198 towards off site affordable housing</b>	<b>30% on site provision (31 units)</b>	<b>10% on site provision (10 units) and £35,055 towards off site affordable housing</b>
<b>Open Space / Children's Play Area</b>	<p><b>Provision &amp; maintenance of amenity green spaces and provision for children and young people:</b></p> <p>On site physical provision to include play equipment. Shortfall of 250m<sup>2</sup> (of 4550m<sup>2</sup> required) identified but accepted that wider concept plan indicated that across the whole of the allocation 1.71 Ha of landscape buffer amenity open space would be provided.</p> <p><b>Outdoor sports facilities (100+ dwellings relevant to wider allocation)</b></p> <p>Off site contribution £176,150 + £146,120 for</p>	<p><b>Provision &amp; maintenance of amenity green spaces and provision for children and young people:</b></p> <p>On site physical provision to include play equipment.</p> <p>Amenity Green Space requirement = 1368m<sup>2</sup></p> <p>Provision for children and young people = 1710m<sup>2</sup></p> <p>Total area required= 3078m<sup>2</sup></p> <p><b>Outdoor sports facilities (100+ dwellings relevant to wider allocation)</b></p> <p>On site provision 5016m<sup>2</sup> or off site contribution</p>	<p><b>Provision &amp; maintenance of amenity green spaces and provision for children and young people:</b></p> <p>On site physical provision to include play equipment.</p> <p>Amenity Green Space requirement = 1368m<sup>2</sup></p> <p>Provision for children and young people = 1710m<sup>2</sup></p> <p>Total area proposed= 3078m<sup>2</sup></p> <p><b>Outdoor sports facilities (100+ dwellings relevant to wider allocation)</b></p> <p>On site provision 5016m<sup>2</sup> + allotments/community gardens 1140m<sup>2</sup> + buffer with</p>

	maintenance.		footpath link 1696m <sup>2</sup>
<b>Education</b>	<b>N/A</b> (At the time of determination there was no need for additional primary provision)	<b>£229,100</b> to provide 20 additional primary places (at £11,455 per place)	<b>£229,100</b>
<b>Community Facilities</b>	£1424.37 per dwelling = <b>£185,168</b>	£1424.37 per dwelling = <b>£135,315</b>	<b>£0</b>
<b>Libraries</b>	<b>N/A</b> (The County Council did not make a request at the time of the application.)	£45.96 per dwelling = <b>£4,366</b>	<b>£4,366</b>
<b>SANGS</b>	<b>£30,000</b>	No request from consultees	<b>£0</b>
<b>TOTAL</b>	<b>15% affordable housing (on site) and on site open space/play area and circa. £859,636 towards community facilities, SANGS, sports facilities and off site affordable housing</b>	<b>30% affordable housing (on site) and circa. £368,781 towards education, libraries and community facilities</b>	<b>10% affordable housing (on site) and circa. £268,521 towards education, libraries and off site affordable housing</b>

The proposed contribution of £268,521 as set out in the submitted Viability Report (which although calculated accurately based on the development as proposed subsequent to revision, did not pro rata reduce the education and libraries requirement based on the reduced number of houses). As such, an excess amount of £35,055 can be afforded by the developer towards other contributions. It is therefore suggested that this excess amount be spent on off-site affordable housing provision in Rainworth to help make up the shortfall in on site provision as a result of the viability of development (as indicated in the table above) albeit Members may alternatively prefer a contribution towards community facilities.

### Conclusion

Following the sites allocation through the Local Development Framework the principle of development in this location is not contested. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matter for consideration under this outline application is the level of compliance achieved with the policy requirements of Policy Ra/Ho/2 and the other core strategy and development plan policies. Overall, the proposal falls short of the policy requirement to secure the required level of affordable housing on site and other contributions as required by Core Policy 1 of



the Core Strategy and the requirements of the Developer Contributions and Planning Obligations SPD. However, taking into account the other infrastructure requirements and the overall site viability, on balance I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Detailed matters (other than access) are matters for subsequent approval. Based on the indicative site plan submitted with the application it is considered that the highways, flood risk, drainage, archaeology and design impacts of the proposal can be acceptable subject to planning conditions.

In relation to ecology, further surveys are required to establish whether or not any mitigation measures are required which may affect the indicative site layout. The recommendation below is therefore subject to the further ecology survey work as required by the submitted Ecology Report being undertaken prior to the issuing of a decision.

Subject to conditions and the Applicant entering into a S.106 agreement to secure the provision of on-site affordable housing and open space/children's play area plus a commuted sum for the provision of education, libraries and off site affordable housing provision, it is recommended that outline planning permission is approved.

### **RECOMMENDATION**

**That outline planning permission is granted subject to:**

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to control the matters set out in the table contained within the Summary Developer Contributions section above; and**
- (c) the further ecology survey work as required by the submitted Ecology Report being undertaken with delegated officer responsibility for adding ecology related conditions should they be required as a result of the findings.**

01

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

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

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

02

Details of the 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

The development hereby permitted authorises the erection of no more than 95 dwellings with a maximum of 14 dwellings to be accessed off Kestral Rise.

Reason:

To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 95 dwellings and in the interests of highway safety.

04

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).

05

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Policy Ra/HO/2 and Core Policy 9.

06

Notwithstanding the submitted details, no development shall be commenced until a surface water drainage scheme for that phase, 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 demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- 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 in accordance with the requirements of Policy Ra/HO/2 and Core Policy 9.

07

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

Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/2 of the DPD.

08

No part of the development hereby permitted shall be brought into use unless or until improvements to the bus stop on Rugby Road (NS0257) have been carried out to the satisfaction of the Local Planning Authority and shall include a replacement polycarbonate bus shelter, solar lighting, and an enforceable bus stop clearway.

Reason: To promote sustainable travel.

09

The development shall be constructed and operated in accordance with the Full Travel Plan (dated June 2016 prepared by Waterman).

Reason: To promote sustainable travel.

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

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

11

Development shall not commence until the applicant has secured the implementation of a programme of archaeological work for the site in accordance with a written scheme of investigation (WSI) which has first been submitted by the applicant and approved in writing by the Local Planning Authority. The WSI shall include:

- a programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- a programme for further mitigation, post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Development shall be undertaken in accordance with the approved WSI unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site in accordance with the aims of Core Policy 14 of the Newark and Sherwood Core Strategy (2011). and Policy Ra/HO/2 of the DPD.

12

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
- 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.

13

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.

14

Reserved matter submissions shall be substantively in accordance with 188.14.01 Rev D unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt in accordance with the aims of Policy So/Ho/5 of the DPD.

15

Notwithstanding the submitted indicative site layout plan (188.14.01 Rev D), the reserved matters submission in respect of landscaping shall include an assessment of the existing vegetation by a qualified arboriculturalist. This assessment shall then inform a plan of the existing trees, hedging and boundary planting to be retained. The assessment shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason:

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

Prior to commencement of any development precise details of the means of control of the emergency access and timescale for implementation shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the emergency access shall be installed in full accordance with the approved details and timescales.

Reason: To ensure the development is constructed to adoptable standards and an appropriate means of control is in place for the emergency access, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/2 of the DPD.

### **Informatives**

1.

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

2.

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/](http://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.

3.

In order to carry out the access construction you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [David.Albans@nottsc.gov.uk](mailto:David.Albans@nottsc.gov.uk) for details.

4.

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

5.

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

6.

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).

7.

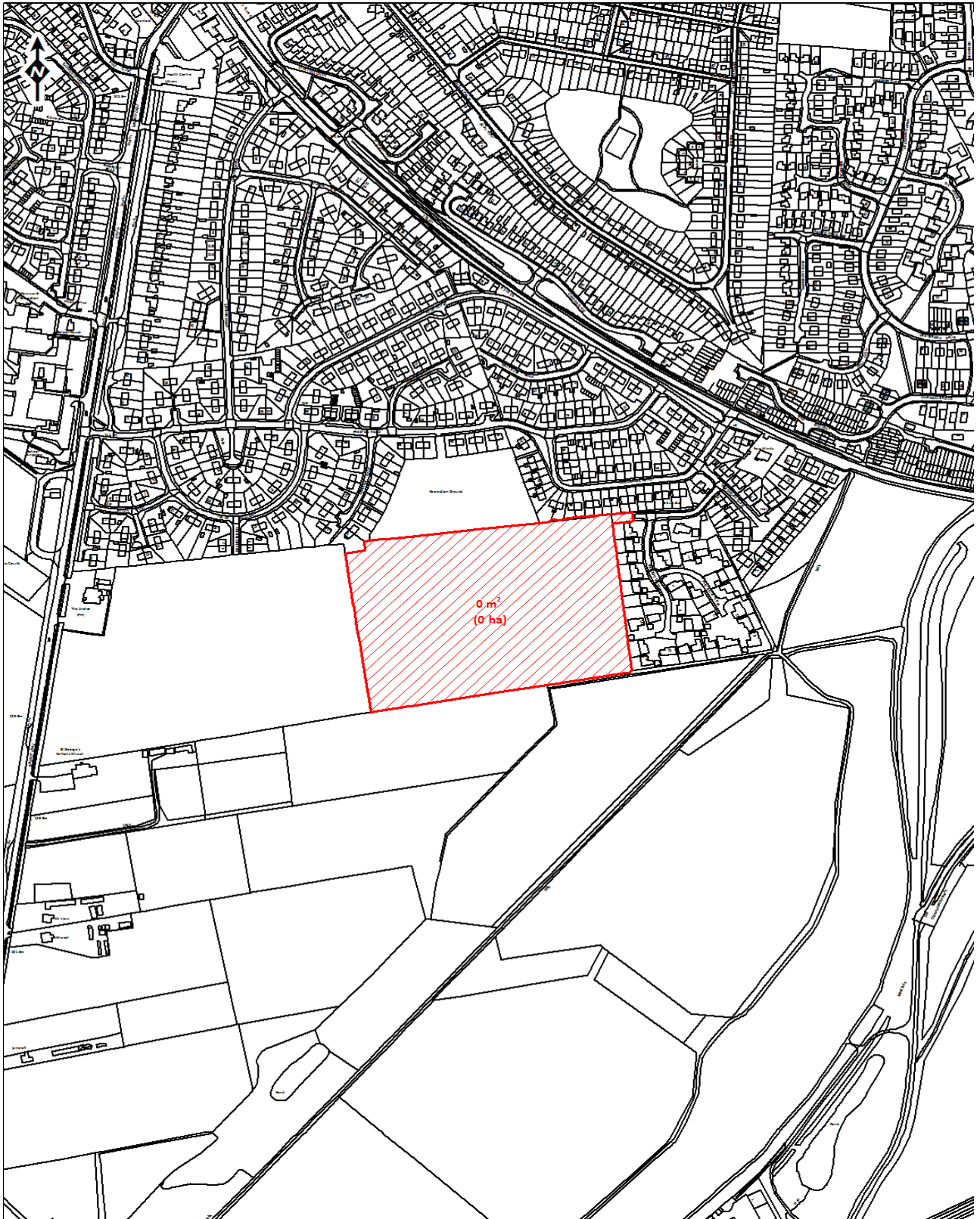
Further information regarding the bus stop improvement can be supplied through developer contact with Transport & Travel Services, Nottinghamshire County Council County Hall, West Bridgford, Nottingham NG2 7QP. [ptdc@nottscc.gov.uk](mailto:ptdc@nottscc.gov.uk) Tel. 0115 977 4520

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

**K Cole**  
**Deputy Chief Executive**



<b>Application No:</b>	<b>16/01638/FUL</b>
<b>Proposal:</b>	<b>Erection of buildings and change of use of existing buildings to form holiday let accommodation</b>
<b>Location:</b>	<b>Rear Of Chapel Farm Newark Road Wellow Nottinghamshire</b>
<b>Applicant:</b>	<b>Ms Gair Kettles</b>
<b>Registered:</b>	<b>5<sup>th</sup> April 2017</b> <b>Target Date: 31<sup>st</sup> May 2017</b>
	<b>Extension of time agreed until 7<sup>th</sup> July 2017</b>

**This application has been referred to Planning Committee because the recommendation of the Officer is contrary to the recommendation by the Parish Council.**

The Site

This application relates to 0.98Ha of land located to the north east of the village of Wellow on the edge of the Conservation area and within a Mature Landscape area on land that rises to the north east. The site currently comprises an existing two storey building and a single storey brick building together with two partially constructed brick buildings (one in relation to stables approved in 2004 and one in relation to a hydroponics building. Details of these are provided within the planning history below. . To the south west of the site is a range of former farm buildings which have been converted to residential properties. Beyond these buildings to the south-east, is a vacant residential property known as ‘The Orchard’ and further beyond this are a number of residential properties , including the old Smithy and Stag Cottage.

There is an area of hardstanding to the north east section of the site which is used for parking purposes. Open fields adjoin the site to the north west and east with woodland to the north.

Access to the site is from the A616 via a track passing through Wellow Green to the rear of the residential properties and Wellow Dam.

Relevant Planning History

FUL/930170 - An application for full planning permission for the construction of a new intensive pig farming unit and sheep farm and new agricultural dwelling was approved in March 1995, subject to, amongst others, a condition that required that all agricultural buildings, structures and non-motorised equipment be removed from the then existing Park Farm complex within two years of the first occupation of the new farmhouse, which was to be located some distance away to the north-east, at the top of the hill. This permission was also subject to a Section 106 Agreement (referred to in a Note to Applicant on the Decision Notice for this permission) that required that the construction of the new farmhouse was not to commence until after work in relation to the removal of the “viable agricultural buildings to the new farmstead site” had been commenced, and



that the new farmhouse was not to be occupied until “such time as the viable agricultural buildings have been moved to the new farmstead site and the remaining agricultural buildings...have been demolished and removed from the old farmstead site.” This permission was implemented.

02/00491/FUL - A retrospective application for full planning permission for the change of use from disused barn to stables, which included internal and external alterations, was refused in January 2003. The reasons for refusal were that the retention and conversion of the building, which was previously required to be demolished, by virtue of its substantial alteration and extension, considerable size, modern design and prominent location on elevated land, was not in keeping with its surroundings and would have had a seriously detrimental impact upon the setting, form and character of the settlement, the countryside, the Mature Landscape Area; views into, and the setting of, the Wellow Conservation Area; and upon the existing group of farm buildings.

03/01895/FUL - An application for full planning permission for the removal of an existing building, replacement with new stables and stud/training facility was withdrawn in January 2004.

04/02628/FUL – Planning permission was granted in May 2005 for the demolition of existing building and the erection of stable building for domestic purposes. Condition 8 of this permission stated that the stable block should be used solely for private and domestic purposes and not for any commercial purpose. It was also subject to s S106 Agreement which provided that the land should not be used other than for the stabling of horses owned by occupiers of identified dwelling houses and in particular, but without prejudice to the generality of the foregoing, not to use the land as the site of a dwelling house or as part of a dwelling house.

07/01665/FUL – Planning permission was refused in December 2008 for the variation of condition 8 of the 2004 on the following grounds:-

*In the absence of a Section 106 agreement to prevent the approved stables being converted to a dwelling house the Local Planning Authority consider that the application fails to provide adequate comfort against such conversion which once built would be difficult to resist in terms of harm to the open character and appearance of the countryside.*

*In the opinion of the Local Planning Authority a dwelling house in this location would be contrary to Policy 1/1 (Sustainable Development) of the Nottinghamshire and Nottingham Joint Structure Plan and Planning Policy Statement 7 (Sustainable development in Rural Areas).*

*The original planning application was approved on the basis of the signing of a 106 agreement and it is considered that there are no other material considerations in this instance that would warrant a departure from the previous decision.*

08/01583/AGR – An agricultural prior notification application was submitted in July 2008 for a new brick building for agricultural purposes which was subsequently withdrawn.

08/01868/AGR - An agricultural prior notification application was submitted in September 2008 for a new brick building for agricultural purposes which did not require prior approval.

09/00644/FUL – planning permission was granted in July 2009 for the variation of condition 8 of 04/02628/FUL to read:

*The stable block hereby permitted shall be used solely to private and domestic purposes and incidental to the enjoyment of the dwelling houses at Park Farm **and** no commercial riding establishment, stud activity or business shall be carried out therefrom.*

10/00945/AGR – An agricultural prior notification application was submitted in July 2010 for the erection of a detached building for hydroponics (a method of growing plants without soil, using mineral nutrient solutions in a water solvent). It was determined that a planning application was not required – works have commenced but have not been completed within the required timescale and this has now expired.

11/00431/FUL – an application was submitted in March 2011 seeking permission for the erection of single and two storey building for general purpose agricultural use, storage and accommodation of water purification equipment (retrospective) and installation of reed bed filtration system. This was subsequently withdrawn.

13/01683/FUL – planning permission was refused in January 2014 for the erection of side extension to current single storey kitchen on the grounds of poor standard of plans and failure to demonstrate sufficient details and failure to demonstrate that the proposal would not have a detrimental impact on neighbouring dwellings.

16/01434/CPRIOR – A notification for prior approval was submitted in September 2016 for the change of use from farm buildings to flexible use within shops, financial and professional services, restaurants and cafes, business, storage or distribution, hotels, or assembly or leisure. This was subsequently withdrawn.

There is some enforcement history relating to the wider farmstead site in relation the site to which this application relates. However, any enforcement cases have been investigated by the District Council and have been duly closed

## **The Proposal**

Full planning permission is sought for the following:-

- Erection of a U shaped building with maximum dimensions of circa 18m width and 22.4m depth. The building would have an eaves height some 2.8m and a ridge height of 5m. These dimensions reflect those of the previously approved stable block. This would provide 8 units of accommodation around a central courtyard with ground floor sitting room and first floor double bedroom with small shower room. There would be a communal dining area on the ground floor with a mezzanine storage area at first floor located within the end section of the building at the end of the building together with a glazed entrance.
- Erection of extension to the ‘Hydroponics building’ which would connect it to Building A. this would measure circa 7.5 in depth and 5m width with an eaves height of circa 2.8m and a ridge height of 5m. This would provide a bedroom and bathroom to Building A.
- Rebuilding part of Building A which would measure circa 16.7m width and have a maximum depth of 6m. The eaves and ridge would match that of the existing building.
- Change of use of existing two storey farm building for use as office/reception and ground floor and staff accommodation at first floor. A small single storey pitched roof extension

extension is proposed to the property to provide laundry area which would measure 4.5m in width, 2m in depth and 2.5m to eaves and 4m to ridge; and

- A parking area to the north east of the site with a provision of 30 no. spaces.

The application has been accompanied by 2 no. supporting statements. These outline some of the policies against which the proposal has to be assessed and responds to some of the criteria in relation to tourism development, economic growth and employment, rural diversification, some commentary on need and transport impact and events held at the site.

Drainage details and landscaping details have also been deposited together with details of proposed windows and door joinery details, rooflights, boundary treatments, entrance gate and facing materials.

Supporting statements have also been deposited with regards to the operational details of the proposed development stating that the proposed development would purely complement the current events, concerts, weddings and festival that will take place on site which is normally during May to October.

An additional Supporting Statement has also been deposited during the lifetime of the application outlining that there has been a diversification of the farm use in terms of the nature of events held there, that the previous provision holiday accommodation within the converted barns and farm house has reverted back to dwellings, together with confirmation of the nature of the proposed development in that it would not relate to bed and breakfast accommodation but would be holiday accommodation with outside catering provided on request to enhance the existing events which take place on the wider site. Comments are made in relation to drainage, which the applicant states they upgraded and renewed which STW then adopted. Comments are also made with regards to highways and highway improvements

A phase 1 desk top study in relation to potential contamination on the site has been deposited during the lifetime of the application.

The applicant has advised that farming activity has ceased on the site and the wider land and has also clarified in writing that the proposal is for the 'Erection of buildings and change of use of existing buildings to form holiday letting accommodation'.

Following the receipt of the latest highway comments received on 28<sup>th</sup> July 2107 (as noted below in the consultee comments) the applicant has submitted the following response:-

*Highways first comments were based on a refusal specifically relating to the junctions which access the property. I made it clear that it was my intention to cease the following businesses to reduce traffic at the site.*

- *To cease agricultural activity removing the need for tractors, lorries and other heavy machinery using either of the two junctions.*
- *To cease using the properties that have already been used as accommodation which represented 12 bedrooms as opposed to the 13 rooms contained within this planning application. After a discussion it became clear that the Highways Officer had not taken into consideration the cross-off of traffic through the cessation of utilising the holiday cottages with 12 bedrooms and changing them back purely to residential use. With this information, Highways then agreed that this would be acceptable and the second comments were supplied to the Council. I even went*

*further and suggested a condition in the planning application which mirrored this agreement. However, both myself and planning, and importantly, Highways, used various descriptive terms in relation to this application such as B&B and holiday rentals. In the Highways second consultee document they referred to the existing as B&B where in planning law, they were technically holiday rentals used specifically for large groups of Hen & Stag parties. This was what we specialised in. I asked Highways for correctness to use the term holiday rentals rather than B&B and today, an hour before the committee report needs to be written, I was forwarded the email which is the 3rd document from Highways.*

*It is true that in planning law there is a difference between a holiday rental and a B&B. However, in real terms, there is very little difference. The Highways Officer talks about the difference between the current holiday cottages consisting of 12 double rooms would increase the day use to 13.3 2 way trips. Yet the new holiday cottage with 3 double rooms would increase to 34.5 two way trips per day. I find this to be a manipulation of figures based on the fact there is only 1 extra room and the new use would be very similar to the original use based on large groups such as Hen & Stag parties and more importantly, weddings.*

*The development is designed not to encourage more people to attend, but to offer the people who already attend the venue, accommodation thereby reducing the need for guests to leave the site to go to other accommodation and make additional trips. I think it is important at this time that I explain the perplexing nature of what has been said.*

*In layman's terms, I currently have a licence to bring 9000 people to the site for one weekend of the year. I also have a licence to bring 5000 people up 4 times a year. Additionally, on a regular basis there are up to 499 people using the field for wedding receptions and these people also use the same junction. What the Highways Officer is implying is that for some reason there is a difference between a 12 bedroom holiday rental 50 metres away from the site which is actually split in to 3 units and a 13 bedroom holiday rental which is within the envelope of the existing buildings. The business, as it has been run for the past 9 years, is not changing. It's the same market and it's the same venue. Probably the most important point is the fact that the people attending the venue anyway will be the people staying in the accommodation. In real terms, this is a reduction in traffic trips as it stops people leaving the site to go to other accommodation and then returning for various trips.*

*It also ignores the current guidelines which are clear that planning cannot object even on a Highways issue unless the impact is severe.*

*The Highways Officer refers to 3 accidents on or near the junction in the last 3 years. This is true. However, if you look at the statistics over 5 years, it is still only 3 accidents and if you look at it over 18 years it is only 6 accidents. The Highways Officer has not looked at causality. Two of the accidents were rear shunts. There was one serious accident which was a person driving down the A616 who, for some reason, veered on to the wrong side of the road. The junction had nothing to do with this accident.*

*The Highways Officer, despite having had a discussion, has not taken into consideration the cessation of farming activities and the number of tractors, agricultural vehicles and journeys each day. The current estimate is between 15 and 40 journeys with large agricultural vehicles across the junction. This will cease.*

*The current planning policy is that rural diversification in to tourism is a priority, especially taking into consideration economic growth and employment. It is a positive approach. Safety is an important issue, but no more or less than any other development. The economic growth, employment and other factors should be taken into consideration and the guidelines make it clear that there should only be a refusal in terms of Highways if the impact is sever.*

#### Public Advertisement Procedure

32 neighbours have been notified by letter, site notices have been displayed close to the site and an advert placed in the local press.

#### Planning Policy Framework

#### **The Development Plan**

#### **Newark and Sherwood Core Strategy Adopted March 2011**

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 6 – Shaping our employment profile  
Core Policy 7 – Tourism Development  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity & Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment

#### **Allocations and Development Management DPD Adopted July 2013**

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

#### **Other Material Planning Considerations**

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Newark and Sherwood Landscape Character and Assessment SPD (2013)  
Conversion of Traditional Rural Buildings SPD 2014  
Plan Review - Publication 'Amended' Core Strategy 2017

#### Consultations

#### **Wellow Parish Council – Object on the following grounds:-**

- Contary to the suggestion of the site address, the proposed development site is not a working farm nor does it form part of a working farm. Farming activities have not taken place on the site for a minimum of 2 years. The total land area of the proposed

development site is significantly less than 5 hectares and the proposed development is not for agricultural purposes. The proposed development therefore does not comply with any of the requirements under the Permitted Development Rights for Agriculture and Forestry. N.B. For the avoidance of doubt Chapel Farm was previously known as Park Farm, and as such the planning history / planning constraints of Park Farm are also relevant to Chapel Farm.

- It is understood that the only permitted building on the proposed development site is the 'stable block', i.e. planning application references: 04/02628/FUL approved May 2005 and 09/00644/FUL (variation to condition 08) approved July 2009. Condition 08 of the planning permissions expressly states that the building (stable block) shall not be used for business purposes. Further, it is also understood that current Section 106 Agreements in relation to the application site also reinforces this. These therefore represent valid reasons for refusal. N.B. Planning History - An Enforcement Notice was issued by N&SDC (Ref: 09/00594/ENF) on 14th February 2011 for an alleged breach of planning at Chapel Farm, i.e. the unauthorized erection of a building on land at Chapel Farm. The Enforcement Notice was subsequently appealed by Mr D. Chapelhow (Appeal Ref: APP/B3030/C/11/2150126), however the appeal was dismissed and the enforcement notice upheld. A planning benefit must not be the result of unlawful planning breaches.
- Access to the proposed development site is via a narrow driveway which also is the main access for the adjacent residential barn conversions (4 family homes in total). The main garden areas of these family homes is visible and quite close to this main shared driveway. The use of the shared narrow driveway by visitors to proposed development would therefore cause serious, sustained and long-term harm to the residential amenity of those adjacent houses. This is contrary to Newark and Sherwood current plans / policies.
- The day to day use of the proposed development would also cause serious, sustained and long-term harm to the residential amenity of those adjacent houses. This is contrary to Newark and Sherwood current plans policies.
- The proposed development is considered an over-development of the site and as a consequence would have a serious and detrimental impact upon the character of its location and its landscape setting. This is contrary to current Newark and Sherwood plans / policies.
- Foul water drainage from Chapel Farm, the adjacent residential barns and the residential houses situated on or near Wellow Green, is connected to the main sewerage system on Newark Road (A616) via a small diameter steel pipe running underground across Wellow Green (common land / public open space). There is a documented history going back numerous years of sewerage problems associated with this steel pipe. The proposed development, especially being a Bed and Breakfast, would therefore only exacerbate this situation. The sewerage system across Wellow Green is only capable of supporting the current households. This is contrary to Newark and Sherwood current plans / policies.
- The proposed development site does not have the benefit of direct vehicular access onto a highway of adoptable standard and if approved would result in sub-standard development. This is contrary to current Newark and Sherwood plans / policies.

- The proposed development would have a detrimental effect on the character and the appearance of the Conservation Area. In addition it would affect the formalising of the access track across the Green which forms a distinctive part of the character and appearance of the Conservation Area. The formalising of the access track across the Green and the intensification of use of this track would be to the detriment of this area of open space. This is contrary to current Newark and Sherwood plans / policies.
- The proposed development does not have a permitted right of way over the Green.

For these reasons the view of Wellow Parish Council is that the application should be refused.

**Nottinghamshire County Council Highway Authority – The latest comments of the Highway Authority dated 28.07.17 are as follows:**

Further to comments dated 17 July 2017, more information has come to light which justifies a review of all previously submitted comments.

The comments dated 17 July 2017 were based on an understanding that the proposed 13 room bed & breakfast accommodation was to be a replacement of an existing 12 room B&B accommodation (where that accommodation reverts to a dwelling). It was, therefore, considered that the previous argument about intensification of use of the access and associated risks would appear to be unjustified.

However it is now understood that the existing accommodation is two holiday 'lets' each with 6 bedrooms. Whilst it is suggested that these may revert to residential family homes, the difference in vehicle trip generation between the two uses is low (see Appendix A). In summary the difference is between 13.3 trips per day for holiday accommodation and 9.3 trips per day for residential i.e. 4 trips per day. This is considered negligible.

There has been some uncertainty over whether the proposal is for new holiday lets or bed & breakfast accommodation but either way the trip generation associated with these uses is an intensification on existing site uses (see Appendix B). In summary the estimated number of new trips per day using the access is around 35.

The access road at the rear of the site opposite Rufford Lane is unsuitable for an intensification of use, as it is located on a busy 'A' road (A616) at an already busy junction in a derestricted zone. This is an awkward 4-leg staggered junction with the access effectively providing a 5th leg on a bend. There are already existing traffic movements associated with the site access for the fishing pond and existing uses.

There have been 3 injury accidents at this junction location in the last 3 years; one of which was classified as 'serious'. Whilst in the context of the whole County this figure is insufficient to automatically trigger an accident investigation to consider remedial action by the Highway Authority (there are too many other junctions requiring attention), this junction clearly has a poor record and one which should not be exacerbated. It is worth recognising perhaps that many of the 35 or so new trips per day using this junction will be made by visiting drivers who will be unfamiliar with the junction arrangement; adding to the risks.

It is considered that there are no readily identifiable and proportionate changes that could be made to this junction to make it safe enough to permit this application and no such proposals have

been put forward other than agreement, should the application be permitted, to minor kerb works to stop overrunning and the dragging of loose material on to the carriageway.

The Highway Authority would recommend that this application be refused for the following reasons:

1. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 to the east of Eakring Road which affords restricted visibility for drivers emerging from the access.
2. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 opposite Rufford Lane where there are a plethora of different turning movements in close proximity to one another; and on a bend.

#### APPENDIX A

An interrogation of the nationally used 'industry standard' TRICS database has been made to estimate the likely trip generation associated with holiday accommodation (caravan parks) and residential. The following is a summary of the results obtained.

- Holiday accommodation (existing):

Total two-way trips per day per unit = 2.66

However, one might reasonably assume that only one car might be associated with a caravan holiday let. Whereas one might reasonably assume that 2, or even 3, cars might be associated with a 6-bedroom holiday home, due to its size. So, taking an average of these i.e. 2.5 cars, a holiday let of the existing accommodation might have a trip generation of  $2.5 \times 2.66 = 6.65$  two-way trips per day.

Due to there being two holiday lets (both with 6 bedrooms) the total trip generation might be estimated to be  $2 \times 6.65 = 13.3$  two-way trips per day (total).

- Residential

Total two-way trips per day per unit = 4.65

Due to there being two homes, the total trip generation might be estimated to be  $2 \times 4.65 = 9.3$  two-way trips per day (total).

#### APPENDIX B

- Holiday accommodation (proposed):

Total two-way trips per day per unit = 2.66

For a proposal of 13 units the total trip generation might be estimated to be  $13 \times 2.66 = 34.5$  two-way trips per day (total).



- Bed & Breakfast

The TRICS database does not hold specific information for bed & breakfast accommodation, so reasonable assumptions may have to be made i.e. 1 car being associated with each bedroom, and each car conservatively used for one trip outbound and one inbound trip per day. In other words 2 trips per day per bedroom. For a proposal of 13 bedrooms the total trip generation might be estimated to be  $13 \times 2 = 26$  two-way trips per day (total).

This is a conservative estimate and does not include staff trips associated with 5 full-time and 14 part-time employees associated with the proposal. So the above figure may be easily inflated to 35+ two-way trips per day (total).

*The Highway Authority has been consulted on the response received from the applicant on the 31<sup>st</sup> July 2018. Any additional comments will be reported to Committee.*

Following the applicant's discussions with the highway authority the following additional comments dated 17.07.17 were received:-

Further to comments dated 22 June 2017, additional information has been provided by the Applicant to address previously raised concerns.

It is now understood that the proposed 13 room bed & breakfast accommodation is a replacement of an existing 12 room B&B accommodation (where that accommodation reverts to a dwelling).

Therefore the previous argument about intensification of use of the access and associated risks would appear to be unjustified.

Notwithstanding the above, the access opposite Rufford Road requires some minor improvements to prevent over-running of kerbs and the dragging of loose materials on to the highway from the access by vehicles.

So, on the basis of the above, no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be brought into use until the existing dropped vehicular footway crossing opposite Rufford Road has been improved/widened in accordance with details to be first submitted to and approved in writing by the LPA, and constructed to the satisfaction of the Highway Authority.

Reason: To prevent damage to the highway infrastructure and to provide adequate and safe access.

Original highway comments dated 22.06.2017:

This proposal is for the construction of buildings and change of use of existing buildings to bed and breakfast accommodation. The Supporting Statement submitted indicates that up to 13 rooms, sleeping up to 30 guests is proposed, and parking is available on site for 200 cars. There are a number of employees expected as part of this application, however, the exact number is not stated and the parking facilities for both visitors and staff are not clearly demonstrated.

There are two access points shown to the site, the access road at the rear of the site opposite Rufford Lane is unsuitable for an intensification of use, as it is located on a busy 'A' road (A616) at an already busy junction in a derestricted zone.

Whilst the second access, located to the east of Eakring Road, is an existing farm access, visibility for emerging vehicles is substandard to the right (in a westerly direction) due to the boundary wall of the adjacent dwelling, Highfield House. It is considered that an intensification of use of this access will result in an increase in vehicular conflict.

As such, the Highway Authority would recommend that this application be refused for the following reasons:

- The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access onto Eakring Road which affords restricted visibility for drivers emerging from the access.
- The traffic generated by the proposed development would have an adverse impact on the traffic at the A616/Newark/Rufford Lane junction and would be a likely source of unacceptable danger to other users of the highway, due to the plethora of turning movements in close proximity.

**NSDC Conservation** - Many thanks for consulting Conservation on the above proposal.

The land at the rear of Chapel Farm sits just outside of the Wellow Conservation Area (CA).

The CA contains a number of important historic buildings, notably the landmark Church of St Swithin which is Grade II\* listed (the church spire is visible from the proposal site). Chapel Farm (formerly Park Farm) is not listed, but is a positive historic building range within the CA.

The proposal site contains areas of archaeological interest associated with a hollow way. The Gorge Dyke to the southeast of the proposal site is an important Scheduled Monument, and therefore consideration should be given to archaeological potential in the site.

Wellow Park to the north of the proposal site is an unregistered park and garden.

Legal and policy framework

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the special character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

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

development affecting the setting of designated heritage assets are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

#### Assessment of proposal

The proposal seeks to change the use of partially built stables and erect new buildings to form bed and breakfast accommodation. The development is laid out in linear fashion, comprising a U plan within a larger L plan.

The proposal site sits in a prominent location on rising land beyond Chapel Farm, and the distinctive Church of St Swithin is visible. Nevertheless, modern land levelling within the site, combined with landscaping and a discreet position behind the former farmstead ensures that the proposed development is not unduly prominent. The use of red brick and clay pantiles, with modestly scaled single storey buildings laid out in the tradition of courtyard agricultural arrangements, ensures that the development will sustain the significance of the adjacent CA and cause no harm to the historic environment in this case.

Wellow Park is well-screened from the proposed buildings by a large embankment, and whilst the car park will have an impact on its wider landscape setting, no harm will be caused to its significance in this case.

In order that the development takes the form envisaged by the Council, precise details on joinery, roof lights, boundary treatments, gates and facing materials should be provided. For the avoidance of doubt, Conservation is comfortable with the brick samples shown on site and as used in the previous approved development. The natural clay non-interlocking pantiles shown were

also acceptable in principle, but please note that we would prefer natural red over artificially weathered.

No heritage impact assessment has been submitted (as required by paragraph 128 of the NPPF). Given the potential archaeological interest within and abounding the site, archaeological expertise should ideally be sought.

Additional comments have been received as follows:-

Further to discussions on the hollow way, the applicant has confirmed in writing that no works or operations will be undertaken below ground on the area identified as the hollow way. This therefore offers mitigation and preservation in situ. It is important that the character of the hollow way is not further eroded. This should be taken into account with any landscaping proposals.

Following the submission of window and door details the following comment have been received from the conservation officer:-

Further to our recent meeting with the applicant and the additional drawings and information submitted on the joinery details, I am satisfied that sufficient information has now been submitted to enable you to approve it in accordance with the submitted plans and details. The window details and sections are appropriate, and I am satisfied that we have the minimum necessary details on the glazed addition

**Severn Trent Water** – No comments received. Any comments received will be reported to Planning Committee

**Nottinghamshire Wildlife Trust** – No comments received

**NSDC Environmental Health (Contamination)** - This application is for the change of use and construction of buildings for residential use at a farmyard with workshop. There is clearly the potential for contamination to be present from this former use, I would therefore request the use of our full phased contamination condition.

Following the submission of a contamination report the following additional comments have been received:-

I have recently received a phase 1 desktop study report (version 2) in support of the above application. This document includes an assessment of the site history, a site walkover description and a conceptual model which considers the potential pollutant linkages. Following this the risk assessment states that no significant sources of contamination have been identified and that the site is suitable for the proposed use.

After I had received this report I was made aware of alleged illegal waste at the development site. As a result I contacted the Environment Agency who had been involved at the time of the alleged waste issue.

Given the evidence provided by the EA, and that in the desktop study, I do not consider that a contaminated land planning condition is required.

**NSDC Environmental Health** – Chapel Farm, Wellow is licensed for a three day festival event once per year and for 5 one off events between June and September. All of these events will give rise to an increase in motor vehicle movements and pedestrian traffic in the area subject to the planning application which could result in disturbance. In addition to this the proposed development is likely to be one of the nearest to the festival site and therefore likely to be subject to noise from the events. However, the licences granted do limit the times that the festivals can operate within and I do not consider these unreasonable for such events. This allied to the limited numbers of events that can take place on the site does in my opinion limit the likely impact of any potential disturbance and therefore I have no formal objection to the proposals.

**9 representations have been received from local residents/interested parties. The representations can be summarised as follows:**

- The current planning permission allows for agricultural use but its currently used for residential purposes showing disregard to previous permissions
- The access road is poorly maintained and increased traffic will cause further damage/deterioration;
- Permission has been granted for the conversion of farm buildings to 4 dwellings
- The site is outside the village envelope;
- Access is over common land and the access drive is for agricultural vehicles not residential use;
- The building applied for as a change of use was built as a tractor shed but was clearly intended for residential use and is used as a dwelling occasionally;
- The current mains drains infrastructure will not cope;
- The current metalled road infrastructure will be unable to cope;
- The proposal will result in increased footfall and traffic;
- The proposal will result in noise and disruption;
- The numbers quoted in the application are more akin to a hotel use;
- Vehicles travelling to previous events at the site have had difficulty finding the entrance due to the level of signage;
- The access is at best a farm track;
- The main access/exit point from the A616 is unsafe on an extremely busy and dangerous junction between Newark Road, Rufford Lane and The A616. Many accidents have already occurred on this junction. An alternative entrance and exit should be considered as the increase in traffic will impact on the A616;

- The secondary access/exit onto the A616 has extremely limited visibility in both directions on exit and is dangerous especially to people visiting the area;
- The site abuts the conservation area of the village and would not be in keeping with the character and appearance of the area as well as using Common;
- Previous use of this site area has caused noise pollution to nearby properties.

Following the submission of additional statements and comments of the highway authority the following additional comments have been received:-

- Confusing information has been submitted as to the proposed use i.e B and B
- No B and B has operated from the adjacent site – planning permission would have been required and non has been granted
- The holiday lets on the adjacent site have not operated since 2012/2013
- There is no comment from STW regarding drainage
- The red line site plan does not include the adjacent buildings and therefore any B and B use of these buildings is not a material planning consideration

#### Comments of the Business Manager

In considering the proposed development it is considered useful to discuss the activities and events commented on within the supporting statements deposited with the application which take place on the wider land close to the application site. The applicant has been granted a license to hold events between 16:00 to 00:00, 1 day per month (Monday to Sunday) up to 4 times per calendar year in June, July, August or September.

In terms of planning legislation Part 4 Class B of the Town and Country (General Permitted Development) (England) Order 2015 relating to 'Temporary Buildings And Uses' allows for certain events to be held for up to 28 days in any calendar year together with the provision of any moveable structures for the purposes of the event providing the use is not carried out within the curtilage of a building.

#### **Principle of development**

A presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (NPPF) and is identified as being seen as a golden thread running through decision taking. This means approving development proposals that accord with the development plan without delay.

Paragraph 7 of the NPPF advises that there are three dimensions to sustainable development, having an economic, social and environmental role by:-

- contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth;

- supporting strong vibrant and healthy communities by creating a high quality built environment with accessible local services that reflects the needs of the community; and
- contributing to protecting and enhancing the natural built and historic environment and to adapt to climate change including moving to a low carbon economy.

Paragraph 8 of this document advises that these roles should not be seen as being independent of each other but that to achieve sustainable development these gains should be sought jointly through the planning system which should play an active role in guiding development towards sustainable solutions.

At paragraph 17 the NPPF identifies 12 core planning principles which should underpin planning decisions. Of particular relevance to this application are the principles that planning should proactively drive and support sustainable economic development, should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, should encourage and support the transition to a low carbon future (taking account for example the conversion of existing buildings). Moreover planning should contribute to conserving and enhancing the natural environment reducing pollution, encourage the effective use of brownfield land, promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas by actively managing patterns of growth and focusing significant development in locations which are or can be made sustainable and should deliver sufficient community facilities and services to meet local needs.

The NPPF goes on to recognise that significant weight should be attached to supporting economic growth through the planning system. Paragraph 28 relating to supporting a prosperous rural economy advises that planning should support economic growth in rural areas in order to create new jobs and prosperity by taking a positive approach to sustainable development by supporting sustainable growth and expansion of all types of businesses together with sustainable rural leisure and tourism developments in appropriate locations where identified needs are not met by existing facilities and which respect the countryside.

Chapter 3 of the National Planning Policy Framework recognises the need to support economic growth in rural areas. Paragraph 28 advises that there should be support for rural tourism developments that benefit businesses in rural areas. This should include support for the provision of tourist facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy DM12 of the Allocations and Development Management DPD further reflects the guidance and the presumption in favour of sustainable development identified in the NPPF. Planning applications which accord with the policies of the Development Plan will be approved without delay unless material considerations indicate otherwise. Account should be taken as to whether the impacts of granting of permission would significantly or demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF.

The site falls outside of the main built up area of Wellow and therefore under the criteria of Spatial Policy 3 falls to be assessed against Policy DM8 of the Development Management and Allocations DPD (Development in the Open Countryside). Development away from the main built up areas of villages, in the open countryside is to be strictly controlled under these policies and Policy DM8 sets out 12 types of development considered to be appropriate in the open countryside. Of relevance is the 'Tourist Accommodation' criteria which reflects the criteria contained with Core Policy 7. The sub text of this policy identifies that the District has a well

established tourist economy much of which is based around the natural resources and heritage of the north western area. The Council is keen to see this economy sustained and allowed to grow through appropriate expansion.

Core Policy 7 (Tourism Development) of the Core Strategy sets out that tourism and visitor based development will be supported subject to a number of criteria. These include that in relation to countryside locations, it is sensitive to site surroundings, including matters of landscape, nature conservation, heritage and biodiversity and that it is acceptable in scale. It also provides that outside of town centres, development should meet identified tourism needs and facilities will only be supported in rural areas where a rural location is necessary to meet identified tourism needs, it constitutes appropriate rural diversification and can support local employment.

The District Council's Plan Review, which sets out the revised spatial policy framework for delivering development, following approval at Full Council on the 11<sup>th</sup> July is now on deposit. The relevant part of the 'Publication Amended' Core Strategy is Core Policy 7. It is considered that in assessing the proposal considerable weight should be given to this amended policy which is considered to now better align with the aims of the NPPF outlined above. This policy states that 'The District Council recognises the economic benefits of sustainable tourism and visitor based development (including tourist accommodation), and will view positively proposals which help to realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or those that address shortfalls in existing provision, subject to:

Within the open countryside the proposal representing sustainable rural tourism development which meets one or more of the following:

- Forms part of a rural diversification scheme;
- Supports an existing countryside attraction;
- Has a functional need to be located in the countryside;
- Constitutes the appropriate expansion of an existing tourism or visitor facility;
- Supports local employment;
- Meets an identified need not provided for through existing facilities within the main built-up areas of 'settlements central to the delivery of the spatial strategy', or villages covered by Spatial Policy 3 'Rural Areas'; or that
- Supports rural regeneration through the appropriate re-use and conversion of existing buildings.'

I am mindful that the policy seeks compliance with **one** or more of the criteria.

Core Policy 7 goes on to add that such proposals will still need however to be acceptable in terms of their:-

Design and Layout: and

Individual and/or cumulative impacts on local character (including built and natural environments) heritage assets, biodiversity, amenity, transport infrastructure, community serves and landscape character.



## Rural Diversification/Sustainability

Core Policy 7 requires proposals for sustainable rural tourism development to meet a certain criteria, one of which is rural diversification. Policy DM8 identifies that proposals which diversify the economic activity of rural businesses will be supported but should seek to re-use existing buildings wherever possible.

It is noted that the application site is a brownfield site with a history of use for agricultural purposes, although it is evident from my site visit that this use appears to have ceased. The footprint of the proposed development largely follows that of the previously approved buildings which are partially constructed together with the historic footprint of buildings which have been demolished or lost, albeit an additional extension to the 'hydroponics' building is proposed to link to the rebuilt building to the south east boundary of the site. The proposal also seeks to reuse an existing two storey building on the site to serve as an office/reception and staff accommodation.

The proposed parking area to the north east also makes use of existing area of hardstanding which is already used for parking serving the various events/weddings held on the surrounding land.

The applicant has stated that the proposal would serve to provide accommodation for these events/weddings.

Regard should be given to the fact that the agricultural use of the site has ceased and that the proposal would result in partially constructed buildings being completed and together with an existing vacant farmhouse building would be brought into an effective and viable use. The proposal would also support existing events/weddings that are held on adjoining land.

In these respects the development can in my opinion be viewed as relatively sustainable under the guidance of the NPPF which states that planning should proactively drive and support sustainable economic development such as this. I am therefore of the view that the proposal would fulfil the diversification and sustainability criteria of the above policies.

## Employment

In considering the principle of the development regard has been given to the NPPF which states significant weight should be attached to supporting such economic growth in rural areas in order to create new jobs and prosperity. Core Policy 6 of the Core Strategy identifies that the economy of the district will be strengthened and broadened to provide employment by a number of factors including supporting the rural economy by rural diversification that will encourage tourism providing the proposal meets local need and is small scale in nature to ensure acceptable scale and impact.

Policy DM8 of the DPD reflects the aims of Core Policy 6 and Core Policy 7 and supports small scale employment proposals in rural areas only where it can be demonstrated that there is a particular need for a rural location and that the proposal will contribute to sustaining rural employment.

I am mindful that a number of full and part time jobs are proposed by the applicant (equivalent to 12 full time jobs) which, albeit of a modest scale, would make some contribution to employment opportunities in the District in line with Core Policy 6, Core Policy 7 and Policy DM8.

## Need

Taking account of the above policy requirements it is considered that the main issue in establishing the principle of the proposal is whether there is a need for such development in this location within the overall context of achieving sustainable development.

The applicant has commented within the Supporting Planning Statement deposited with the application that the proposal seeks rural diversification and would support an existing countryside attraction in terms of Wellowfest, an annual 3 day festival held on adjoining fields and a number of weddings and other events held on the site throughout the year. The applicant has also stated that it is difficult to find overnight accommodation locally or within a reasonable distance of the site.

I am mindful that the evidence to support this element of the application is fairly limited and note the other occupancy figures put forward relate to Center Parcs, a much larger holiday park. It does nevertheless relate to a site reasonably close to the application and does serve to demonstrate that there is a demand for overnight accommodation to support an established area of tourism within the District which the Council is keen to sustain and grow.

I have been referred by colleagues in Economic Development to the current Experience Nottinghamshire data which uses the STEAM (Scarborough Tourism Economic Activity Model). This gives headline information in terms of visitor numbers to the District which, although dated 2014, indicates visitor numbers to major attractions in the north west of the District have increased by between 3.5 and 7.5%.

I have also referred to the D2N2 Visitor Accommodation Strategy 2016. This strategy aimed to provide a robust assessment of the future opportunities for visitor accommodation development across Derbyshire & Nottinghamshire and the requirements for public sector intervention to support & accelerate visitor accommodation. In addition to considering & analysing existing provision, the study looked at new provision of accommodation across the above area. This survey indicated that bed and breakfast occupancy levels and non-serviced holiday accommodation has increased over the last 3 years and that there are shortages of small bed visitor accommodation.

In addition, the applicant has stated in their supporting statement that the number of guests attending events during the weekends, notwithstanding the festival, is on average between 80-120 with no on-site accommodation provision.

Criteria contained within Core Policy 7 also seeks to support development which itself helps to support existing visitor attractions within the District.

Supporting documentation deposited with the application states that the proposed holiday accommodation would support events held on the wider site, including Wellow Fest annual music festival.

The application site is also close to a number of visitor attractions in the north west of the County and the District including Rufford Abbey, Sherwood Forest and Clumber Park. The proposed development would provide a form of small scale tourist accommodation for visitors to the area supporting the development of the tourist economy within the District.

Bearing this in mind I am of the view that the proposal, although not large scale, would help to meet a need for small scale tourist accommodation and would support local tourist destinations within this part of the District.

### **Impact on Character including design and layout**

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.

It is accepted that the proposal is intensive in terms of layout and constraints of the site. However, this is not considered to be so over intensive as to justify refusal on these grounds.

The proposed development predominantly retains the footprint of existing buildings on the site. Although some of these are only partially constructed, these relate to the extant permission for previously proposed stables and to the hydroponics building details of which are outlined within the planning history section of this report. The layout scale and design of the proposed buildings and extensions are considered to sit well within the context of the site and reflect a traditional agricultural courtyard layout. The proposed use of reclaimed materials as viewed on site by the Conservation officer is considered to be acceptable and to reflect the adjoining buildings and the agricultural setting of the site. Similarly the proposed window and door design for the proposed buildings are considered appropriate, as confirmed by the conservation officer, within the rural setting of the site.

I note the comments received with regards to the use of the access track and its impact on the character of the area. It is accepted that activity would increase. However, it is considered that this would not be so significantly greater than currently exists given the number of events that could be held on the wider site that would constitute permitted development as outlined within the introductory paragraph within the Appraisal section of this report so as to so unduly harm the character of the area to justify refusal on these grounds.

Taking the above into account it is considered that the proposal, on balance, accords with Policies CP9 and DM5.

### **Impact on the Conservation Area and Heritage Assets**

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

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

The NPPF adds at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

Policies CP14 and DM9 of the Council's LDF Core Strategy and Site Allocations DPDs are also relevant in this context. These policies seek, amongst other things, 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 heritage assets are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

It is noted that the site does not fall within but sits adjacent to the Conservation Area which contains a number of important historic buildings and that the site contains areas of archaeological interest.

The comments of the Conservation Officer are acknowledged. I am mindful that the proposed buildings are of a similar scale and appearance to those which have previously been approved on the site and which remain partially constructed. I would also concur with the Conservation Officer that given the levelling of the land within the site and the scale and location of the proposed development behind existing buildings, the proposal retains a traditional agricultural courtyard layout and thus the proposal would not appear unduly prominent nor cause harm to the conservation area and historic setting of the site in this instance.

It is noted that having visited the site and viewed the proposed materials the Conservation Officer has raised no objections to the proposal subject to the suggested conditions in relation to the submission of precise details on joinery, roof lights, boundary treatments, gates and facing materials which are considered reasonable in this instance.

Joinery details of the proposed windows and doors and conservatory to the rear of the u shaped building have been submitted. Although lacking some finer detail the conservation officer is satisfied that sufficient detail has been submitted and that the details and sections are appropriate, reflecting the former agricultural use and rural setting of the site.

I am therefore of the opinion that, on balance, the proposal meets the criteria contained with Core Policy 14 and Policy DM9.

### **Impact on Landscape Character**

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

The site is identified within the LCA as falling within the South Nottinghamshire Farmlands character area, and character zone MN PZ 17, Wellow Park Village Farmlands with Ancient

Woodland a landscape area considered as being of very good condition and low sensitivity with a landscape action to conserve.

Given the location scale and design of the proposed buildings together with the topography of the land I am of the view that the proposal would not have an intensive visual impact. Furthermore the proposed parking area already comprises areas of hardstanding and is already in use for parking of vehicles.

Overall, it is considered that the site is capable of accommodating the proposed development without any significant adverse impact on visual amenity. As such, it is considered the proposal accords with Core Policies, 9, 13 and 14 in this respect.

### **Impact on amenity**

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

I am mindful of the comments received with regards to impact on amenity and previous noise disturbance from the site.

Dealing with the impact of the proposed development, it is accepted that the level of activity to and from the site would increase in terms of vehicle movements. However, this would generally be at its greatest at the times when events are being held on land adjoining the application site and which can attract significant numbers of people. I am also mindful that there has been a holiday let use of the converted barns in the past which would have attracted increased movement to and from the site along the existing track. I am satisfied that any increase in activity in vehicle movements from the proposal would not be so significant so as to unduly impact on neighbouring amenity.

I note the comments received with regards to noise pollution. Given that the site is currently disused I assume that this relates to the events which take place on adjoining land. I note the comments received from Environmental Health with regards to disturbance. However, this application relates to the site as shown on the site location plan and the proposed development has to be assessed on its own merits in terms of noise impacts. It is not considered that the proposed use as holiday lets given the siting of buildings and the courtyard layout would generate significant outdoor noise to justify refusal on these grounds.

It is therefore not considered that the level of activity associated with the proposed holiday accommodation would be so significant and be so harmful to neighbouring residential amenity to justify refusal on these grounds.

Overall I am satisfied that there would be no undue impacts on neighbouring residential amenity and the proposals therefore comply with Policy DM5 in this regard.

### **Impact on Highways Network**

The NPPF promotes sustainable transport and amongst its objectives seeks safe and suitable access to a site can be achieved for all people. Spatial Policy 7 of the Core Strategy also seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for

the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems. This is reflected in Policy DM5 of the Allocations and Development Management DPD.

Although there are a number of events taking place the applicant has a license to hold an event 1 day per month up to 4 times a calendar year in June, July, August and September and the 3 day Wellfest once a year. These events are periodic in nature and would fall within Permitted Development and therefore outside of the planning remit and control. The applicant could hold 28 events within a calendar year providing they are outside the curtilage of a building under permitted development legislation as defined within The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.

The current proposal itself does however, constitutes development and as such has to be assessed against the relevant planning policies and guidance. Bearing this in mind the proposed development would be capable of being used all year round, creating potential additional regular vehicular activity of up to 13 cars at any time should the individual units of holiday accommodation be fully booked by individual occupiers.

I note the comments of the Highway Authority and that following the provision of additional accommodation, they understand that the existing accommodation on site is two holiday lets each with 6 rooms, whereas the proposal is for 13 holiday lets which would have a significantly higher trip generation and which they consider would consequently result in an intensification of vehicular movements likely to have a detrimental impact on highway safety at both the proposed vehicular access points on to the A616. The Highway Authority's comments including trip generation calculations are set out in full under the consultations section of this report. On this basis of the anticipated trip generation of the proposal and the impact on highway safety, the Highway Authority object to the proposals and recommend refusal.

Taking on board the Highway Authority's advice, at the time of writing this report the proposals would not provide safe and convenient access and would therefore fail to accord with Spatial Policy 7 and Policy DM5.

### **Flooding and Impact on Drainage Network**

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

Policy Core Policy 9 of the Core Strategy requires that all new development through its design proactively manage surface water including, where feasible the use of Sustainable Drainage Systems.

The site falls within Flood Zone 1 as identified in the Environment Agency Flood Maps.

The comments received with regards to drainage and flooding issues are noted together with the drainage details submitted by the applicant and the statement confirming that they have replaced

the drains on the site which had been adopted by Severn Trent Water. I have consulted with Severn Trent Water but have received no response at the time of writing this report. Any comments received will be reported to Members as a late item at planning committee.

Overall, I am satisfied that the proposal is not in an area of flood risk and that subject to no objections being received from Severn Trent Water, the site can be appropriately drained in accordance with Core Policy 9.

### **Impact on Ecology**

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires at para. 118 that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

I am mindful that the no ecological survey has been deposited with the application. However no demolition of existing buildings is proposed and the site for the proposed bed and breakfast facility, given its previous agricultural use and current construction works, is generally hard surfaced and has existing areas of construction. Similarly the proposed area of parking, which currently provides parking for the events is hard surfaced or poor quality grassed area.

It is for these reasons that it is not considered that the proposed development would have a detrimental effect on protected species or their habitats. Notwithstanding this I consider it reasonable to attach informatives should permission be granted reminding the applicant of their responsibilities in terms of Wildlife legislation.

It is therefore considered that on balance, the proposals accord with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

### **Other Matters**

#### Planning History and proposed/current use of the site

The comments in relation to permitted buildings on the site are noted. As outlined in the Planning history Section of this report the hydroponics building on the site was deemed to fall within the remit of agricultural permitted development although it is acknowledged that the building was not completed within the permitted timescale. However, it remains the case that the partially constructed building is in situ. With regards to the stable block, full planning permission was granted in 2005. Condition 8 of this permission together with the Third Schedule within the

associated S106 agreement restricted the use of these stables for private and domestic purposes and not for any commercial riding establishment, stud activity or business. Clause 2.5 of this document states that:-

Nothing within this agreement shall prohibit or limit the right to develop or change the use of any part of Land in accordance with a planning permission (other than any permission granted pursuant to the Planning Application granted (whether or no on appeal) after the date of this agreement.

This therefore does not preclude the applicant seeking an alternative planning permission for the site. Notwithstanding the history of the site any application would be and is, as is the case with the current application, assessed on its own merits and against current planning policy.

I note the comments received with regards to the proposal being more akin to a hotel rather than a bed and breakfast establishment. Both uses would fall within the same Use Class (Use Class C1 – Hotels, Boarding Houses and guest Houses) as identified within the Town and Country Planning (Use Classes) Order 1987 (As Amended).

I also acknowledge the comments regarding the confusion raised by additional information deposited by the applicant. However, the applicant has confirmed in these statements that it is not their intention to operate any B and B from the site and they have clarified in writing that the description of the proposed development should read 'Erection of buildings and change of use of existing buildings to form holiday letting accommodation'.

With regards to the existing use, there are some partially constructed buildings on the site relating to stables and some agricultural buildings together with a two storey farmhouse which is vacant. Having visited the site there is currently no evidence to suggest that any of these buildings have been recently occupied.

#### Contamination

Given the previous agricultural use of the site and alleged dumping of waste, the applicant has submitted a phase 1 desktop study report. I note that both Environmental Health and the Environment Agency have raised no concerns with regards to contamination.

#### Permitted Rights of Way and access over common land

The comments received with regards to Rights of Way are duly noted. However this would be a private legal matter.

#### Agricultural Permitted Development

I note the comments received with regards to the use of the site being non-agricultural and therefore the proposed development does not fall within any of the requirements under the Permitted Development Rights for Agriculture and Forestry. The application before members does not relate to any agricultural permitted development but seeks full planning permission under the Town and Country Planning Act 1990 for the proposed development.



## Adjacent Site

I note that the adjacent site which contains the approved barn conversions (4 properties previously used as holiday lets) is not included within the red line of the site location. However, two of these properties remain within the ownership of the applicant and have been outlined in blue to indicate this ownership.

## Conclusion and Planning Balance

The proposal would be relatively sustainable bringing existing and partially constructed buildings in to use, meet a need for small scale tourist accommodation and provide a small number of jobs. The proposals are of an acceptable design and would not unduly impact on heritage assets including the adjacent Conservation Area. The proposals would comply with the NPPF and Development Plan Policies in these regards.

However, I note the concerns of the Highway Authority advising that the proposals would result in an intensification of use of the proposed access points onto the A616 and that this would be likely to unduly impact on Highway safety. Without evidence to the contrary, I consider that these highway safety concerns outweigh the relatively modest benefits to tourism and employment outlined above and the proposal would be contrary to the NPPF, Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013) which require developments to provide safe and convenient access and be appropriate for the highway network in terms of volume and nature of traffic generated to ensure highway safety.

## **Recommendation:- Refuse planning permission for the following reason;**

01

In the opinion of the District Council and Nottinghamshire County Council as Highway Authority, the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 to the east of Eakring Road which affords restricted visibility for drivers emerging from the access. The proposal would also be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 opposite Rufford Lane where there are a plethora of different turning movements in close proximity to one another; and on a bend. The proposal would therefore be contrary to the NPPF, Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013) which seek to provide that developments should provide safe and convenient accesses and be appropriate for the highway network in terms of volume and nature of traffic generated to ensure highway safety.

## BACKGROUND PAPERS

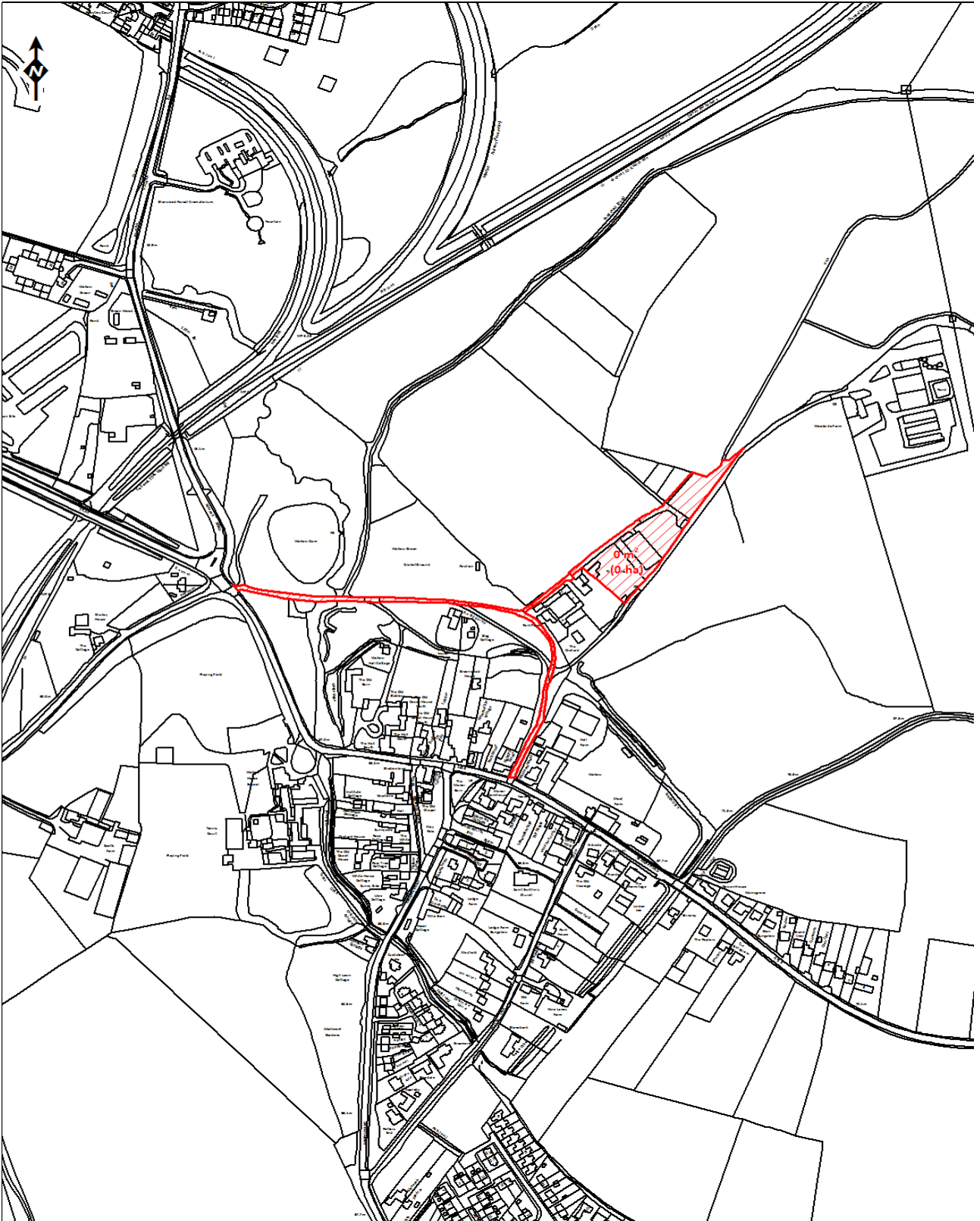
Application case file.

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole

Deputy Chief Executive



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<b>Application No:</b>	<b>17/00901/FUL</b>	
<b>Proposal:</b>	<b>Change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods</b>	
<b>Location:</b>	<b>Hutchinson Engineering Services Ltd, Great North Road Weston, NG23 6SY</b>	
<b>Applicant:</b>	<b>Mr Ian Hutchinson</b>	
<b>Registered:</b>	<b>23 May 2017</b>	<b>Target Date: 14 July 2017</b>
	<b>Extension of Time Agreed until 11<sup>th</sup> August 2017</b>	

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Weston Parish Council has supported the application (with concerns) which differs to the professional officer recommendation.**

The Site

The site is situated on the western side of the Great North Road within Weston parish, approximately 15 km (9.5 miles) north of Newark. Plans deposited with the application show that the site has a depth, overall, of between approximately 225m and 233m metres from the back edge of the highway boundary to Great North Road and a consistent width of approximately 71 metres across. Buildings are primarily grouped towards the northern part of the site behind and adjacent to staff/visitor car parking facilities located immediately behind the road frontage. Vehicular access to the site is gained from an access point alongside the eastern boundary onto the Great North Road. The existing site appears to comprise approximately 1.65 hectares in area. The boundaries are demarcated primarily by mixed hedgerows and concrete security fencing.

The housing within the village of Weston lies to the north of Great North Road. The East Coast Railway Line passes from southeast to northwest to the northeast of the village whilst the A1 trunk road passes through the open countryside to the southwest, along a line broadly parallel with the railway.

There is open agricultural land to the east, south and west of the site. A short distance to the west is a substantial open space upon which is located the grounds of the Weston Cricket Club. Next, taking access at a point where the Great North Road turns slightly to the northwest, is a former public house that is now a Chinese restaurant. Between the cricket field and the restaurant, an accommodation road leads to a substantial farm complex.

There are significant areas of open storage on the site comprising high sided vehicles, plant and equipment, to the rear of the existing group of buildings.

### Relevant Planning History

There has been extensive planning history to this site which is summarised below but doesn't include all withdrawn applications:

**60/76480** – Extension to offices. Approved 07/06/1976 (Hempsalls Transport Ltd)

**60/76528AV** – Static externally illuminated sign, approved 28/09/1976.

**60/76753** - Relaxation of condition on previous planning consent relating to sales of commercial vehicles from the site. Approved 07/09/1976.

**60/76231** – Extension to workshop. Approved 06/04/1976.

**60/77596** – Extension to transport depot. Approved 17/08/1977.

**60/80856** – Extensions to offices. approved 29/08/1980.

**60/80292AD** – Retail sale and service motor vehicles. Withdrawn 24/06/1980.

**60/80739AD** – Illuminated signs. Approved 29/07/1980.

**60/82814** – Extension to workshops for servicing good vehicle. Approved 04/011/1982.

**60/871106** – Erection of cold store. Withdrawn.

**60/891265** – Rural workshop development to house light industry on land at rear of existing facility (includes the site now being considered). Refused 20/11/1990.

**98/51958/FUL (FUL/980457)** - Extension to offices, alterations to flat roof to offices to form new pitched roof (retrospective). Approved 08/06/1998.

**98/51959/FUL (FUL/980458)** - Change of use of agricultural land to form parking area for haulage/commercial vehicle repair depot. Refused 04/08/1998. Appeal subsequently dismissed.

**9951844/FUL (FUL/990429)** - Extended parking area for existing haulage /commercial vehicle repair depot. erection of workshop/store and related land (related to a site that now forms part of the existing yard) Refused 23/07/1999.

**02/00511/LDC** - Continue use of land for storage of vehicles and equipment on area of hardstanding on former agricultural land (related to part of the site now used as yard and part open countryside). Refused 21/05/2002:

*The Newark and Sherwood District Council hereby REFUSE to grant a certificate in respect of the above use on the grounds that it is not satisfied that the said use was lawful at the time of the application. The said application stated that the certificate was sought on the grounds that the said use began more than ten years before the date of the application. The Council is not satisfied that this was so. The Council has received evidence which suggests that the site was used for agricultural purposes during that time and indeed that claims were submitted to the Rural Payments Agency for Arable Area Aid in respect of the*

*land until 1998.*

**03/00027/FUL** - Change of use from agricultural land to form additional rear yard space to engineering services depot. Restoration of hardstanding to south to former state. Withdrawn 15/07/2003.

**03/01966/FUL** - Change of use of agricultural land to form additional rear yard space to depot. Restoration of hardstanding to south to former state. This application related to the land immediately north of the current proposal. Refused 06/10/2003 on grounds:

*01*

*This proposal is also subject to Policy NE1 (Development in the Countryside) of the adopted Newark & Sherwood Local Plan and Policy 3/1 (Control of Development in the Countryside) of the adopted Nottinghamshire Structure Plan Review. These policies state a general presumption against development in the countryside, unless it meets one of the exceptions listed. This proposal does not meet any of the exceptions listed and is therefore contrary to the above policies.*

*02*

*The site is subject to Policy E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan. This Policy state that planning permission will not normally be granted for employment development in the countryside. It provides a list of exceptions, one of which is 'the reasonable expansion of an existing business, provided inter alia, that the development would not intrude into the openness of the countryside.' Policy 2/9 of the Nottinghamshire Structure Plan adopts a similar stance. In the opinion of the Local Planning Authority, the proposal does not constitute a reasonable expansion and constitutes a harmful intrusion into the open countryside. Therefore the proposal is considered to be contrary to the above-mentioned policies.*

**04/01305/FUL** - Change of use of land to form extended parking/storage area for existing haulage/commercial vehicle depot. Related to land north of the application currently being considered. Approved 23/07/2004.

**05/01571/FUL** - Partial change of use of site to enable 'end of vehicle life' operations, including the extension of an existing concrete cutting bay, storage of end of life vehicles and their de-pollution and disposal. (related top small area of land in centre of site) Approved 12/10/2005.

**07/00606/FULM** –‘Change of use agricultural land to industrial (Class B2) and formation of associated bunding, demolition of existing workshop and erection of extension to rear to form new maintenance and storage facility’. The extension into the open countryside comprised a vehicle turning facility encompassed by a security bund to the rear of the site around which the existing boundary hedge was proposed to be retained. This was refused 02/08/2007 (delegated) on the following grounds:

*01*

*The proposed workshop extension does not constitute a reasonable expansion of the business and constitutes a harmful intrusion into the open countryside, contrary to Policy NE1 (Development in the Countryside) and E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan.*

02

*The proposed change of use of agricultural land to industrial (Class B2) use does not constitute a reasonable expansion of the business and constitutes a harmful intrusion into the open countryside, contrary to Policy NE1 (Development in the Countryside) and E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan.*

**APP/B3030/A/08/2067961** – The applicant appealed against this decision and the appeal was dismissed on 13<sup>th</sup> June 2008.

### The Proposal

Full planning permission is sought for the change of use of land to form an extension to the existing haulage yard area for the parking of vehicles, trailers and storage of goods. The plans show the area to be c118m in depth by c71m in width; the same site area as the previous application that was dismissed on appeal.

The plans show what appear to be 42 no. parking spaces c15mx2m arranged in two rows with an access road been taken roughly centrally and a turning area located towards the south of the site. A landscape bund is proposed to the southern boundary which is c10m wide at the bottom, c1.5m at the top with c45° gradient planted with 12 heavy standard trees. This would be in addition to the existing hedge which would remain in situ and a what appears to be a new security fence/wall on its inside. No details are shown on the plans as to what materials would be laid although I understand from the applicant that this would likely be compacted gravel topped with tarmac/concrete.

The application is accompanied by the following:

Site Location Plan, Ref MSP.225/001

Proposed Block Plan, MSP.225/002

Design and Access Statement (need to read what this says)

### Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter. A site notice has also been displayed near to the site with an expiry date of 21<sup>st</sup> June 2017.

### Planning Policy Framework

#### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

## **Allocations & Development Management DPD**

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- NSDC – adopted Supplementary Planning Document - Landscape Character Assessment

## **Consultations**

**Weston Parish Council** – Comment as follows 09/06/17:

*“The above planning application was discussed at meeting of the parish council yesterday and I have been instructed to respond to you on its behalf.*

*The Council expressed concern over the expansion of the site to accommodate an additional thirty spaces for parking and storage of trailers and equipment necessary for the increasing business. Concerns focus predominantly on the potential for future development on the site and the impact of increased noise which would result from increased traffic movements to and from the site.*

*The Council acknowledges that the applicant is a local business which supports the community within which it is based and provides employment for local people.*

*The Council has voted to support this proposal, but would request that the above concerns are noted.”*

**NCC Highways Authority** – “This application will have insignificant impact on the public highway network. Therefore, no objections.”

**NSDC – Environmental Health** – No observations in relation to contaminated land.

I refer to the above application and would enquire whether the proposed extension would increase the number of vehicle movements both on site and entry/ exit on to the highway. Depending on what the answer is would the applicant consider a time restriction as a condition should any approval be given?

**LLFRA** – No response received to date.

**NSDC- Access and Equalities** – Make general observations

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

Support with concerns;

- Site operating hours to be controlled.

- At present vehicles leave site as early as 4 am!
- Occupiers of nearby dwellings are awoken by the large extremely noisy engines. This is unacceptable and should be restricted to say 6am start. Additional noise will be created by this extension.

### Comments of the Business Manager

The starting point in assessing this scheme is with the Development Plan. Spatial Policies 1, 2 & 3 set out the settlement hierarchy in the district and where growth should be distribution to. At the top of the hierarchy (as detailed in Spatial Policy 1) is the Sub Regional Centre (Newark, Balderton and Fernwood) followed by a number of Service Centres, Principle Villages and then at the bottom is Other Villages. Spatial Policy 2 sets out the distribution of employment sites across a number of areas. In terms of providing context, Weston village itself would be considered a rural area where Spatial Policy 3 would become relevant. However as the site lies outside of the settlement and in the open countryside this policy acts as a signpost to other policies within the Development Plan which I consider are Core Policy 6 (Shaping our Employment Profile) and Policy DM8 (Development in the Open Countryside).

CP6 provides that most employment land should be at the Sub Regional Centre with a lesser scale directed towards Service Centres and Principal Villages. It goes on to say (in its penultimate bullet point) the economy within the district should be strengthened and broadened to provide a range of employment opportunities by *'helping the economy of Rural Areas by rural diversification that will encourage tourism, recreation, rural regeneration and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.'*

Policy DM8 (at point 8 – Employment Uses) states that *'Small-scale employment development will only be supported where it can be demonstrated the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of CP6. Proposals for the expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through the sequential test.'*

I am mindful that the NPPF also represents a significant material planning consideration, notably the 3 dimensions to sustainable development of economic, social and environmental roles. Paragraph 28 (supporting a prosperous rural economy) is particularly pertinent which states:

*"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*
- *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;  
And*

*• promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

It is against this policy context above that the scheme needs to be assessed. Some of the key points which I consider are worthy of further exploration are;

- 1) Has the applicant evidenced a need for expanding this particular rural location and will it create or sustain employment locally in line with CP6 and DM8?
- 2) Can this development be considered to be small-scale as required by DM8 and whether the proposal does constitute ‘sustainable growth’ as required by the NPPF.

I explore these issues as I move through the report. Other key considerations that need to be considered are:

- 3) Whether the scheme would have harmful impacts on the open countryside and
- 4) Whether the findings of the appeal dismissal in 2007 still remain valid.

A number of other considerations are also explored (highways, residential amenity, ecology etc) and then all matters will need to be weighed in the planning balance which I undertake at the end of this report.

Has the applicant evidenced a need for expanding this particular rural location and will it create or sustain employment locally in line with CP6 and DM8

The agent has set out that the applicant operates from 3 sites in the local area; Weston and Sutton-on-Trent which are within NSDC jurisdiction and a depot at Tuxford (their specialist trailer division) falling within Bassetlaw District Council’s area. The company provides a range of engineering and manufacturing services (at Sutton-on-Trent which has had the benefit of permission for an extension in recent years) as well as specialist haulage services with Weston operating the haulage side of the business which specializes in heavy and abnormal loads.

*The agent has stated that “...the company requires a large area to store a diverse range of trailers to meet the particular and varied needs of its customers. As the haulage operation has expanded so the space requirements have increased. This application seeks permission to expand the site southwards to provide enlarged yard capacity, most specifically for the parking of trailers. Other company sites do not have spare capacity and it would be costly and inefficient to split the haulage operation across several sites.”*

The applicant has provided some additional commentary on the consents granted at Tuxford and has confirmed that the expansion applications have either been implemented on site or the client is due to start, reconfirming that there is no spare capacity. In support of this 6 photographs have been submitted which purport to show the yard full at key times. Headline figures for the turnover of the Weston site have also been provided from 2014 to date which appear to show that the business has grown year on year. The applicant has stated (7<sup>th</sup> July 13, 2017)

*“This illustrates that not only has turnover increased year on year, but employee numbers have also increased in line with that growth (Note: my previous e-mail referenced 51 employees - it should have read 61). The applicant anticipates that this growth will continue, and as previously advised, would anticipate increasing the size of the fleet by 5, with a corresponding increase in the number of employees.”*

The applicant has corrected that the site now employs 61 workers and that this scheme would allow the fleet to be increased by 5 with a corresponding number of 5 employees thus creating a 3% increase in employment in this instance. The applicant has been asked to explain why the plans appear to show parking for 42 lorries when the fleet would only increase by 5 and staff also by 5. The response was as follows:

*“The spaces shown on the plan are intended to illustrate trailer parking as opposed to necessarily vehicles. The thinking is that trailers, when not in use, can be stored at this bottom part of the site, (which is potentially less secure than the enclosed northern part of the site), and that higher value in-transit goods, lorries and in-use trailers will be parked stored within the existing site. As previously advised there are considerably more trailers than lorries and a reserve of trailers - many specialist in design and carrying capacity - is needed to meet all needs and contingencies.”*

*“As well as the vehicles we have previously described, the following comprise additional plant / vehicles operate from the site additional to the HGV trucks previously advised;*

*1 x 28 tonne fork truck*

*1 x 6 tonne telescopic fork truck*

*1 x 4 tonne telescopic fork truck*

*1 x 3 tonne industrial fork truck*

*1 x small road sweeper*

*1 shutter unit (( 2 inch pin ))*

*1 x shunter unit (( 3 1/2 inch plan ))*

*4 x mobile cranes + associated ballast & fly jibs*

*2 x 60 tonne*

*1 x 90 tonne*

*1 x 220 tonne*

*3 x abnormal load escort vans*

*2 x service vans*

*The workshop division of the company carries out third party repairs & servicing on over 80 vehicles & trailers of which there is normally 4 or 5 of these in the yard at any one time. The applicant has maintenance agreements in place should you wish to see them.*

*Sometimes loads need to be held in the yard for short periods of time between collection & delivery dates. Occasionally some of the loads are over 30 metres long & although we have trailers with the latest specification steering axles we still need a considerable amount of space to manoeuvre them around.”*

The proposed scheme seeks a large area for expansion for the parking of 42 large vehicles and specialist trailers. I do not consider that the agent's explanation is satisfactory and remain unconvinced that the proposal has been properly justified. I can understand an increase in the fleet of 5 no. vehicles but an increase of 42 trailers is simply not adequately explained. The level of expansion proposed does not correlate to the supporting commentary. I am therefore not persuaded that the applicant has justified that there is a need for this level of expansion in this rural location. I add to this other concerns, including open countryside impacts and the history of the site, as I detail below.

Can this development be considered to be small-scale as required by DM8 and whether the proposal does constitute 'sustainable growth' as required by the NPPF.

It is important to understand the growth of the business to date as I believe this is material to the consideration of this application.

It appears that the business was originally owned by Hemsall's Transport which was established in the 1970's and it is not entirely clear from the planning history what the defined site was at that time. It appears it is likely to have extended in the region of c137m in depth from the road frontage but it is apparent that the business expanded during the 70's and 80's and by the late 1990's the depth of the established yard extended back c170m from the road frontage.

In 2003 the current owner sought to double the size of the business (in land take terms from 170m depth to 340m in depth) which was refused. However a smaller extension was granted (this application was retrospective) in 2004 to extend back a further 40m (approx.) southwards to the depth of what should have been c210m.

The site now measures approximately 222m in depth according to the plans submitted giving a discrepancy of c12m in depth. It is unclear whether the entire extent of the site is authorised by permissions but it is nevertheless what exists on site at the present time.

The following table aims to assist the understanding of the growth of the business:

Site as point in time	Size of site	Area of site	Percentage Increase
Original site (1970's	137m deep by 71m wide	9,727m <sup>2</sup>	Not applicable
Extended site by 1990's	170m deep by 71 m wide	12,070m <sup>2</sup>	<b>24%</b> increase on assumed original site
Further extension in 2004 of c40m in depth	210m deep by 71m wide	14,910m <sup>2</sup>	<b>53.28%</b> on assumed original site
Actual site as exists to date (12m depth discrepancy)	222m deep by 71m wide	15,762m <sup>2</sup>	<b>62%</b> on assumed original site
Current Proposal	340m deep by 71m wide	24,120m <sup>2</sup>	<b>148%</b> on assumed original site area or <b>53%</b> increase on what currently exists or <b>61.7%</b> on what has

			actually been consented, bearing in mind the slight discrepancy.
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Small-scale is not defined anywhere in policy but is a matter of judgement based on fact and degree. The proposed expansion is c8,378m of land take which represents a 53% increase (best case) if assessed against what actually exists on site. Even taking this lowest percentage increase I do not consider that this can be considered to be small-scale.

Whether this proposal constitutes ‘sustainable growth’ as required by the NPPF is a difficult matter to grapple with. The business has been allowed to expand over a period of 40+ years and it difficult to know where the line should be drawn in terms of saying enough expansion is enough in the context of when a site can take no more. If one is to consider the cumulative expansion it has already grown in size significantly and is proposing to expand 148% on its original size.

Whilst this Council has supported previous expansion it has also consistently resisted expansion of the site for more recent proposals. The operator is clearly an important and well established business which should be supported. However, such support should be within the context of the land use constraints of the site. I draw Members attention to the justification for DM8 states that ‘it should be recognised that the expansion of any given site is likely to be limited at some point by its impact on the countryside.’ The key question is where that limit should be. This is, in part, inextricably linked to its impact on the open countryside which I now consider further.

Whether the scheme would have harmful impacts on the open countryside

The site lies within the Mid-Nottinghamshire Farmlands landscape and falls to be assessed against Policy Zone 20: Ossington Village Farmlands with Ancient Woodland where landscape condition is defined as good and its sensitivity is defined as moderate giving a policy action of ‘conserve and reinforce’ according to CP13 and the SPD on Landscape Character.

It is already been concluded (at both district council level and upon appeal in 1998 and again in 2007) that developing this parcel of land for this type of use would have a harmful impact on the countryside. The latter appeal was also for a physical building (new storage facility) as well as the change of use of the land in question which was retrospective at the time the appeal decision was made and was in use for some parking and open storage with low bunding along two sides.

The Inspector concluded that the new storage facility was harmful and with specific reference to the change of use stated:

*‘With regard to the change of use of the southern part of the appeal site, even with bunds in place this intrusion into the countryside is very evident and is materially damaging to the rural landscape. I accept that turning of very long vehicles off-road is preferable on public safety grounds to manoeuvring them within the public highway. That said, this parcel of land is much larger than is required for this purpose.*

*Moreover, the extension of the present yard was granted permission in 2004 subject to a section 106 agreement requiring the reinstatement of the southerly section to agriculture. That yard is*

*currently in use for activities not directly related to the specialist road haulage business which is the appellant's primary justification for wishing to expand here rather than on appropriately allocated land within or adjoining an urban area. No evidence has been put forward to indicate what consideration has been given to the possible rationalisation of the company's various activities in order to enable the accommodation of an adequate turning facility within the existing yard area. On the information before me I am not persuaded that the business needs of the appellant company are such as to outweigh the harm caused by this commercial intrusion to the rural landscape. This aspect of the appeal scheme therefore conflicts with the provisions of local plan policy E.28 and with the objectives of PPS7 and RSS8.'*

It is clear to me that the Inspector concluded that the expansion would have represented an unacceptable encroachment into the open countryside in 2007 (and before that in 1998). In the last 10 years since the appeal was determined the boundaries of this parcel of land have been planted up with hedgerows and it appears that some small saplings have been planted alongside thus providing slightly more robust boundary treatments and offering some screening. However this proposal would still in my view cause harm to the open countryside through its use per se. I agree with the conclusions drawn by the previous appeal inspector in that the parking of large vehicles (which are approximately 5m high) would very apparent in the landscape and visible from public vantage points including the A1 trunk road. Such harm is compounded by an unnecessarily enlarged land take, as I have found above.

In terms of whether the harm can be mitigated, it is noted that the scheme proposes a bund alongside the existing hedgerow to the rear (southern boundary). This would measure 10m wide across the bottom (1.5m wide across its top) rising to c3.6m in height with a c51° gradient and would be planted with 12 heavy standard (4 blackthorn, 3 hazel, 2 holly and 3 wild cherry) trees. It is also noted that a security fence/wall 2m high is also proposed immediately adjacent to the hedgerow which would potentially be screened by the hedgerow, albeit the hedge as existing is not yet 2m in height and currently would not fully screen the enclosure. The proposed species to be planted are all on the native species list for the Mid Nottinghamshire Farmlands and are appropriate.

The bund itself would in my view create an alien landscape feature which would in itself cause harm to the countryside by way of being an artificial feature which would be incongruous and would neither 'conserve or reinforce' which is the policy action for this character area as identified by Policy CP13 reinforced by the SPD Landscape Character Assessment.

### Commercial Growth

It is fair to say that since the previous two appeal decisions which dismissed similar appeals, the planning policy context has changed. Nationally PPS7 has been replaced with the NPPF, the Regional Spatial Strategy has been abolished and a new Development Plan is in place. The shift is towards an economy for growth caveated by the sustainability theme that runs through policy which is seen as the golden thread in policy terms.

As has been rehearsed earlier in this report, it is arguable that the proposal is not small-scale and I do not consider that the applicant has been able to demonstrate a need for the development of the scale proposed. I am therefore not persuaded therefore that the scheme can be considered as sustainable.

## **Residential Amenity**

The nearest residential properties are situated on the opposite side of the carriageway of the site entrance. It is noted that one local resident has supported the scheme but raises some concerns regarding existing early morning starts. I also note that the EHO asks whether this is a matter that could be conditioned. In my view this would be outside the scope of the application for expansion as the existing business is operating without any such controls and indeed the early mornings appear to be necessary to allow for the proper functioning of the business. An expansion of the size promoted would likely give rise to further impacts but I do not consider that these would amount to a reason to resist the application in themselves should other matters be considered acceptable. Certainly these were not matters that warranted refusal previously in similar appeals at this site.

## **Other Matters**

I agree with the applicant that the site is unlikely to contain habitat for any protected species and no further assessment is necessary. With regards to flood risk, the site located within flood zone 1 and given its size is just under 1 ha, it does not meet the threshold for a flood risk assessment and I am satisfied that no further assessment is necessary. Furthermore I also note that there are no highway objections or concerns raised by the County Council as Highways Authority and on this basis I consider the proposal to be compliant with the Development Plan in this regard also.

## Planning Balance and Conclusions

In conclusion having carefully considered the scheme and having sought further justification from the applicants regarding the proposal, I remain unconvinced that the expansion site as proposed (just under 1 hectare of land which would provide for 42 parking spaces for fleet and a turning area) has been properly justified and evidenced as being necessary to the needs of the business, particularly in the context of comments that the applicant only intends to increase the fleet by 5 vehicles and 5 staff. Whilst employment should always be important it appears to me that a much smaller area could be provided and this has not been properly explored. In any event I am not satisfied that the proposal amounts to small-scale development that is supported in national policy or the Development Plan and in my view the proposal amounts to an unsustainable form of development which is not outweighed by any other material planning benefits, which includes financial considerations such as business rates.

There is clear harm to the countryside through adverse visual impacts from encroachment (matter of fact) and openness. The proposed means of mitigation, through a raised bunds, would in my view create an alien and harmful feature in the landscape which is incongruous. Whilst it may be possible to partially mitigate the scheme without the bund, this would only partially address the harm.

It is acknowledged that the Parish Council support the proposal albeit with concerns. In balancing the issues, I agree with the applicant's agent that there has been a policy shift in the applicants favour given the growth agenda. However, that in itself is not automatically now determinative to allow all business expansion development. It remain necessary for this Council to carefully consider the impact and justification given the open countryside location of the business. I do not consider that the balance has been tipped towards approval when there is clear harm to the countryside and in my opinion the limited benefits of the scheme do not outweigh the harm identified. The general thrust of the previous appeal conclusions remain valid and I consider that

this scheme should be refused.

### **RECOMMENDATION**

**That full planning permission is refused for the following reason.**

#### **Reason for Refusal**

01

In the opinion of the Local Planning Authority the proposal would have a harmful impact by its encroachment into the open countryside and adverse visual impacts which cannot be fully mitigated. Furthermore the proposal does not represent a small-scale expansion of a rural business and the application has failed to robustly demonstrate that there is a business need for this level of expansion in the open countryside. The benefits of the proposal are not considered to outweigh the harm and the proposal is considered to represent an unsustainable form of development contrary to Core Policy 6 (Shaping our Employment Profile), Core Policy 13 (Landscape Character) and Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy DPD and policies DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the Allocations & Development Management DPD which together form part of the Development Plan as well as being contrary to the NPPF, a material planning consideration.

#### **Notes to Applicant**

01

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

02

The application is considered contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to request additional information. Whilst ultimately this has not overcome the issues, the Authority has sought to explore whether there was a solution or scheme that could be supported.

### **BACKGROUND PAPERS**

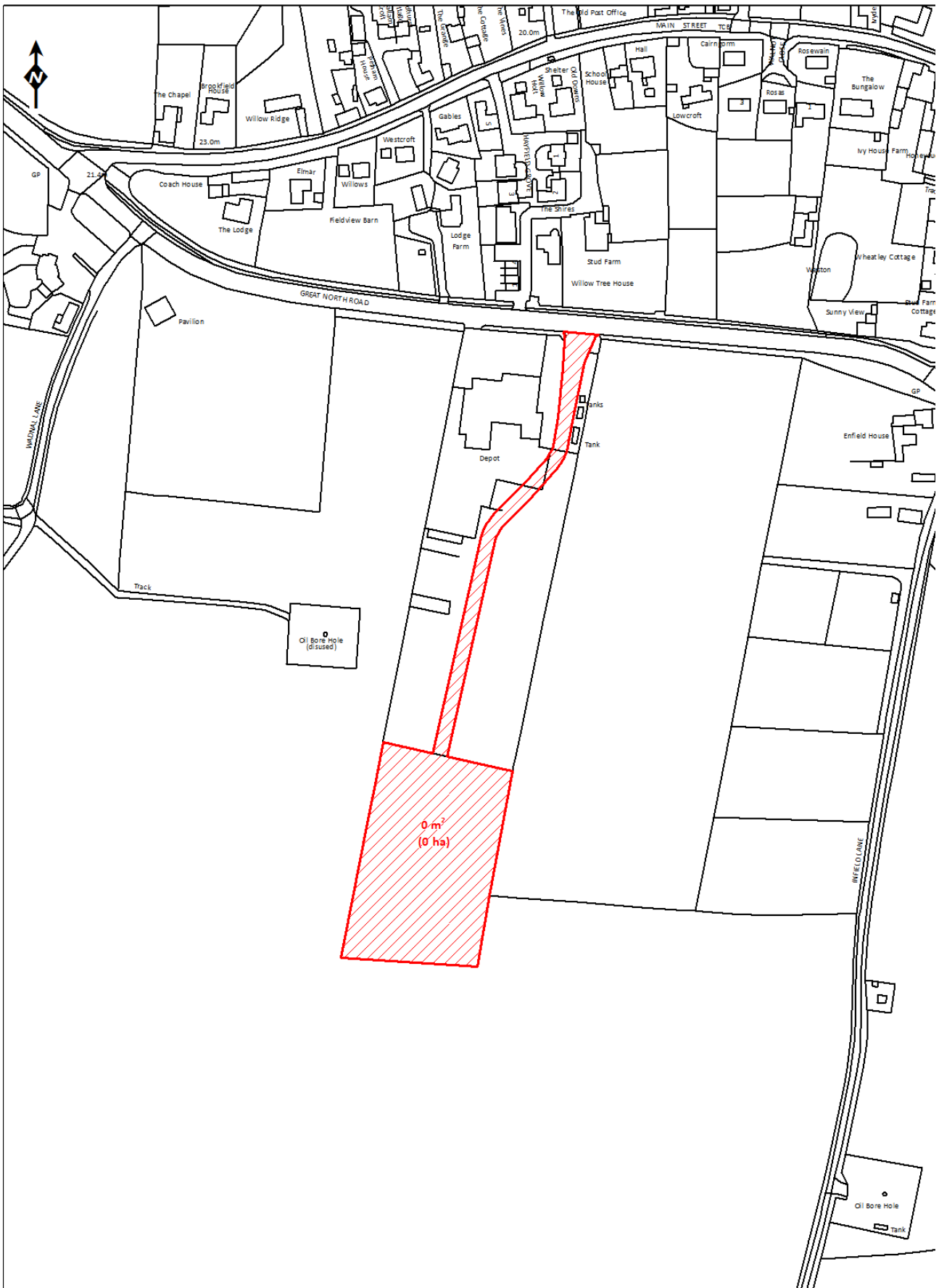
Application case file.

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](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive

Committee Plan - 17/00901/FUL





<b>Application No:</b>	<b>17/00975/FUL</b>	
<b>Proposal:</b>	<b>Demolition of existing stores. Construction of new dwelling, access and hard standing</b>	
<b>Location:</b>	<b>The Croft, Great North Road, Cromwell, NG23 6JE</b>	
<b>Applicant:</b>	<b>Mr White</b>	
<b>Registered:</b>	<b>25 May 2017</b>	<b>Target Date: 20 July 2017</b> <b>Extension of time: 9 August 2017</b>

**This application is presented to the Planning Committee for determination because the recommendation differs from the Parish Council's views.**

The Site

The site comprises a parcel of land approximately 0.05 hectares in area on the west side of Great North Road within the settlement of Cromwell. The site is currently part of the garden area of The Croft which is a local interest building located to the north of the application site and separated by a driveway. The frontage of the application site is defined by a 1 metre high hedge with trees behind. Behind this is an 'L' shaped outbuilding, part of which has a flat roof and part with a pantile roof. Some of the existing building is used for storage with the single storey open section used as a log store. A driveway leading to 36 Great North Road and a pumping station is located immediately to the south of the site.

Two thirds of the site is within Flood Zone 2 according to the Environment Agency maps.

Relevant Planning History

No relevant history relating to the site itself however, the following application relates to land to the north of The Croft:

15/01534/FUL Detached dwelling – refused 30.10.2015 because Cromwell was not considered to be a sustainable location suitable for residential development and the applicant had failed to demonstrate the proposals met an identified proven local need. Allowed on appeal 28.07.2016.

17/01112/FUL Variation of Condition 2 of planning permission 15/01534/FUL To allow the substitution of new design for the approved house and erection of a detached single garage – pending determination.

## The Proposal

The application seeks full planning permission for the erection of a four bedroom dwelling with attached garage. The application was originally submitted for a five bedroom dwelling with three floor levels. However, the plans were initially amended on 27.06.2017 and further amended on 19.07.2017 reducing the scale and amending the design of the proposed dwelling to overcome conservation and amenity concerns. The dwelling would be two storey and measure 9.7 metres wide (including the attached garage set back from the frontage) by 11.4 metres deep and 7 metres high. External materials would comprise red facing brick and a pantile roof. A new vehicle access with driveway would be provided off Great North Road. A rear garden area with a depth of approximately 23 metres would also be provided.

## Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter.

## Planning Policy Framework

### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (Adopted March 2011)**

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 - Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

#### **Allocations and Development Management DPD (Adopted July 2013)**

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

## Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

Guidance Note to Spatial Policy 3 SPD

Consultations

**Cromwell Parish Council:**

*Comments received 07.07.2017:*

The revised plans were considered at a well-attended quarterly parish meeting. Previous objections from neighbours were withdrawn in the light of the new plans. The meeting supported the application by 18 votes to nil.

*Comments received 07.07.2017:*

As chairman of Cromwell Parish Meeting I have been asked to write an opinion of the need for further housing in the village of Cromwell in support of his planning application. In 30 years of work in the parish meeting this is the first such request which I can recall, and as I cannot take sides or compromise the impartiality of my position, I restrict myself to the facts and offer no personal opinion whatsoever.

Cromwell is a village in which the demographic profile is strongly skewed towards the older section of the population. I attach a demographic survey of the village which was undertaken in 2015 for another purpose. To redress this imbalance there is a need for young couples and families with children, to come and live in the village. This was the opinion of the well-attended parish planning meeting held on 15th June and which considered Mr White's application.

There are currently six valid planning permissions for a total of 10 dwellings in Cromwell:

3 are one or two bedroomed houses. (14/00855/ful, 15/01504/ful)

2 are three bedroomed houses. (15/01617/ful)

5 are four or five bedroomed houses (17/00091/ful, 16/02034/ful, 15/01617/ful, 15/01534/ful)

At the time of writing, only three of these permissions have been started.

Currently there are three properties for sale in Cromwell, and they are one each of: two, three, and four bedrooms.

*Comments received 22.06.2017:*

The application was considered at a well-attended parish planning meeting on 15<sup>th</sup> June. The site is bounded on the southern side by a narrow entrance which serves "April Cottage" and No 36 (which is a back development). April Cottage has a rear extension which does not appear on the plans (App 12/00107/ful). The proposed dwelling has 5 windows on the southern elevation which

would overlook the extension and dining area of April Cottage. It also has 4 roof lights on the western elevation which might also overlook the neighbour.

Following a discussion the applicant agreed to make the following changes:

1) Of the two 1st storey windows on the southern elevation, the easternmost one would be deleted and the westernmost one (which serves an en-suite bathroom) would be raised and be fitted with frosted glass (or similar).

2) On the southern boundary of the site a hedge or solid fence would be used to protect the privacy of both dwellings.

3) The roof lights would all be specified as low profile to prevent unwanted observation.

In the final votes the meeting agreed to oppose the existing plans by: 0 For, 10 Against, 0 Abstain. But if the modifications outlined above were made mandatory then the meeting agreed to support the revised proposals by: 10 For, 0 Against, 0 Abstain.

**Trent Valley Internal Drainage Board:** The site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**Environment Agency:** The site falls partly within Flood Zone 2 and standing advice applies.

**Lead Local Flood Authority:** No comments received.

**NCC Highways:** This application will have negligible impact on the public highway. Therefore no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

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

Note: This condition will require an informative drawing the LPA's attention to the need to carry out works on the public highway to be carried out by or with the agreement of the Nottinghamshire County Council (see 'Notes to Applicant').

*Reason: To protect the structural integrity of the highway and to allow for future maintenance.*

*Notes to Applicant:*

*The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 9772275 to arrange for these works to be carried out.*

**NSDC Conservation Officer:**

*Comments received 20.07.2017:*

I can confirm that the revisions address Conservation concerns.

*Comments received 19.07.2017:*

The re-arrangement of fenestration on the latest revision is welcomed. The front elevation now reads better as a modestly scaled cottage, and I consider the impact on the setting of nearby heritage assets to now be acceptable.

The amalgamation of the lean-to garage roof into the rear service wing is still a slight concern due to the mass of tiles when seen in aspect on approach from the north. However, as discussed, if this is modified so that the lean-to has more of a catslide type relationship, this will help break up the mass of roof.

*Comments received 19.06.2017:*

Cromwell is a characterful village with a number of historic buildings, notably the landmark Grade I Church of St Giles. The Croft, formerly Greenways, is identified as a Local Interest building. The adjacent late 19<sup>th</sup> century former almshouses in Tudor Revival style (6-9 Main Street) are also of architectural interest. To the south of the proposal site at Willingham House are the remains of a late 17<sup>th</sup> century pigeoncote which is Grade II listed. Combined with the Croft, these buildings form a positive group.

*Legal and policy considerations:*

The architectural form and age of the Croft makes it of Local Interest. The Croft is formally identified on the County Historic Environment Record (HER). In accordance with Annex 2 of the National Planning Policy Framework (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.

The nearby pigeoncote is Grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration, 'the first consideration for a decision maker'.

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

significance. The importance of considering the impact of new development on the significance of heritage assets, furthermore, is expressed in the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). Good design is a key aspect of sustainable development furthermore, and is indivisible from good planning (para.56). It is also proper to seek to promote or reinforce local distinctiveness (para. 60) and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

#### *Assessment of proposal:*

The proposal seeks permission to construct a new dwelling on land at the Croft. The proposal allows for the demolition of ancillary outbuildings associated with the Croft.

In its current form, Conservation objects to the proposal.

Historic maps show that the L plan of outbuildings have been on this site since at least the 19<sup>th</sup> century. Indeed, OS county maps suggest that the Croft was the post office by the 1880s, and that the outbuilding was in the same ownership. I have no evidence before me to suggest that the outbuildings have ever been anything other than outbuildings. Given their significantly altered form, the loss of the outbuildings does not diminish the setting or appreciation of the Croft.

The new dwelling comprises a three bay house with integral garage. Conservation acknowledges that the development makes some reference to the locality, noting the use of red brick and pantiles, as well as chimneys. The height to the ridge is approximately 8m, with a plan form of 10m (length) by 10.5m (gable width). The gable width is excessive, and although it hints at a catslide roof type arrangement (traditional on historic cottages within the area), the overall mass and scale of the proposal results in a cramped layout and a dominating new structure which harms the setting of the Croft and the adjacent almshouses. The integral garage has no historic basis within the area, furthermore, and it is an alien and obtrusive addition to the main frontage.

In its current form, Conservation finds the development will have an adverse impact on the setting of the Croft and the almshouses at 6-9 Main Street. The proposal is therefore contrary to heritage objectives contained within the Council's LDF DPDs.

To address Conservation concerns, the proposals would need to be revised. Traditional cottages within the area typically had narrow gables, and the gable width of the proposal will therefore need to be significantly reduced. A gable width of 4-5m would be more appropriate, and whilst a catslide roof extension would be possible beyond this, Conservation would anticipate modest dimensions. However, additional space might be obtained through subservient perpendicular additions. The integral garage should also be removed.

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

Any proposed new housing in SP3 villages must meet an identified proven local need relating to needs of the community rather than the applicant.

In respect of demonstrating 'proven local need' to accord with SP3 generally local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for affordable housing such as social/affordable rented or shared ownership. Cromwell is a high value area where many people are unable to secure housing that is affordable. There are currently 5 properties for sale including 3 x 3 bed houses from £250,000 to £300,000 and 1 x 2 bed bungalow (£245,000) and a 3 Bed bungalow (£179,950). I also note that there are six valid permissions for 10 dwellings including 4/5 bedroom houses.

Cromwell has not benefitted from a Parish Housing Needs survey to establish a local need for affordable housing and a preference or demand for market housing. Reference can be made to the DCA Sub Area Report (Sutton on Trent Area) of which Cromwell is part of, which indicates there is a limited demand for 4 bedroom dwellings in the market sector (23 dwellings across the Sutton on Trent area). However, this calculation of need/demand is not at a local level i.e. Cromwell.

I note from the age profile of the village that 38 residents are under the age of 41 and 142 residents are over the age of 41, 76 of these are over the age of 64 thus indicating an ageing population. The type of housing attractive to the latter age group tend to be bungalows and smaller dwellings and given the demographics of Cromwell and the need to provide a broad housing offer in Cromwell, I would suggest that greater weight could be given to an application providing smaller homes that are more accessible to a wider range of people.

It is difficult to identify a proven local need for a four bedroom dwelling in this location without a Parish Housing Needs Survey. The applicant can choose to commission a survey (agreed with the Council) to determine a local need, however the results may not identify the applicant's preference to maximise the development opportunity of the site.

If an applicant is able to demonstrate that their proposal is meeting an identified local need, or is meeting a shortfall in the area then I would recommend that the Planning Officer attach significant weight to the application. In this instance I can find little evidence that the proposal contributes to meeting an identified local need.

**NSDC Access Officer:** the Applicant is advised to make separate enquires with regards to Building Regulations matters.

**Two written representations have been received from local residents/interested parties to the plans as originally submitted. Main issues raised include:**

*Principle of development*

- The need for the property in the village is questioned with 5 properties and 3 buildings plots currently for sale in the village.
- The application states that the property will 'bring additional residents which will support local services and facilities', however the only local services and facilities in the village is a church.

*Residential amenity*

- The proposed dwelling would overlook the dwelling to the south of the site which has an extension not shown on the submitted plans.

*Trees*

- Several trees would be cut down and no tree survey has been submitted with the application to justify their loss.
- There may be Japanese Knotweed growing in the grounds of The Croft.

*Character of the area*

- An integral garage is not in keeping the character of adjacent properties.
- The proposed property is excessive for the size of the plot.
- The design and style of the roof does not blend with surrounding properties.

*Highways*

- Impact on highway safety as a result of more cars being parked on the street.
- There should be a larger driveway/parking area to fit more than one car.

**Following receipt of amended plans, one further letter of representation received raising concerns that the proposed dwelling would still contain overlooking windows. The use of obscure glass or a permanent hedge/fence is required.**

Comments of the Business Manager

5 Year Housing Land Supply

*Principle of Residential Development*

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of



the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration.

### *5 Year Housing Land Supply*

In terms of the current 5 year housing land position, the Council has recently published (since the July Committee) that it does have a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's and having done more work since the Farnsfield appeal. Until such time that the OAN is tested at Plan Review, it cannot attract full weight but given that this is professionally produced in cooperation with partners and the only OAN available it should carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

### *Location*

The first criterion 'Location' states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.'

I consider the application site to be within the built-up area of the village. Cromwell is 3 miles from Sutton on Trent and 6 miles from Newark and is served, modestly, by an hourly bus service. Whilst there would be some reliance on use of the private motor vehicle this would not be uncommon with other, more sustainable settlements. Given the proximity to the A1 and the bus service it has been concluded by previous planning decisions that the location of a dwelling in Cromwell would not cause any difficulty in accessing services and facilities which exist in other relatively nearby settlements. Although the settlement may have limited services and facilities in locational terms this is not sufficient to refuse the dwelling.

As such, it is concluded that on balance the proposal complies with the locational criterion of Policy SP3.

### *Scale*

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume (this is further discussed in the Highway Safety section in this report).

## *Need*

Policy SP3 states support could be forthcoming for new housing where it helps to meet identified proven local need. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is on the Applicant to provide evidence of local need. No Needs Assessment has been submitted with the application and Cromwell does not have an up to date Local Needs Survey.

The erection of a dwelling on a plot of land to the north of The Croft was allowed on appeal in July 2016 (15/01534/FUL). However, at this time the Council conceded that there was a lack of housing land supply and the requirement to demonstrate a local need no longer applied in this instance. As set out in the '5 Year Housing Land Supply' section above, progress on demonstrating a 5 year supply has moved on since this time and it is now considered that the Council can demonstrate a 5 year supply based on current figures.

I am also mindful of the proposed changes to Policy SP3 as part of the plan review which can be afforded limited weight. Approval was gained at the meeting of Full Council on 11th July 2017 to publish the Publication Amended Core Strategy DPD and seek representations on the proposed changes. This states that new housing will be considered where it helps to support community facilities and local services and reflects local need in terms of both tenure and house types. Supporting text to this revised policy state that the Council has conducted a detailed assessment of the types of housing needed within different parts of the district and applicants should refer to this for guidance. The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. Cromwell is located within the Sutton on Trent Sub Area which identifies a demand for 37 1-bed properties, 49 2 bed properties, 117 3-bed properties and 23 4-bed properties. I am aware that some of this demand has already been met through existing completions and commitments. However, this survey does assert a preference for 3-bed dwellings. As the current application proposes 4 bedrooms, it does not represent the most needed size of property required in the sub area.

However, I am mindful of the comments on need received from Cromwell Parish Council. I am also mindful of the fact that there are currently a range of houses currently on the market (1 x 2-bed, 4 x 3-bed and 2 x 4-bed). As such, whilst I do not consider the application to sufficiently demonstrate a proven local need, I do consider the proposal to meet a small demand for 4-bed properties within the Sutton on Trent Sub Area. On balance, whilst there is a preference for smaller dwellings, I do not consider a refusal on these grounds can be sustained given the evidence currently available.

## *Impact*

Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. These matters are dealt with in the relevant sections below.

## *Character*

Policy SP3 states new development should not have a detrimental impact on the character of the area. This matter is dealt with in the relevant section below.

### Impact on the Character of the Area including the Setting of the Local Interest Building

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The front of the site currently contains a hedgerow and a cluster of trees. A section of hedgerow and a number of trees (all apart from a sycamore tree) would be removed which would alter the character of the site and make the site itself more visible in the street scene.

The Conservation Officers' comments are set out in full in the 'Consultations' section above and raise no objection to the revised plans which separate out the garage and the rear outrigger so that the garage reads as an 'add-on' and the creation of a traditional cottage frontage through an amendment to the fenestration to create a better balance and an amendment to the porch roof. It is therefore considered that the proposed elevational treatments have responded to the character of the surrounding area by adopting traditional materials of red brick and pantile along with window proportions which align with local historical precedents. The proposal is therefore considered to preserve the setting of the adjacent Local Interest Buildings (The Croft and former almshouses 6-9 Main Street).

As a consequence it is considered that the proposal contributes to the local distinctiveness of the locality and would not result in an adverse impact upon visual amenity having regard to Core Policies SP3, CP9 and CP14, policies DM5, DM9 of the DPD and the NPPF.

### Impact on Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. Para.103 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

The Environment Agency Flood Map identifies the front half of the development site on which the proposed dwelling would be situated as being within Flood Zone 2. It is noted that the erection of a dwelling on a plot of land to the north of The Croft was allowed at appeal in July 2016 (15/01534/FUL). At the time of determination by the Council, it appears that this site was located within Flood Zone 1. Flood maps have since been amended and two thirds of this site along with the application site are now located within Flood Zone 2.

A Flood Risk Assessment including sequential test have been submitted with the application. This states that *'the site is broadly level with only a slight level change from a low point of 8.73m AOD at the eastern boundary with the Great North Road to a high point of 9.27m AOD on the western boundary. A slight depression exists within the site around an existing spruce tree where the land dips to 8.60m AOD. The existing brick outbuilding to be demolished measures approximately 80m<sup>2</sup>, together with a log store building of approximately 15m<sup>2</sup>. The footprint of the proposed new dwelling measures approximately 100m<sup>2</sup>, only slightly larger than the combined footprint of the buildings to be demolished.'* It also makes reference to the determination of application 16/02034/FUL at Stilt House, Land North of Manor Farm, Great North Road, Cromwell when *'Planning Committee on the 7th March 2017 resolved to ignore officer recommendation and approve that dwelling in Flood Zone 2 despite no sequential test having been undertaken'*.

The NPPF is clear that the exception test should not be applied until the Sequential Test has been passed. Whilst a sequential test has been carried out by the applicant to demonstrate there are no other suitable sites in Cromwell, I do not consider the area of search to be appropriate in this instance. For individual planning applications, the area to apply to the Sequential Test can be defined by local circumstances relating to the catchment area for the development. In the 'Need' section above, I consider the proposal would meet a small need for 4-bed dwellings identified in the Sutton on Trent Sub Area. The sequential search should therefore apply to the sub area of Sutton on Trent at minimum as this is the area of need for the new dwellings being met.

As such the proposal fails the sequential test and is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2012, a material consideration.

### Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal includes the creation of a new vehicle and pedestrian access of Great North Road. The Highways Officer raises no objection to the application as it is considered to have a negligible impact on the public highway. This is subject to condition relating to driveway surfacing and the implementation of a dropped vehicular footway. As such, the proposed is considered to comply with the highways requirements of Policy DM5.

### Impact on Neighbouring Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

Four low profile rooflights are proposed on the north elevation of the proposed dwelling facing towards The Croft. The side elevation of The Croft contains a front door, three ground floor windows and an upper floor window (which is only 9 metres to the closest proposed rooflight). The velux windows would serve bathrooms and secondary bedroom windows. As such, these windows would need to be obscure glazed (which could be secured by planning condition) to ensure no adverse impact upon the occupiers of The Croft would result.

Star Cottage (No. 9) is located to the south of the application site on the opposite side of a narrow access road. This is a two storey dwelling with single storey extensions to the rear containing a dining room (not fully shown on the submitted Location Plan) and paved courtyard area set behind timber access gates. The south facing elevation of the proposed dwelling would contain no upper floor windows albeit three windows serving a living room and kitchen/diner are proposed at ground floor level. I consider it unlikely that the proposed ground floor windows on the south elevation of the proposed dwelling would result in any adverse impact upon the amenity of adjoining occupiers provided that the existing boundary hedge was retained and maintained at a minimum height or alternative boundary treatment was proposed. This requirement could be controlled via planning condition.

Due to the separation gap, it is not considered that any adverse impact upon the occupiers of No. 36 to the rear of the site would result. An acceptable level of amenity would also be afforded to the proposed dwelling itself, with sufficient private amenity space proposed.

Subject to conditions, it is not considered that that an unacceptable impact on amenity by virtue of overlooking and loss of privacy upon the occupiers of Star Cottage would result contrary to the aims of the NPPF and Policy DM5 if the DPD.

### Impact on Ecology and Trees

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

The application isn't accompanied by a tree survey. The front of the site currently contains a hedgerow and a cluster of trees. A section of hedgerow and a number of trees (all apart from a sycamore tree) would be removed. Whilst a Tree Survey would have been beneficial to the consideration of this application, I note that the proposals include new tree and hedge planting

which could mitigate the loss of trees on the site. This requirement could be controlled via planning condition.

In addition to the trees, the existing buildings proposed for demolition could be used by bats given their age, location, partial pantile roof coverings and gaps. A Bat Survey (EMEC Ecology July 2017) has been submitted with the application. This concludes that there is no evidence of roosting bats at the site. The report recommends mitigation measure in relation to development taking place outside of bird breeding season. It is considered that the submitted survey demonstrates that no adverse ecology impacts would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

### Overall Planning Balance and Conclusion

The Council is satisfied that it has its 5 year housing supply. The application has been carefully assessed against Spatial Policy 3 Rural Areas of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying five criteria namely, location, scale, need, impact and character. With regards to location, the village of Cromwell has been established on appeal as having suitable sustainability credentials to support the principle of a dwelling. The application is for a single dwelling only, which is considered to be small scale development and appropriate for the overall settlement of Cromwell. The Housing Market Needs Sub Area Report (2014) identifies a small need for 4-bed dwellings in the Sutton on Trent sub area. Turning to impact, it is considered that the proposed dwelling would not result in an adverse impact upon the amenity of neighbouring dwellings subject to the imposition of appropriate planning conditions. Furthermore it is considered that the proposed dwelling by virtue of its scale, mass and design would be in keeping with the character of the surrounding area and the setting of adjacent local interest buildings.

In terms of flood risk the dwelling would be predominately located in Flood Zone 2. The applicant has failed to apply the sequential test to demonstrate that there are no alternative sites which could accommodate the development at a lesser risk of flooding.

As the scheme is not accompanied by an ecology survey (at the time of writing this report), the impacts on protected species are not known which is contrary to national and local level policies.

I therefore conclude that the application is unacceptable (in flood risk and ecology terms), contrary to the Development Plan and the NPPF and should be refused accordingly. It is not considered that there any benefits to the proposal which would outweigh the harm identified within this report. For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

### RECOMMENDATION

**That full planning permission is refused on the following grounds:**

Approximately half of the site is located in Flood Zone 2 (with the remainder in Flood Zone 1). The footprint of the proposed dwelling would be located predominantly within Flood Zone 2 which is an area considered to be at risk of flooding. No sequential test has been submitted to demonstrate there are no other suitable sites elsewhere in the Sutton on Trent sub area which are at a lesser risk of flooding. As such the proposal is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2012, a material consideration.

### **Note to Applicant**

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

### **BACKGROUND PAPERS**

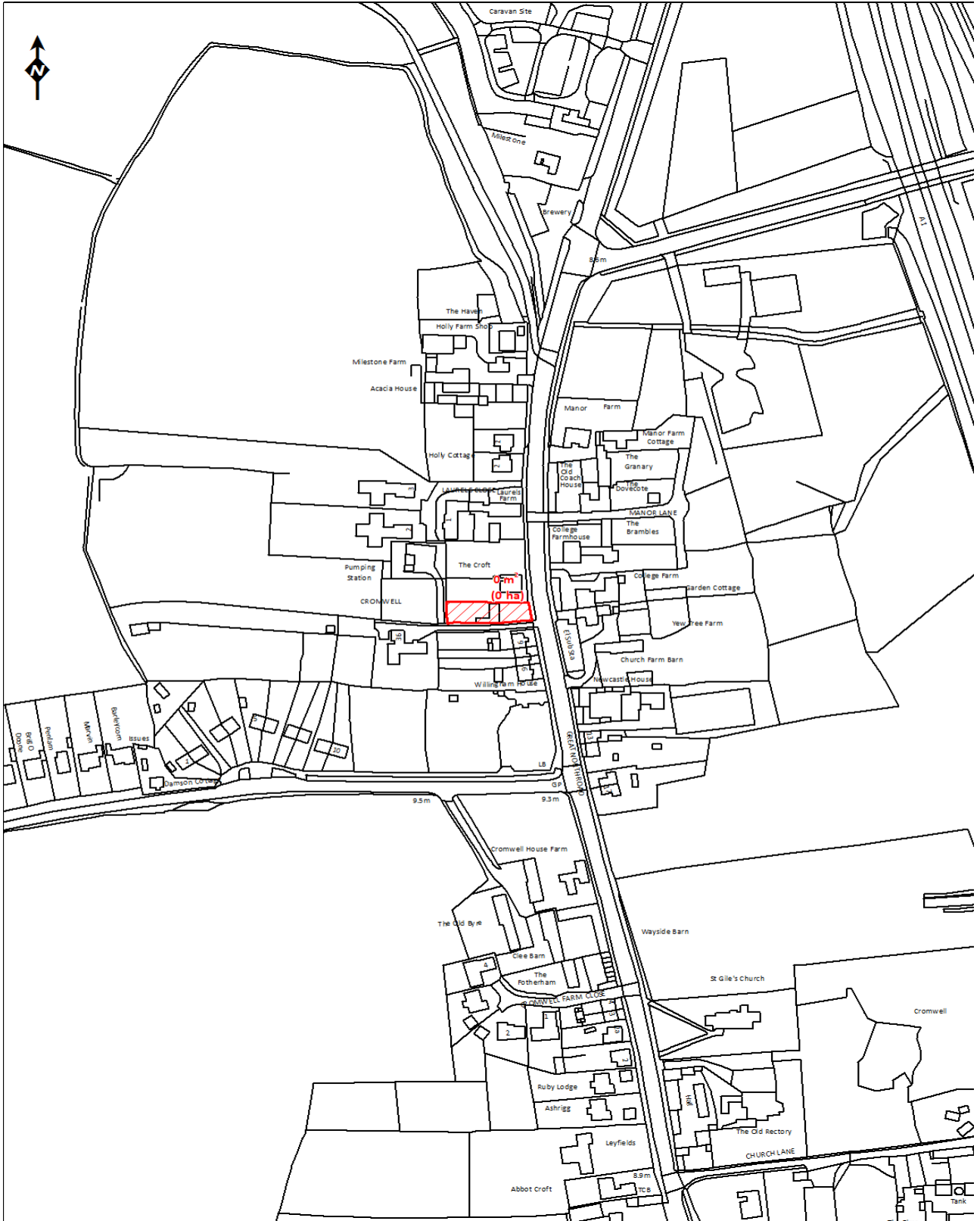
Application case file.

For further information, please contact Helen Marriott on ext 5793.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 17/00975/FUL



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<b>Application No:</b>	<b>16/01885/FULM</b>
<b>Proposal:</b>	<b>Proposed development of 16 new affordable homes</b>
<b>Location:</b>	<b>Land at Main Street, North Muskham, Nottinghamshire</b>
<b>Applicant:</b>	<b>Geda Construction – Mrs Marie Wilson</b>
<b>Registered:</b>	<b>29 December 2016</b> <b>Target Date: 30 March 2017</b>
	<b>Extension of time agreed in principle</b>

**This application has been referred to Committee by the Business Manager for Growth and Regeneration due to the sensitive nature of the proposal and in line with the Council’s Scheme of Delegation as North Muskham Parish Council has objected to the application which differs to the professional officer recommendation.**

The Site

The site comprises a rectangular shaped area of land of approximately 1.06 hectares which forms the north-east corner of a larger flat field currently used for arable farming. The site is bounded by Main Street to the east and its junction with Glebelands, to the north by a field access and beyond that The Old Hall and to the south and west by open arable fields. Beyond the arable field to the west is the A1. The Old Hall is Grade II listed building and to the north-east of the site is the Grade I listed parish landmark of St Wilfred’s Church. There are various historic buildings along Main Street, particularly close to the church, some of which are identified on the Nottinghamshire Historic Environment Record (HER) as Local Interest buildings.

The majority of the built form of North Muskham is situated on the eastern side of Main Street, south of Nelson Lane. Whilst there is currently no defined village envelope for the village, the former 1999 Local Plan formerly identified this site as being outside the village envelope that was defined at that time, albeit could be considered to be adjacent to the boundary which ran down the eastern side of Main Street.

The site is bound by a low chain link fence supported by timber posts to the north and a mature hedge adjacent to the road. On the other side of the chain link fence to the north is an existing un-made farmer only access track with field gate set back from the road which is separated from The Old Hall by mature vegetation. There are no footpaths currently along this part of Main Street which is essentially a rural lane. The wider landscape comprises largely flat open agricultural fields. The site is c350m from the River Trent to the east and c250m from the A1 to the west.

There are three residential properties opposite the site fronting Main Street – Ye Olde Police Cottage (a modern two storey detached dwelling, Yew Tree Cottage (a traditional cottage two-storey cottage) and Kings Acre (a modern bungalow).

The site is located within Flood Zone 2 and is within an area prone to surface water flooding according to the Environment Agency Maps.

### Relevant Planning History

None relevant.

### The Proposal

Full planning permission is sought for 16 affordable dwellings to be sited around a new cul-de-sac arrangement with a substantial area extended to the rear of the proposed houses labelled as potential allotment site.

As originally submitted, the proposal comprised a more sub-urban cul-de-sac form of development with detached and semi-detached properties along a central curving road. Revisions to the layout of the scheme were made by the applicant on 12 July 2017 primarily to have regard to the rural character of the area and impact on heritage assets. The new layout is served by a straight central road that leads to a courtyard arrangement. The scheme now comprises four x 2 bedroom bungalows (Plots numbers 1, 2, 14 and 15) positioned along the site frontage, eight x 2 bedroom two storey houses (Plots 4, 6, 7, 8, 10, 11, 13 and 16) and four plots (Plots 3, 5, 9 and 12) would have 3 bedrooms over two stories. The applicant has stated that 7 of these would be affordable rented products and 9 would be for shared ownership. There are 32 on-site parking spaces to serve the development.

The layout shows the development pushed back from the Main Street frontage and an area of land between the built form and the road which is annotated as amenity grass (communal). A new access would be formed along the northern boundary of the site, adjacent to the existing farmer's access to provide access to the potential allotments to the rear.

The proposal would result in the existing hedge along the road frontage being removed and replaced by a new one that is positioned further back from the road in order to provide the necessary visibility splays. The proposal also includes the provision of a new footway along the northern half of the site fronting Main Street which extends further to the north along the frontage of The Old Hall and links up with the existing footway further along Main Street.

The application is accompanied by the following documents:

- Design & Access Statement (Rev D revised 09.01.17),
- Planning Statement (Rev D revised 09.01.2017)
- Ecological Appraisal (FPCR, September 2016),
- Revise Flood Risk Assessment (Thomas Mackay, July 2017),
- Combined Phase I Desk Study & Phase II Exploratory Investigation (Geo Dyne Ltd, Jan 2017),
- Archaeological Desk Based Assessment, (Midland Archaeological Services, March 2017),
- Geophysical Survey (Contour Geophysics, Feb 2017),
- Scheme Delivery Statement (NCHA, May 2017)
- Site Selection History and Flood Zones (NCHA, June 2017),
- Viability Assessment (NCHA, March 2017) and
- Draft S106 Legal Agreement.

## Departure/Public Advertisement Procedure

Occupiers of 21 properties were initially individually notified by letter. However a total of 83 individual properties were notified by the latest re-notification carried out in the middle of July 2017. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## Planning Policy Framework

### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 3	Rural Areas
Spatial Policy 7	Sustainable Transport
Spatial Policy 9	Site Allocations
Core Policy 1	Affordable Housing Provision
Core Policy 2	Rural Affordable Housing
Core Policy 3	Housing Mix, Type, and Density
Core Policy 9	Sustainable Design
Core Policy 10	Climate Change
Core Policy 12	Biodiversity and Green Infrastructure
Core Policy 13	Landscape Character
Core Policy 14	Historic Environment

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3	Developer Contributions
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM8	Development in the Open Countryside
Policy DM9	Protecting and Enhancing the Historic Environment
Policy DM12	Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

National Planning Policy Framework 2012  
Planning Practice Guidance (on-line resource)  
Newark and Sherwood Affordable Housing SPD (June 2013)  
Newark and Sherwood Developer Contributions SPD (December 2013)  
Newark and Sherwood Landscape Character Area SPD (December 2013)  
Housing Needs Survey 2015  
Publication Amended Core Strategy July 2017  
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## Consultations

Following the receipt of amended plans, a full round of re-consultation has taken place. The following comments were made to the original plans unless otherwise stated. The re-consultation period expires 3<sup>rd</sup> August 2017. Any additional comments received will be reported to Members at Planning Committee

### **North Muskham Parish Council –**

“The Parish Council has continued to support the provision of affordable housing where a specific village need is clearly demonstrated. However, the Parish Council, after much deliberation, finds it must object to this application as it fails to demonstrate such need from within the village.

As such, it does not accord with the Newark and Sherwood Local Development Framework Core Strategy Development Plan Document.

North Muskham is not a stated principle village and, as outlined in Spatial Policy 3, development will only be allowed where several criteria are met, including “where it helps to meet identified PROVEN local need”. Despite several requests to the applicant and Newark & Sherwood District Council for clear evidence to demonstrate such need, we have received confirmation of only 7 of the original 16 who are still interested and the Parish Council therefore suggests that there is not demand from with village for 16 such properties.

Core Policies 1 and 2, again require rural affordable housing schemes to meet the needs demonstrated by a housing needs survey. The survey was carried out in 2015 and the house types identified are not provided for in this application as the Housing Needs Survey identified a substantial number of the 16 to require market value housing.

Additionally, Members were aware of the comments made by Nottinghamshire County Council, as the Highways Authority, which recommended that the application be refused on the grounds of detrimental impact on highway safety and the lack of support for sustainable travel.

Further, with reference to the application of the Flood Zones, it is suggested that if it is confirmed by the Planning Authority that the interpretation of “local need” extends beyond the village then the sequential planning test should be applied.

Given all of the above the Parish Council unanimously agreed that the application could not be supported and objection should be raised. Further, given the interest in this application and the difficulty the Parish Council has faced in obtaining clear evidence of actual need from the village, Councillor Mrs Saddington has been asked to refer this application to the Planning Committee.”

### **NCC Highways Authority – 3 March 2017**

“Further to my comments dated 27 January 2017, I now refer to revised drawing 101 Rev. S which addresses earlier issues raised.

The access road is now laid out to an adoptable standard, including visibility splays.

In addition the provision of a footway along the west side of Main Street offers safety and accessibility benefits.

No objections are raised subject to the following conditions:

- No dwelling hereby permitted shall be occupied until its associated driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the (prospective) highway boundary. The surfaced drives shall then be maintained in such hard bound material for the life of the development.

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

- No dwelling hereby permitted shall be occupied unless or until a footway has been provided along the west side of Main Street as shown for indicative purposes only on drawing 101 Rev. S to the satisfaction of the Local Planning Authority. For the sake of clarity this may also require works to existing driveways within the public highway.

Reason: In the interests of pedestrian safety and to promote sustainable travel.

- No dwelling hereby permitted shall be occupied unless or until a 2 metre wide grass verge frontage, to the south of the new access road, has been provided as shown on drawing 101 Rev.S and arrangements made to dedicate this verge to the Highway Authority for potential future footway provision.

Reason: To safeguard land for future footway provision, in the interests of pedestrian safety and promote sustainable travel.

- No dwelling hereby permitted shall be occupied until the visibility splays shown on drawing no. 101 Rev.S 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 0.25metres in height.

Reason: In the interests of highway safety.

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways 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. An Agreement under Section 38 of the Highways Act 1980 will be required. Please contact david.albans@nottscc.gov.uk for details.

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

**Original comments received 27 January 2017 stated:**

““I refer to drawing 101 Rev.M

The scheme as submitted is unacceptable on the basis that it is intended for the access road to be adopted. This does not meet the 6C's highway design guidelines.

Footways are required on both sides of the access road, but the carriageway width can be reduced to 4.8m. Appropriate lighting and drainage would be required. Junction visibility splays should indicated.

Alternatively, consideration could be given to keeping the access road private. For appropriate standards, reference should be made to Section DG18 of the design guide found within Part 3 of: [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd)

The proposed footway fronting the site is welcomed but delivers little benefit. To enable safe and sustainable travel on foot to the village school and other local facilities, this footway should be extended another 90m approximately northwards to link up with the existing footway on the west side of Main Street. In addition, it would be an advantage to also extend the proposed footway southwards for the extent of the site frontage to enable a footway provision to be made on further lengths of Main Street in the future since currently there is no footway on either side, to the south of the site. At the very least a 2m. frontage should be dedicated to the Highway Authority to allow future extension of the footway in this direction.

The above matters need to be addressed and amendments made, otherwise it is recommended that this application be refused on the grounds of detrimental impact on highway safety and the lack of support for sustainable travel.”

### **NCC (Strategic Planning) –**

In terms of the County Council’s responsibilities the following elements of national planning policy and guidance are of particular relevance.

#### *Waste*

The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

*‘When determining planning applications, all planning authorities should ensure that:*

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.’*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are ‘essential to support sustainable economic growth and our quality of life.’

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- ‘define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place’.

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

‘When determining planning applications, local planning authorities should:

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes’.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that ‘they have an important role in safeguarding minerals in 3 ways:

*‘having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*

- *in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.’*

### *Transport*

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *‘located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’*.

### *Healthy communities*

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF set out ways in which the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It states that planning policies and decisions should:

- plan positively for the provision and use of community facilities in order to enhance the sustainability of communities;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities.

Paragraph 171 of the NPPF relates to health and well-being and encourages local planning authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

With regard to public rights of way, paragraph 75 points out that they should be protected and enhanced, and *'local authorities should seek opportunities to provide better facilities for users'*.

#### *Education provision*

Paragraph 72 states that:

*'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

#### *Mineral and Waste*

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such, relevant policies in these plans need to be considered.

##### *Waste*

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding the existing waste management 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.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

##### *Minerals*

In relation to the Minerals Local Plan, a Mineral Safeguarding and Consultation Area for sand and gravel covers the site. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan (Submission Draft, consultation Feb 2016) sets out a policy (DM13) concerning these areas. Given the location of the development, in the centre of the settlement surrounding by existing development on two sides, the County Council does not wish to raise any objections to the proposal in relation to DM13. The applicant may however wish to consider the practicality of the prior extraction of the mineral as part of groundworks (in line with the policy). However, given the scale of the development, the County Council consider it unlikely to be practical in this instance.



### *Highways and Flood Risk Management*

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

### *Archaeology*

Cropmarks are known and recorded on the HER for the site, and indeed additional cropmarks are shown on the latest aerial photography from 2016. So the site has a clear archaeological potential. The County Council recommends that the developers are requested to provide additional information on the archaeological resource, in the first place through providing the results of a geophysical survey, which will provide targets for further investigation. This should be available to members before a planning decision is made, to ensure that appropriate archaeological measures are in place. Once NCC have seen the results of geophysical survey we will be able to comment on whether or not further work needs to be undertaken in advance of the planning determination.

### *Transport and Travel Services*

#### *General Observations*

The planning application covers an area of land to the West of Main Street in the village of North Muskham and is for a residential development of 16 affordable dwellings. Site access has been suggested via a new entrance onto Main Street with the closest bus stops approximately 500 metres away from the centre of the site on Nelson Lane.

#### *Bus Service Support*

Transport & Travel Services (TTS) has conducted an initial assessment of this site in the context of the local public transport network. Bus services through North Muskham are provided by Marshalls of Sutton on Trent. Their service 37 operates hourly between Newark and Retford whilst the service 39 is also hourly between Newark and Normanton on Trent. Both of these services are for the most part commercial although there is a small amount of County Council funding to both routes in order to augment the service at peak times.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

### *Current Infrastructure*

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0143 Nelson Lane – Both Ways Bus Stop Flag, Wooden Bus Shelter and Raised Boarding Kerbs.

NS0835 Nelson Lane – No Infrastructure.

#### *Possible Infrastructure Improvements*

Transport & Travel Services would request the following bus stop improvements:

NS0143 Nelson Lane – Refurbish Wooden Bus Shelter.

NS0835 Nelson Lane – No Improvements Required.

*The County Council will request that a planning obligation be added to state the below:*

*No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stop on Nelson Lane (NS0143) have been made to the satisfaction of the Local Planning Authority, and shall include the refurbishment of the existing wooden bus shelter.*

*Reason: To promote sustainable travel.*

Further information can be supplied through developer contact with Transport & Travel Services.

### *Nature Conservation*

An Ecological Appraisal has been carried out in support of this application. Based on this, NCC are satisfied that the site has low ecological value. Nevertheless, the following measures should be secured through **conditions**:

- A precautionary approach towards badgers, based on section 4.21 of the Ecological Appraisal
- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- The submission of a detailed landscaping scheme, to include the replanting of the roadside hedgerow (which is to be removed to accommodate visibility), along with:
- The use of native, locally appropriate tree and shrubs species around site boundaries and in areas of open space
- Wildflower seeding in open space areas along the frontage
- Wetland planting around the SUDS feature
- The provision of integrated bat and bird boxes (the latter targeting house sparrow, starling and swift) within the fabric of the new houses.

### *Landscape and Visual Impact*

The site is currently arable land and lies off Main Street to the south of Muskham. Housing lies to the east on Main Street/Glebeland and arable land lies to the south and west. To the north of the site there is an existing farm track with a mature hedgerow and trees along the boundary with The

Old Hall. The Old Hall is a 17th Century Grade II Listed building. There are also several Listed buildings to the north east, including St Wilfrid's church. The site lies within Flood Zone 2 on the Environment Agency flood map.

#### *Impact of the Development on the Physical Landscape*

1.06 ha of arable land will be lost together with approximately 70LM hedgerow long the eastern boundary of the site. It is intended to replace the hedgerow to the rear of the visibility splay. The farm track to the north of the site will be retained.

The impact of the proposed development on the physical landscape would be **moderate adverse**.

#### *Impact of the Development on the Landscape Character*

The proposed development should not have an impact on the setting of the Old Hall as the mature hedgerow and trees will be retained along this boundary. The site lies within policy zone TW11 within the Trent Washlands character area as designated in the Newark and Sherwood Landscape Character Assessment (2013). The overall Landscape Action for this policy zone is to "conserve and create". Recommended landscape actions include the following: conserve and restore the traditional pattern of hedged fields promote measures for strengthening the existing level of tree cover.

The Proposed Site Layout Option 3 (drawing 101 Rev M) shows tree and hedgerow planting and the applicant confirms in the D&A statement that native species will be used. Recommended species for the Trent Washlands character area are (See Appendix 1).

The impact of the proposed development on the landscape character of the area would be **slight adverse**.

#### *Visual Impact of the Development*

There are no public rights of way in the vicinity. The main visual impact of the development will be on residents to the east on Main Street/Glebelands and people using Main Street.

As the hedgerow to Main Street will be removed, visual impact during construction will be **major adverse**. This will reduce to **moderate** adverse on completion and **slight adverse** when the replacement hedgerow starts to mature in 5 years or so.

The proposed housing to the west of the site may be visible from the grounds of the property to the north of the Old Hall. The Proposed Site Layout Option 3 (drawing No 101 Rev M) shows a proposed hedgerow to the north of the access road to the allotments and along the southern boundary of the housing. This hedgerow should continue along the northern, western and southern boundaries of the allotments.

#### *Summary and Recommendations*

NCC support the above application and make the following recommendations:

1. Details of the SUDs feature to the north of the site should be submitted, including cross sections and landscape and maintenance proposals.
2. No footway is shown to the sides of the access road – this may be an error on drawing 101 Rev M but we would recommend footway construction to the side of the carriageway rather than grass verge.
3. The proposed hedgerow should continue around the allotment site.

4. Planting plans should be submitted, including proposed species, specification, size at planting, planting density, rabbit protection etc, together with proposals for establishment maintenance and long term management of the landscaping. Native species should be used as recommended for the Trent Washlands character area (with the exception of *Fraxinus excelsior* on the attached list)."

**The Environment Agency** - The site falls in Flood Zone 2 and as such Standing Advice can be applied.

**NCC (Lead Local Flood Authority)** – “No Objections subject to the following:

1. A detailed surface water drainage design and strategy must be approved by the LPA prior to the commencement of any construction.
2. All recommendations provided by the Environment Agency are adhered to as the site is in Flood Zone 2.”

**NCC (Archaeology) – 31 May 2017** – “As you know, there is a significant level of archaeological potential in the Muskham area, and a number of cropmark features are known to extend into the site. The desk-based assessment provides a level of detail about individual sites with HER entries copied in full. The sections of the NPPF relating to heritage assets are also copied in full, without further discussion. The section of the DBA actually considering the potential of the site to contain archaeology is short and basically notes that the site may have the potential to contain archaeological remains. Surprisingly, the executive summary does not mention the fact that there is known archaeology on the site, which it might have been helpful for the developers to be told.

Moving to the geophysical report, I am a little concerned that features visible on the minimally processed plot have disappeared on the processed plans, and therefore do not appear to be regarded as archaeological features. I have asked our HE regional science adviser for comment, as my feeling is that something has gone awry with the processing. One circular feature on Fig 4 fits almost perfectly with a cropmark feature recorded on our HER.

I strongly recommend that the applicants undertake evaluation through archaeological trial trenching. I have a strong sense from what is known in the area and from the geophysics that the site contains archaeological remains and that some are potentially significant. The applicant is advised to undertake this work before a planning decision is made as the discovery of significant or extensive archaeological remains post consent will cause significant costs and delays.”

**NCC Developer Contributions** – “In terms of education; a proposed development of 16 dwellings would be expected to yield 3 primary and 3 secondary places. Projections show that there is currently capacity to accommodate the 3 additional primary places. However, should the number of dwellings increase, or should further applications in this area come forward, the County Council would need to look at these figures again. Any secondary places would be covered under CIL regulations.

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

**Trent Valley Internal Drainage Board – Comments received on 7 March 2017 stated:**

“The site is within the Trent Valley Internal Drainage Board district. The Board maintained Muskham Fleet, an open watercourse, exists some distance east of the site and to which BYLAWS and the LAND DRAINAGE ACT 1991 applies.

Further to our letter dated 24 January 2017, please see the additional comments below with regards to the revised drainage plan.

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority. If the suitability is not proven the Applicant should be requested to submit amended proposals showing how the site is to be drained. Should this be necessary the Board would wish to be re-consulted.

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

**Original comments received 27 January 2017 stated:**

“The site is within the Trent Valley Internal Drainage Board district. The Board maintained Muskham Fleet, an open watercourse, exists some distance east of the site and to which BYLAWS and the LAND DRAINAGE ACT 1991 applies.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained;
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments;
- Surface water run-off limited to the greenfield rate for other gravity systems.

Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and the 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 applicant states that surface water will be discharged via sustainable urban drainage systems (SUDS). Prior to planning permission being granted the Board recommend that the use of SUDS is agreed with the Lead Local Flood Authority (LLFA). If the use of SUDS is not agreed the applicant should resubmit amended proposals demonstrating how surface water will be drained.”

#### **Severn Trent Water – 17 March 2017**

“Having reviewed our sewer records and the enclosures provided, I can confirm Severn Trent Water have no objections.

Foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval.

Surface water to connect into soakaways, for which we have no comment.”

#### **Original comments received 9 February 2017 stated:**

“With reference to the above planning application the Company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

##### **Condition**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

##### **Reason**

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

##### **Suggested Informative**

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.”

**Historic England** – “On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”

#### **NSDC (Conservation) – No objection:**

“The proposal site comprises open countryside to the west of Main Street. Directly to the north is The Old Hall, a Grade II listed building. To the northeast is the important parish landmark of St Wilfred’s Church, a Grade I listed building.

There are various historic buildings along Main Street, particularly close to the church, some of which are identified on the Nottinghamshire Historic Environment Record (HER) as Local Interest buildings. The proposal site is also identified as an area of archaeological interest.

### *Legal and policy considerations*

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

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development that affects the setting of designated heritage assets (paragraph 37). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that aside from NPPF requirements such as social and economic activity and sustainability, key design issues to consider in proposals affecting the historic environment are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new development to dominate designated heritage assets or its setting in either scale, material or as a result of its siting (paragraph 41).

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

### *Significance of heritage asset(s)*

The Old Hall is Grade II listed and was designated in 1985. It is a 17th century house as evidenced by an interesting internal staircase that is inscribed 1679. The west frontage was remodelled circa 1820. The building comprises coursed rubble and brick with modern pantile and slate roofs. There

is an associated farmstead range which includes some historic brick barns. The Old Hall sits within an area of open countryside which contrasts with the denser built form on the east side of the road. To the west, the 1960s A1 road has had a major impact on the landscape, and is conspicuous when seen in aspect with the Old Hall from Main Street.

The Church of St Wilfrid is Grade I listed and was designated in 1961. The church is built of stone and comprises a chancel, a nave (with clerestory), aisles (with arcades), a south porch and west tower (dated mid-14th century) containing four bells. The church is predominantly embattled. The north arcade is the oldest part of the building, dating from the late 12th century and possibly includes some of the earliest octagonal piers in Nottinghamshire. The south aisle arcade and porch are Perpendicular in form and probably date to the late 15th century. The chancel and north aisle were rebuilt at the expense of J. Barton of Holme circa 1530 (the Barton coat of arms appears on a buttress). The church was restored in 1906.

There are various unlisted historic buildings on Main Street, typically 18th or 19th century in origin. The layout, form and appearance of these buildings contributes to the character and appearance of the area, and provides a positive street setting to the Church of St Wilfrid and the Old Hall. These buildings are formally identified on the HER, and include the Old Police Cottage which is opposite the proposal site.

North Muskham has considerable archaeological potential. Aerial photography from the post-war period has shown extensive landscape features with potential archaeological settlement interest. This includes land within the proposal site.

### *Assessment of proposals*

Conservation recognises that this project is seeking permission for affordable housing which is an exception to local planning policy for residential development. As such, public benefit arguments pertaining to local needs and nonmarket housing projects can be balanced against perceived harm in historic environment cases as set out under paragraphs 132 to 134 of the NPPF. In cases where harm is identified, this balancing exercise is fundamentally a matter for the decision-maker. However, we would remind you that the statutory objective of preservation is of paramount concern.

The proposed development envisages a cul-de-sac arrangement of new 2 storey dwellings behind a single storey linear group facing the main road. Whilst this reflects some of the modern post-War development within the village, Conservation has concerns about the layout and form of the proposed residential units in the context of the setting of Old Hall. This concern extends to perceived impact on the wider setting of the Church and other historic buildings along Main Street.

It is appreciated that the applicant has deflected the building line away from the listed building, and that single storey buildings on the roadside help minimise visual impact. It is acknowledged that landscaping on the north side of the proposal site provides a degree of screening to the Old Hall. The submitted scheme indicates that the hedge and trees shall be retained. This shall help to mitigate the impact of new development on the setting of the listed building.

However, the larger units will be prominent behind the street frontage, and the arrangement of wide gables on a deflected building line exacerbates impact. Traditional buildings in this area typically have narrow gables, with buildings close to the road. Cottage mews, planned alms-house



estates or farmstead type arrangements with continuous rooflines and courtyard type arrangements might be a better inspiration for the proposed layout and form of the development. In addition, the allotments appear to be a positive aspect of the proposal. However, they are sited at the rear of the site away from residential properties. Traditional planned almshouses and model villages for labouring often made the allotments an integral part of the layout (to promote well-being). This might also be reconsidered.

The proposed materials schedule includes interlocking pantiles and PVC joinery. Whilst Conservation accepts that the development is not seeking to be pastiche, and that both budget efficiency and longer term maintenance are critical issues, the scheme would nevertheless benefit from using better quality materials. Historic pantiles in this area are typically natural red clay of a non-interlocking variety, and traditional joinery is timber. I would urge the applicant therefore to rethink the materials palette as this will better help integrate the development into the historic environment. Mock timber products might be an acceptable alternative for windows. Cast aluminium or mock cast PVC rainwater goods should also be considered.

Whilst Conservation is sensitive to the perceived public benefit in meeting a local need, in its current form, Conservation is not convinced that the submitted proposal represents the optimum design or layout approach in the context of historic environment constraints. Section 66 of the Act requires special regard to be given to the objective of causing no harm to the setting of listed buildings. The decision-maker will need to be convinced therefore that the proposal represents sustainable development beyond social and economic objectives.”

## **NSDC (Planning Policy) –**

### *Main Policy Considerations On The Principle Of Development*

#### *NSDC CORE STRATEGY 2011*

Core Policy 2 – Rural Affordable Housing. States that the District Council will pro-actively seek to secure the provision of affordable housing, in defined rural parts of the district. Sites should be in, or adjacent to, the main built up area of villages and meet the requirements of:

Spatial Policy 3 – Rural Areas. Requires assessment of proposals against the criteria of Scale, Need, Impact and Character.

#### *ASSESSMENT*

North Muskham is a defined rural area and the site is adjacent to the main built up area of the village, consequently Core Policy 2 facilitates the principle of a rural exception scheme. It therefore follows to assess the proposal against the four relevant criteria of SP3.

In assessing need, I understand there has been a relatively recent Housing Needs survey for the settlement and this has been supplemented by other evidence. I defer to Strategic Housing colleagues for the assessment of whether the proposal needs the need in terms of amount and tenure.

In terms of scale, the proposal is at the upper end of what could be considered small scale in quantity terms. If the housing needs data supports the scale of development proposed and its site specific impact and the impact on the character of the surrounding area are acceptable then I suggest that the scale of development could be justified in the interests of delivering affordable housing specifically and contributing to the housing supply for the whole district.

## CONCLUSION

The proposal has the potential to be policy compliant subject to satisfying issues of:

- Housing need.
- Site specific impact of the level of development proposed.

**NSDC (Strategic Housing)** – Supports the proposals:

A strategic objective of the Council is to increase the amount of affordable housing in the district and has agreed to:

- *Develop more affordable housing by making maximum use of Section 106 contributions, by acquiring or developing new homes, by reducing the number of empty homes, by bringing forward brownfield land and by recognising that different models and definitions of 'affordable housing' could increase the scope and choice in housing*
- *Develop a mixed provision of affordable homes which includes starter homes serving the needs of younger people, families with young children and homes for older people*

Due to the predominant rural nature of the district, the Council is committed to delivering affordable homes in rural areas for local people who are unable to meet their housing needs on the open market and to promote inclusive and thriving communities.

The National Planning Policy Framework 2012 (NPPF) indicates that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including the use of rural exception sites where appropriate.

## AFFORDABLE HOUSING POLICY CONSIDERATIONS

### Core Strategy/Affordable Housing Supplementary Planning Document

The main policy provision within the Local Plan to enable the delivery of additional rural affordable housing is Core Policy 2 (CP2). Core Policy 2 allows for the granting of planning permission for small rural affordable housing schemes as an exception to normal policies.

The District Council will pro-actively seek to secure the provision of affordable housing, in defined parts of the district on rural affordable housing 'exception' sites.

Such sites should be in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3, Rural areas relating to Scale, Need, Impact and Character of development".

Such sites have traditionally been expected to deliver 100% affordable housing, and will be required to remain affordable in perpetuity (schemes involving shared ownership or in a designated protected area will normally have staircasing limits placed at a maximum 80% ownership or make provisions for the registered provider to re-purchase).

## *ASSESSING HOUSING NEED*

In providing a robust evidence base to support an application for rural affordable housing on a proposed exception site, the District Council looks to a variety of data sources to demonstrate local housing need. Parish Housing Need surveys are formally acknowledged as part of the evidence base through existing policy (CP2). This survey does not negate the need for the collection of additional local data such as:

- **The Council's Housing Register:**

The register can provide additional evidence of need provided the Housing Register applicant has made the Council aware that they are interested in properties in a specific locality. It is not a requirement for applicants to do this. The register does not necessarily reflect accurate housing need as it is based on the accommodation that is presently available in a locality.

Registered Providers operate their own housing registers and are often able to assess demand providing they have sufficient stock in the area.

- **Choice Based Letting:**

The District Council operates a Choice Based Lettings allocation scheme. Applicants can apply for an available property in an area and the Council can assess demand for that area from this information. However, whilst it may record how many applicants currently live in the same area it will not provide evidence of people who reside outside the village but who have a local connection to the area and would therefore be eligible for affordable housing.

- **Intermediate Housing Register**

The Council's housing application form asks if applicants are interested in shared ownership and subject to system availability and input, the Council can assess interest.

- **Census data 2011:**

The census provides demographic information on housing profiles.

In addition the District Council's **Housing Market and Needs Assessment (2014)** provides evidence of housing need across the district and parish consultation events ensure valuable information on the housing required, residents' needs and views and eligibility of applicants captured.

The above indicators provide the necessary evidence on the size, type, tenure and range of housing required in a rural area to satisfy a Housing Association that there will be sufficient demand to progress and commit to a rural affordable housing development.

## *EVIDENCE OF HOUSING NEED*

For the purposes of the rural exception sites policy, the Council defines local need as identified needs in the individual village, or second, local area it serves (defined as being in the Parish in which it sets).

Before the Council will grant planning permission for affordable housing on a rural exception site it must be satisfied that there is an evidenced need for affordable housing in the locality traditionally gained from the completion of a Parish Housing Needs Survey.

To support the delivery of affordable housing in rural locations, the Strategic Housing Business Unit through its enabling role has a long standing partnership with Nottingham Community Housing Association (NCHA), Trent Valley Partnership (TVP) and parish councils to undertake housing needs surveys in the district's rural parishes with a population of less than 3,000.

The District Council either approaches or is contacted by a parish council to conduct a survey to ascertain levels of need for affordable housing. After completion of a survey and in response to an identified need, a call for land is instigated with the parish council, and any forthcoming sites are then assessed by the Council's Development Management Business Unit in terms of suitability.

#### *Parish Housing Needs Survey 2015*

A Parish Housing Need survey was undertaken in North Muskham in March 2015. The survey identified six/seven (one respondent did not state tenure) respondents that were eligible for affordable housing and ten households that were seeking market dwellings. The breakdown for the affordable housing was:-

**1 x 1 Bed bungalow – affordable shared ownership**  
**1 x 2 Bed house – affordable shared ownership**  
**2 x 3 Bed house – affordable shared ownership**  
**1 x 2 Bed bungalow (adapted) – affordable rent**  
**1 x 3 Bed house – affordable rent**  
**1 (no tenure)**

The households requiring market housing ranged from 2 bed bungalows and houses to 3 bed bungalows and houses.

Since the 2015 survey the Parish Council and District Council have been working together, in partnership with Nottingham Community Housing Association, to identify a suitable site on which to develop a small scheme of affordable properties.

Through this process a site has been identified culminating in this planning application being submitted by Nottingham Community Housing Association to develop sixteen affordable properties.

#### *Consultation Event – 8<sup>th</sup> September, 2016*

Nottingham Community Housing Association, Council and Parish Council held a consultation event on the 8<sup>th</sup> September 2016 to present the proposal to residents.

The consultation event provided an additional five eligible residents who registered an interest in the proposed properties.

Further to the survey and the consultation event, the Parish Council requested a follow-up (letter-drop) asking residents identified in the survey and consultation event to contact Trent Valley Partnership to ensure there is sufficient level of interest to progress the proposed affordable housing scheme. The results of this activity concluded that 7 households are still interested and eligible, though it has not been possible to obtain a response from all households identified in need of affordable housing.

### *Applicants on the Council's Housing Register*

Information from the Council's Housing Register provides additional information, but it is generally acknowledged that as there is no requirement for applicants to state their preferred location, the register commonly under represents the level of need.

As at January 2017 there are 11 applicants on the housing register seeking affordable housing in North Muskham:-

- 5 applicants – Supported Housing
- 2 apps – 1 bed General Needs Housing (GN)
- 2 apps – 2 bed GN
- 1 app – 3 bed GN
- 1 app – 4 bed GN

Of the 11 applicants listed above, two households are currently living in North Muskham. Whilst the other applicants on the register live close by or elsewhere it would be difficult to state that they would **not** meet the local connection criteria.

### *Previous Bidding History (for Council housing)*

In determining local supply and demand for affordable housing, data from the Council's bidding history for Council Owned housing contributes to developing a picture of housing need.

The Council owns 5 Council properties for rent in North Muskham; these are 1 x 3 bed house and 4 x 2 bed houses. There are no Registered Provider properties in the village.

The 3 bed house was last advertised in 2013 and received 5 bids. The 2 bed houses have been advertised 3 times (2012, 2013 and 2015) and received 21, 11 and 11 bids respectively. The most recent bid attracted 11 applicants, of these 4 lived in the village reflecting the popularity of the village.

Due to the Data Protection Act 1998 the Council is unable to provide the Parish Council with the names and addresses of respondents.

Initial contact with interested residents indicates there is still a strong level of interest in a proposed scheme, who would be eligible for affordable housing.

The above indicators provide the necessary evidence on the size, type, tenure and range of housing required in a rural area to satisfy a Registered Provider that there will be sufficient demand to progress and commit to a rural affordable housing development.

### *Local house prices and lettings*

In the collation of housing need evidence it is also important to consider local house prices and the local housing market set against the supply of local affordable housing.

An investigation of properties for sale and for rent has shown that there are 9 properties in North Muskham for sale ranging from £1,200,000 to £200,000. There are no properties available for private rent.

The information suggests that North Muskham is a high value area to live where it is difficult to obtain local affordable housing.

## CONCLUSION

The proposal is fully supported by the Council's Strategic Housing Business Unit. The development of rural affordable housing schemes meets the Council's strategic housing and planning objectives to increase the supply and delivery of affordable housing. The scheme, if approved, will be subject to a legal agreement ensuring that the housing remains affordable in perpetuity and prioritises local people in terms of allocation.

## SUMMARY

The range of evidence provided above and complimented by a consultation event and dialogue with the Parish Council clearly demonstrates that a need for affordable housing exists with the village of the scale proposed by Nottingham Community Housing Association.

In addition, to aid the Parish Council in considering the planning application for this proposed development it should be noted that in a recently completed rural affordable housing development in Walesby of fifteen units, on an exception site, by Nottingham Community Housing Association the demand for this through the housing register was three times the original identified need, with the significant majority of applications having a local connection.

This illustrates that once local residents see a housing development in progress that provides new, additional affordable housing reflecting local need this then generates further interest to those with a local need and connection to North Muskham."

**NSDC (Parks and Amenity)** – 'As a development of 10 or more properties this scheme should make allowance for the provision of public open space in the form of provision for children and young people. The proposed site layout plan does not appear to show any children's playing space and the requirement may thus be best met through the payment of an off-site commuted sum towards provision/improvement and maintenance of the existing play facilities on the Nelson Lane playing field, which lies less than 400m away from the development.

I note that the application suggests that allotments may be provided as part of the scheme however there is no justification supplied or information on how they would be managed. I note also that the development, as currently planned, would require the removal of a section of hedgerow which has been classed as being of low nature conservation value. The ecological appraisal proposes that this should be replaced by a greater length of native hedgerow and I believe this should be a condition of any planning consent.'

**NSDC's Independent Viability Consultant:** "Even with no development profit allowance and no sales/marketing costs the appraisal demonstrates negative viability so I would agree that S106 contributions could be set aside in this case. Obviously a 12 unit scheme would be even less viable."

**NSDC (Environmental Health, Contaminated Land)** – 'No observations in relation to contaminated land.'

**NSDC (Environmental Health)** – 'I have no comments to make.'

**NSDC (Equalities And Access Officer)** – 'As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that

their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible 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.'

**At the time of writing the report, 84 letters of representation have been received, 79 objections, including one from the St George's Trust and 5 letters of support. The grounds of objection are summarized as:**

#### Principle/Location of the Site

- The best site for this development would be next to the school but it is not affordable due to the price the owner wants for the land;
- There are better locations for affordable housing development in the village (eg Trent Farm, opposite village hall, next to school and bus stop, on former caravan site to the north) and it should not be determined on cost alone;
- Outside of village envelope;
- Not been included within any Strategic Sites for Housing Land Availability (SCHLAA) process;
- Sites within the main village envelope should be developed and land producing food should be protected;
- There is no objection to the principle of affordable development but not at this site;

#### Scale/Need for affordable housing

- This is an SP3 village, scale is not justified by need or consistent with small scale development;
- Keep North Muskham as a village, not a town;
- Residents believe they have been misled by need for affordable housing;
- The Housing Needs Survey identifies a need for 6, why does this provide for so many more?
- The properties will now be available to everyone in Newark and Sherwood, rather than to locals only;

- The houses would not fulfil village needs as people in North Muskham would not qualify;
- Villagers who want to downsize will not want to move here;
- Some people who were interested have since moved on;
- Properties for rent will result in transient people who will be of no benefit to the local community;

### Highway Issues

- Site access is on a blind bend;
- Will result in two new access points onto this narrow road in close proximity;
- The road is very narrow here and used by large lorries, tractors (factory-farms further south along Mains Street), difficult to pass and therefore dangerous;
- Road needs widening and straightening the bend;
- The increase in traffic would be considerable;
- Would cause a danger to children walking to and from school as there are no footpaths from the site;
- Main Street is used as a shortcut if the A1 is shut;
- No visitor parking has been provided;
- Whenever the church is used for an event – wedding/funeral/christening, the road is full of on-street parking already;
- There will be a fatality if this goes ahead;
- Transport problems will get worse as Network Rail intend to close the crossing between North and South Muskham with no alternative exit for Main Street;
- The land that the footway is situated on is within the ownership of the Old Hall and so the scheme is deceptive as there is no likelihood of it being acquired;
- The footway needs to be extended from Marsh Lane to Crab Lane in the south;
- On the wider road network, there are constant queues of traffic between North Muskham and Newark already at the cattle market roundabout. This development will exacerbate and make this congestion worse;

### Character and Heritage Assets

- The site is currently open with unspoilt views which would be lost;
- Could be the start of a large housing estate that would destroy the character of the village forever and create an eyesore;
- Would detrimentally impact on the charm and character of the village;
- This is part of a medieval landscape that has been unique for 800 years;
- There are visible links between 3 ancient churches in a triangle (at North Muskham, South Muskham and Kelham) which the development would blight and financial compensation should be paid if this legal right of view is lost;
- The proposal will impact on the setting of listed buildings and the wider landscape setting;
- There is archaeological interest on this site – known as Chapel Field;
- The Old Hall dates back to 17<sup>th</sup> century and is of significant interest;
- The proposed footway would be detrimental to the setting of the Old Hall;
- Alien to existing grain of village and fails to respect the historic character of the area;



## Drainage/Flood Risk

- The site is within Flood Zone 2;
- The development would potentially increase flood risk elsewhere in the village at lower levels;
- There are already pressures on the existing drainage systems;
- There is no justification for the loss of SUDS;

## Other Matters

- The application was inaccurate and misleading initially with the Design and Access Statement referring to the wrong site;
- The proposal is ill-conceived and badly planned;
- Ripping out the ancient hedgerow that has been there for 30 years at the frontage of the site will negatively impact birds and wildlife and the new hedge will take years to become established;
- Parish Council don't support this;
- Would set a precedent for development on other parcels of agricultural land as well as enlargement within this field;
- It has been impossible to get planning permission in the past for stables on land south of this site;
- Would cause additional noise and pollution to the area from increased traffic, causing potential health problems;
- There will be health and safety issues, with the site so close to the busy road of the A1;
- The soil is probably contaminated with fertilizer;
- Why re-locate young people here, should be in Newark where jobs, transport and amenities are readily available;
- It is not fair to put elderly on same site as families;
- The wishes of the development company to exploit holes in the planning system rather than satisfy the need for local villagers;
- No demand for allotments next to noisy A1;
- The allotment should not be allowed to be built on in later years;
- Little detail on allotments, how many plots would there be and where would people park?
- As the allotments are within the red line, could it be changed to residential use in the future, especially with the proposed road layout?
- The village does not have the infrastructure to support the development, can the school cope with this scale of development?;
- There are no shops/post office and there is quite a walk from this site to Nelson Lane to get a bus into Newark;
- No garages proposed – no secure storage;
- No footpath to the south of the site
- Concerns raised about impact of construction traffic;
- The development will bring the wrong people into the village;
- This is just an opportunity for property developers to earn money;

The grounds for support are summarised as:

- There is a lack of affordable housing provision and there is a need to support Government's targets for house building, which will never be achieved if every community objects;

- The road is narrow here but if the houses are set back, road could be widened;
- The provision of the footpath along Main Street is welcomed;
- This will help the village be more sustainable in the future;
- Without this the school, village hall and other amenities will be threatened;
- Need a range of housing for younger and elderly people, often new builds are too large and expensive, this will benefit the whole community;
- Housing Needs Survey won't include need since 2015;
- The school is at risk because young families cannot afford to live in the village; and
- Occupiers should have links with North Muskham/surrounding villages.

### Comments of the Business Manager

#### Principle

The proposal relates to a residential scheme for 16 dwellings and has been submitted on the basis that the units will all be affordable in an attempt to meet a local need for affordable housing.

The NPPF, at paragraph 54, states that, 'In rural areas... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.' The stance of this is re-affirmed by Core Policy 2 of the Core Strategy which states that the Council will proactively seek to secure the provision of affordable housing on such exception sites. The acceptability of such schemes will be subject to the sites being located in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3 relating to Scale, Need, Impact and Character.

#### *Location*

The site is outside of the main built up part of the village and is, in policy terms, within the open countryside. In order to comply with the rural exceptions policy, the site has to be located in or adjacent to the built up part of the village. The site lies to the south-western edge of the village on the western side of Main Street.

On the opposite side of the road is residential development. On the same side of the road, immediately to the north, beyond a field access track is The Old Hall and its associated barns. Between the junctions of Nelson Lane to the north and Mill Lane to the south, existing development on the western side of Main Street is limited to the school, Old Hall and three/four houses further south. The majority of the built form being situated on the eastern side of Main Street. For the purposes of the policy, I accept the argument that the site is adjacent to the main built up part of the village and thus meets the primary requirement of Core Policy 2 as a rural affordable exceptions site.

Much emphasis has been given by local residents that the application site is the wrong place in the village for such development and that other locations within the village would be better suited. The Registered Provider (Nottinghamshire Community Housing Association) has submitted a Site Selection Report and Flood Zones, which outlines that the process of finding a site within North Muskham to provide affordable housing commenced in 2006 with a Housing Needs Survey being carried out. In 2008, six different sites were identified as being possibilities by a team comprising

the Parish Council, District Council (Strategic Housing), Midlands Rural Housing and NCHA. The sites were:

- Corner of Playing Field adjacent to existing village hall;
- Land opposite the existing village hall;
- Land on Main Street 1 (adjacent to the school);
- Land on Main Street 2 (application site);
- Land on Main Street 3 (opposite Manor Farm); and
- Land at Burr ridge Farm, Crab Lane;

The report sets out how and why over the next 10 years, each site was either pursued or fell away from the process. By the time the new survey was carried out in 2015, there was only one site that remained deliverable and viable, and that was Site 4. This record of the site selection process shows the length of time involved, the levels of local engagement and how difficult it has been to get to this point. The site selection process identified Site 4 was found to be the best current available affordable site with a willing vendor within the village and has hence cumulated in the submission of this application at this moment in time.

### *Scale*

The scale criterion of SP3 relates to both the amount of development and its physical characteristics, the latter of which is discussed further below in the character section of the appraisal. SP3 provides that new development should be appropriate to the proposed location and small scale in nature.

In 2006 the number of dwellings in North Muskham was circa 385 and taking into account commitments and completions since that time (24 dwellings) and the proposed development of 16 dwellings, together this would increase the number of dwellings by 10%.

I am mindful that there as of April 2017 there was a commitment of a further 7 dwellings within the parish, although there is no certainty that these would all come forward. If this were to be the case this would cumulatively increase the number of dwellings by some 14%.

In either case given that the proposal relates to an exception site and is purely for affordable housing which weighs in its favour, I consider that this level of increase to be appropriate.

### *Need*

The site is being promoted as a rural exception site for affordable housing alone. SP3 requires that new housing in rural areas should only be allowed where it helps to meet an identified proven local need.

In this case I have noted the detailed comments of the Council's Strategic Housing Officer who confirms that a Parish Needs Survey was undertaken in 2015 which confirmed a need for 7 such affordable units within the Parish. From the information submitted, it is clear that this scheme has come about following partnership working between Nottinghamshire Community Housing Association alongside the Parish Council.

From the objections raised by local residents, it is clear that some objections are based upon the scale of the proposed development of 16 units, which is 9 units above the 7 identified by the

Housing Needs Survey carried out in 2015. It is acknowledged that this survey would record local need as a snap shot in time. The Council's Strategic Housing Service in their comments have identified that following the housing needs survey a follow-up consultation event took place in the village in September 2016 which identified a further 5 eligible residents who expressed an interest in the proposed properties.

Strategic Housing go on to state that further to the survey and the consultation event, the Parish Council requested a follow-up (letter-drop) asking residents identified in the survey and consultation event to contact Trent Valley Partnership to ensure there is sufficient level of interest to progress the proposed affordable housing scheme. The results of this activity concluded that 7 households are still interested and eligible, though it has not been possible to obtain a response from all households identified in need of affordable housing.

It is acknowledged therefore that since the Housing Needs Survey was undertaken (which was a snap shot in time), through the passage of time, that other events have taken place which identify further need within the local area for additional dwellings to that identified in the 2015 survey and that some weight therefore needs to be given to this increased number. The Strategic Housing Services considers that housing needs surveys need to be regularly up-dated, to keep them responsive to local need situations, rather than relying on a snap shot in time.

In addition, NCHA has submitted a Scheme Delivery Statement with their application which identifies that 16 units represents the critical mass for delivery on this development, that is to deliver anything less than 16 units on this site would result in no scheme being delivered as the figures would not stack up. This has been verified by the Council's independent viability consultant. So a development to build only the 7 units identified in the Housing Needs Survey could not be built. So in viability terms the only development that can be delivered is 0 units or 16 units.

To conclude, whilst the Housing Needs Survey of 2015 identifies a need for 7 units, there is later evidence of further need for up to 12. In any event, it has been demonstrated that the development can only be delivered in viability terms with 16 dwellings. This will be weighed in the balance in the conclusion of this report but a scheme for 16 units would completely meet proven local need and go beyond, meeting a proven identified need for the purposes of SP3.

### *Character*

SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The application site is currently part of an open field. It is acknowledged therefore that the introduction of new built form, by its very nature will have a great impact on the open character of the site. The Old Hall represents the primary and isolated building form on this part of the western side of Main Street, which would change if the proposal were constructed. As originally submitted, the layout of the proposed development was very suburban with numerous detached and semi-detached units of modern proportions centred around a wavy central access road. There was no recognition of its rural landscape setting and was out of context with the surrounding historic environment. The amended scheme now reflects its rural and historic context, with a

crew-yard like courtyard surrounded by elongated blocks of built form with linear ridgelines. The blocks of development allow for greater space between buildings and better relating to its open rural characteristics. Single storey properties would front the highway, albeit they would be set back from the roadside behind the replacement hedge and green communal space area. The two storey dwellings are largely located to the rear of the site and this assists with reducing the impact from the public realm and in the streetscene. The design ethos is very much of traditional local vernacular which would form an attractive development that is sensitive to the surroundings. I note that the amendments have taken on board some of the comments from the conservation officer such as positioning the chimneys centrally. I also note that some of the materials pallet proposed include clay pan tiles and red brick, all of which are typical in North Muskham. However other materials and joinery details need to be conditioned out and controlled by condition. Overall I consider that the revised scheme has a well-conceived layout, reflecting historic rural farmsteads which is genuinely tenure blind and is sensitive to its rural surroundings. In my view this accords with Policies SP3, CP9 and DM5.

Given that the site is located adjacent to the Grade II listed Old Hall, the Grade I listed St Wilfred's Church on the other side of Main Street as well as a number of local interest buildings, the impact of the proposed development on the setting of these heritage assets require special consideration. Although concerns were raised by the Conservation Officer initially, the scheme has been amended to seek to address these matters. It is considered that the Grade I listed church is sufficient distance from the site, for the development not to harm its setting. In relation to the impact of the setting of the Old Hall, the set back of the buildings from the site frontage to mirror the positioning of the Old Hall significantly reduces any harmful impact on the setting of the Old Hall, as well as reducing impact on the streetscene. Views of the application site from within the grounds of the Old Hall would catch glimpses of narrow gables with linear ridgelines with traditional forms and proportions, mimicking the historic barns that currently exist to the rear of the Old Hall. The blocks of development allow greater green spaces between the built form which lessens and mitigates the impact of the new built form. The layout reflects local vernacular farmsteads which also help to mitigate the proposal in its historic environment. Special consideration has been given therefore to the preservation of the settings of surrounding listed buildings and very limited harm results.

Further Archaeological assessment through trial trenching is proposed on the site and it is hoped that this will be available prior to the consideration of the application by Planning Committee. Further conditions may therefore be added to those listed below prior to determination of the application. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special consideration has been given to the impacts on the setting of listed buildings and the wider historic environment. The change from an open field to built form will have some harmful impact, however, it is considered that this harm has been well mitigated by the traditional layout, form and green spaces on the site and therefore that harm is reduced to the lower end of less than substantial harm in this case. This aspect is given due weight in the balance of considerations set out at the end of this report.

### *Impact*

The impact criterion of SP3 states that new development should not generate excessive car-borne traffic from out of the area. It goes on to say that new development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Impacts are considered separately below.

### Housing Mix and Density

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

The proposed scheme comprising four x 2 bedroom bungalows positioned along the site frontage, eight x 2 bedroom two storey houses and four plots would have 3 bedrooms over two stories and meets a local need by addressing the requirements of the Housing Needs Survey of 2015 but also meets the broad aspirations of CP3 in terms of mix. The density of the scheme falls short of 30 dwellings per hectare. However I consider this to be entirely appropriate given its position at the edge of the settlement with the countryside adjacent and this assists with allowing the development to sit comfortably within its surroundings. The type of dwellings is discussed in the affordable housing section later in this report.

### Impact on Residential Amenity

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

Plot 14 on the northern side of the site would be located c30m from The Old Hall and is single storey with a lounge window in its northern gable end. The plots on the site frontage are a minimum of c30m from the existing houses on the opposite side of Main Street. These units are all single storey apart from Plot 16. As such I consider the distances are sufficient to meet the needs of privacy and avoid unacceptable impacts of overlooking and overshadowing.

I conclude that the development would preserve the amenities of neighbouring properties and would have no undue adverse impact that would warrant a refusal of this scheme. It also creates an acceptable level of amenity to the proposed occupiers of the new units themselves. The proposal therefore accords with Policy DM5 of the Allocations and Development Management DPD and the NPPF.

### Impact on Highways/Sustainability

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

The Highways Authority initially objected to the scheme on the grounds that the scheme did not accord with their design standards, in terms of footways, drainage and the lack of the proposed new footway not linking with the existing footway further north on Main Street to allow continuous pedestrian access into the main part of the village. Amendments to the scheme have sought to address these concerns and the plans now show a new footway linking up with the existing footway further north on Main Street which would link the site to the existing footways to the village.

Indeed I note that the majority of representation responses received have raised concerns regarding road safety issues such as the narrow width of Main Street in this location, the blind bend in the road, the use of the lane by large lorries and tractors, on-street parking congestion during church events and the lack of visitor parking provision within the scheme and the traffic in the area generally. A full summary of highway concern is set out at the end of the consultation section of this report.

In terms of car parking, the scheme seeks to provide two off-street parking spaces per plot. There is no provision for visitor parking although it would be possible to park on the cul-de-sac itself and this in itself is unlikely to lead to parking along Main Street.

In response to the amended plan, the Highway Authority has removed their objection subject to the inclusion of conditions. In coming to this view it is implicit that they have considered matters raised such as the blind bend, the width of the carriageway and its adequacy to serve the proposed development and how it links with the wider transport network. I note the Highway Authority do not explicitly suggest a condition to deal with the footpath link to the village. However given this is of importance in terms of the site's sustainability I consider that a condition is necessary and reasonable to control the timing of its provision.

NCC have requested that the developers up-grade the existing timber bus stop on Nelson Lane an part of the S106 for this development and the applicant has agreed to this.

Given the Highway Authority now offer no objection and given that the development can be made safe in highway terms through conditions, I consider that the proposal is acceptable in this regard in compliance with the relevant policies.

### Landscape/Visual Impact

CP13 sets an expectation that development proposals positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that they contribute towards meeting the landscape conservation and enhancement aims for the area. DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It goes on to say that features of importance within or adjacent to development sites should wherever possible be protected and enhanced.

The site lies within policy zone TW11 within the Trent Washlands character area as designated in the Newark and Sherwood Landscape Character Assessment (2013). The overall Landscape Action for this policy zone is to "conserve and create". Recommended landscape actions include the following: conserve and restore the traditional pattern of hedged fields promote measures for strengthening the existing level of tree cover. New soft landscaping will also be expected (indeed as is indicated on the site layout plan) including three new hedgerows along the northern, western and southern boundaries as well as a replacement hedgerow along the eastern boundary. Trees will be planted in the public realm including the site frontage and the communal open space as well as the rear courtyard. Landscaping can be secured through condition and this together with the sensitive design, lead me to conclude that the proposal would be appropriately sited without harming the landscape character of the area in accordance with the identified policies.

## Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 2 according to the Environment Agency's flood risk maps and is therefore at medium probability of flooding from river sources. As such consideration must be given as to whether the application passes the Sequential Test. It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built. However, if the Sequential Test is considered locally, the majority of North Muskham falls within Flood Zones 2 and 3, being located adjacent to the River Trent. As the Site Selection Report stated, all of the possible 6 sites that have been considered over the last 10 years are within Flood Zone 2. Within the Site Selection and Flood Risk Report, the applicants do refer to one site (rear of Rose Cottage) that is partly within Flood Zone 1, which was identified within the SCHLAA and has only just within the last 6 months presented itself as a possible deliverable site. As such it must be concluded that this application site fails the Sequential Test. However, what is also clear is that the land area within Flood Zone 1 is only capable of providing a maximum of 6 residential units. As has already been discussed within the scale section in this report above, the critical mass to present an achievable viability case for affordable housing is a minimum of a quantum of development of 16 dwellings that must be developed on one single site. It is also acknowledged that the Rose Cottage site has recently raised the possibility of deliverability, but NCHA and the Parish Council have spent years taking one of the 6 sites forward to this point. Therefore, it is recognised that sometimes the timing of the coming forward of new sites can sometimes undermine years and years of work done on other sites. Some weight must be given therefore to where the situation is at the present time. So whilst the scheme fails the Sequential Test for up to 6 of its units, in pragmatic terms the story of how this point has been reached, together with the need for the quantum of this number of units for the provision of much needed affordable housing, can weigh in favour of the development.

In terms of making the proposed development safe, the submitted revised Flood Risk Assessment proposes to set the internal floor levels of the dwellings at a safe level, that is 6 dwellings will have minimum of 10.75m AOD and 10 (including all bungalows) will have internal finished floor levels of 10.82m AOD. All floor levels are above the 1 in 1000 year flood event of 10.42m AOD. The Flood Risk Assessment confirms no compensatory flood storage is required to be provided and recommends that there is a Flood Warning and Evacuation Plans put in place for all residents as well as a detailed drainage design scheme, both of which can be conditioned.

STW have raised no objection subject to conditions and the LLFA raise no objection to the scheme subject to the inclusion of a condition to deal with drainage. The strategy submitted is unlikely to be sufficient to negate the need for the condition but any further comments from the LLFRA on this will be reported to the Committee as a late item.

In summary, given the availability of a small piece of land to the extreme north of North Muskham sits within Flood Zone 1, the proposed site fails the Sequential Test when assessed against both the District wide and local level. However, the development can be made safe for its lifetime



when conditions suggested by consultees are imposed. The failing of the Sequential Test needs to be carefully weighed in the balance, as set out in the conclusion of this report below.

### Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

An Ecological Appraisal accompanies the application which concludes that subject to conditions, ecology is not a constraint to the site's development.

Five non-statutory designated local wildlife sites are within 500m of the site; none of the five sites are considered to impact upon the proposals given the distances involved and the relatively small scale nature of the development. Other habitats were considered to be of negligible value to wildlife.

The majority of the site comprised intensively planted maize largely devoid of other flora species. The planting of three new hedgerows along three of the site boundaries will ameliorate the loss of the existing hedgerow along the site frontage. However, biodiversity gains will result and this will increase the quality and extent of new hedgerow. The existing hedgerow along the site frontage is reported to be of low conservation value which is largely due to the low diversity of flora species and poor physical structure.

The site was surveyed for evidence of protected species and no evidence of badgers nor bats were found. The site is unable to support reptiles and impacts on Great Crested Newts is also considered to be low, although the hedgerow presents some potential to support foraging bats and commuting reptiles. It was concluded that the site has some limited potential for nesting birds.

In conclusion, I concur that the proposal should not be resisted on ecology grounds and conditions could be imposed to control the recommendations contained within section 4.21 of the Ecology Report, sensitive lighting (4.24), that no removal of vegetation is undertaken during bird breeding season as per section 4.34 and to secure biodiversity enhancements (planting, bird, bat and hedgehog boxes) as per section 4.37. Subject to appropriately worded conditions I conclude the scheme would accord with CP12, DM7 and the NPPF.

### Impacts on Local Infrastructure (including Viability)

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. The policies state that this infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Certainly the Council's SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

In this case, a scheme of 100% affordable housing provision will be exempt from paying CIL on the basis of the social housing exemption provisions.

During the consideration of this application, there have been negotiations in relation to S106 developer contributions and viability issues. The applicant's position is to provide 100% affordable housing through a registered provider and to not provide any additional S106 developer contributions.

Based on the SPD I have set out below what the normal expectation for contributions would be (this is also summarise in the table below). The SPD also states that there is no discount for education contributions on developments that are solely or wholly for affordable/social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing.

#### *Affordable Housing*

As detailed by the Council's SPD and Core Policy, for schemes of 10 or more dwellings, on-site affordable housing is expected with a tenure mix of 60% social rented and 40% intermediate housing.

A regular development of 10 or more houses would be expected to provide 30% on site affordable housing is required as per CP1. For 16 dwellings this would equate to 4 on site dwellings being 2 for social rent and 2 for intermediate housing. However the site is being promoted as a rural affordable exception site and is seeking to provide 100% on site affordable housing. The offer would therefore equate to 7 x social rent and 9 x intermediate. The scheme thus exceeds the affordable housing contribution in this case by 5 social rented dwellings and 7 intermediate dwellings.

#### *Public Open Space*

For applications of 10 dwellings or more, provision of public open space for children and young people is expected at a rate of 18m<sup>2</sup> per dwelling. In this case 16 (dwellings) x 18m<sup>2</sup> would be expected equating to 288m<sup>2</sup>.

Given the shape and size of the site and the relatively low numbers of dwellings proposed, one would not normally expect to see the provision of this on such a small site which was also acknowledged by the Council's Parks and Amenities Manager who advised that the requirement may thus be best met through the payment of an off-site commuted sum towards provision/improvement and maintenance of the existing play facilities on the Nelson Lane playing field, which lies less than 400m away from the development.

However the revised plan shows the provision of a modest communal area of open space at the frontage of the site. This would provide a level of amenity open space that residents would benefit from and overall I consider that this broadly accords with the policy. Treatment of this area would be a matter that can be controlled through either condition or a S106 Agreement.

## Community Facilities

For developments of 10 or more dwellings, where schemes would lead to an increased burden on existing community facilities, a contribution may be sought which is based on £1,181.25 per dwelling (indexed at 2016) in line with the Council's SPD.

## Education

The County Council have set out that a development of 10 dwellings would generate three primary school places and have set out that the existing primary school (in North Muskham) can accommodate this requirement.

Developer Contribution Requirement	Expected based on SPD for a scheme of 10 dwellings	Offer
<b>Affordable Housing</b> 30% on site	4 affordable housing units on site.	100% affordable housing (44% social rent and 56% intermediate) Represents an <b>additional 5 social rent and 7 intermediate product over and above what would ordinarily be expected.</b>
<b>Primary Education</b> The development would yield 3 primary school places capacity at existing school	None – capacity for 3 spaces at North Muskham primary school	None
<b>Public Open Space (provision and management/maintenance)</b>  Children's and Young People Space of 18m <sup>2</sup> per dwelling or Off-site contribution	Provision of 288m <sup>2</sup> of open space on site;  or  £927.26 per dwelling for provision (£14836.16) and £1031.30 for maintenance (£16,496) totaling £31,332.16	C510m <sup>2</sup> of grassed communal area
<b>Community Facilities</b> £1181.25 per dwelling where justification is made	£1,181.25 per dwelling (which would equate to £18,900)	None

**Total Development Contribution Requirement for Scheme is therefore 4 affordable units plus £50,232.16 towards other infrastructure as set out above.**

## Allotments

Whilst the provision of the land to the rear of the houses could be seen as additional community infrastructure, in planning terms, allotments fall within the same Use Class as agricultural land and therefore as such is not development that requires planning permission. Whilst it might be seen as a community asset, the LPA cannot give weight to it in decision making and has no ability to control it through any condition under this application. NCHA have confirmed out of interest that:-

- NCHA does not want to take ownership of the allotment land
- NCHA's legal purchase agreement will give the Parish Council 3 years to communicate to the landowner if/when the Parish Council wishes to acquire ownership of the allotment land to be gifted at nil value.
- The Parish Council is to give the landowner 6 months notice of its above intention.

### *Viability*

The developers have put forward a case that this 100% affordable housing scheme cannot support any other developer contributions. In support of this assertion a viability appraisal has been submitted adopted the HCA Toolkit method.

I am mindful of Paragraph 176 of the NPPF which states that to make a development acceptable the options for keeping costs to a minimum should be fully explored so that development is not inhibited unnecessarily. Planning Practice Guidance states that where the viability of a development is in question, local planning authorities should look to be as flexible in applying policy requirements wherever possible.

It is clear from the information submitted that this scheme is relying heavily on HCA Grant monies of £302k and the District Council (Strategic Housing) is also considering a capital contribution of £160k for the scheme to proceed. It is clear that the grant money would be ring fenced solely for the provision of affordable housing and would not be available to form a contribution towards any other S106 requirement.

In any event the viability appraisal has been independently assessed and the advice received is that the scheme based on up-to date build cost rates is in negative viability. Whilst I do not seek to challenge the viability conclusions the proposal falls short of the policy requirement to secure the required level of contributions towards children's open space and community facilities. This is a negative of the scheme and needs to be weighed in the planning balance.

### 5 Year Housing Land Supply

The current 5 year housing land position is that the Council has recently published (since the July Committee) that it does have a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's and having done more work since the Farnsfield appeal. Until such time that the OAN is tested at Plan Review, it cannot attract full weight but given that this is professionally produced in cooperation with partners and the only OAN available it should carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

### Other Matters

With regards to comments received which raise concern with the accuracy of the information within the Planning statement initially deposited with the application, revised documentation has subsequently been deposited. I am satisfied that the plans and documentation deposited allow full and clear consideration of the proposal.

Comments received regarding the limited services within the village and the relocation of young people away from Newark with its readily available employment opportunities, transport and

amenities are noted. I am mindful that there is access to the sub regional centre of Newark and as previously commented the provision of much needed affordable housing with a local connection does weigh in favour of the development.

With regards to comments received in relation to impact of construction and construction traffic, it is considered reasonable to attach a condition should permission be granted restricting construction times and requiring the submission of a construction method statement to safeguard residential amenity.

I note the comments received with regards to the occupation of the proposed development. The material planning consideration in this instance would relate to a local connection.

In relation to comments raised with regards to the potential setting of precedent for future developments within the village, should any application be received any proposal would be assessed purely on its own merits.

### Planning Balance and Conclusion

It has been concluded above that this rural exception site accords with Core Policy 2 in that it is located adjacent to North Muskham village, where through a Parish Needs Survey in 2015 together with follow-up consultations, there has been a need identified for affordable housing of this level of scale. The NCHA has demonstrated through its Scheme Delivery Statement that anything less than 16 units within this development would make it unviable. Other sites within the village have been considered with the Parish Council over the last 10 years and this is the one site that has proved to be deliverable to date. I am satisfied that increasing the size of the housing stock even when taking into account previous developments permitted over the Plan period would be considered on-balance an appropriate scale particularly taking account of the nature of the proposed scheme. Having regard to the design and layout of the proposals I am satisfied that this is a well-designed scheme that reflects local vernacular and materials and would result in the lower end of less than substantial harm to the setting of listed buildings, to which special attention shall be paid. This limited harm is considered to be outweighed by the public benefits of providing some much needed affordable dwellings. Archaeology impacts will be reported verbally to Members once it has been received. The mix of dwellings is good utilizing single storey development across the site frontage to manage the transition to the countryside and the impact on the landscape would be acceptable.

The site is located within Flood Zone 2, at medium risk of flooding. Recent circumstances have led to one smaller site in the north of the village apparently coming forward to development and which is within Flood Zone 1. Consequently, the site fails sequentially both in relation to District-wide and Local availability. However this has to be considered against this quantum of development being required for its viability and deliverability, and which cannot afford to be provided on two different sites in the village. Consideration also has to be given to the story and passage of time that has passed in order to get to this stage with just one of the six initial possible sites. Notwithstanding the Sequential Test issue, the development can be made safe for its lifetime subject to raising of internal floor levels and other conditions relating to detailed drainage designs and flood warnings and evacuation plan.

I am satisfied that subject to conditions there would be no adverse impacts to residential amenity, ecology, and highway/pedestrian safety that would warrant a reason for refusal.

The scheme does not provide for full contributions towards community facilities or children's open space, although amenity open space is provided on site, and this is due to viability issues which are accepted by Officers following independent review. This is clearly a negative aspect of the scheme that needs to be considered and weighted.

However on the other hand, the scheme over-provides for much needed affordable housing. Affordable housing remains high on the agenda at both national and local levels and I attach weight to the fact that this scheme would deliver 100% affordable housing the majority of which would meet an identified need (but justified on other grounds where it does not) and the fact that this would positively boost the Housing Land Supply of the district. Taking into account all factors it is my view that the balance tips finely towards an approval.

## **RECOMMENDATION**

**That full planning permission is approved subject to:**

- (a) the following conditions; and**
- (b) the signing and sealing of a Section 106 Agreement to secure the provision of affordable housing and to deal with the maintenance contributions for the public open space on site.**

### **Conditions**

01

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

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

03

No development shall be commenced including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery

- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

06

No works shall commence until a detailed surface water drainage design and management plan has been submitted and approved by the LPA. This design and management plan must include or address the following:

- a. Evidence that the hierarchy of drainage options, infiltration - discharge to watercourse – discharge to sewer has been followed correctly and any decisions made supported by facts.
- b. Hydraulic calculations must show compliance of the proposed system to current design standards including climate change allowances. The site drainage system should cater for all rainfall events upto a 100year + 30% climate change level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

- c. Details of maintenance regimes for any SUDS along with how these will be managed for the lifetime of the development.
- d. Details of what elements of the system will be adopted and by whom, including highway drainage, public sewers, SUDS and above and below ground storage assets.
- e. Flow paths for exceedence flows.
- f. Any flood resilience measures proposed for new buildings.”

Reason: In order to ensure that surface water drainage is dealt with in an appropriate, sustainable manner that is safe for both the site and its wider location.

07

The precautionary approach to ecology during construction works as outlined in paragraph 4.21 of the Ecological Appraisal by FPCR dated September 2016 submitted in support of this application shall be adhered to in that:

Prior to construction a pre-commencement check should be made by an ecologist to confirm that no new badger setts have become established within 30m of the site

During construction open trenches should be closed overnight or if left open include a sloping end or ramp to allow any badgers or other animal that may fall in to escape; and

Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Reason: In the interests of protecting ecology of the site.

08

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting season(beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting on site in line with section 4.34 of the Ecological Appraisal by FPCR dated September 2016 that accompanies this application.

09

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and minimise impacts to foraging bats. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.



Reason: In the interests of visual and residential amenity and to minimise artificial light in line with paragraph 4.24 of the Ecological Appraisal by FPCR dated September 2016.

010

No development shall commence until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the scheme for enhancement to an agreed timescale and shall thereafter be retained for the lifetime of the development.

Reason: In order to comply with the Development Plan and the NPPF and in line with paragraph 4.37 of the Ecological Appraisal by FPCR dated September 2016.

011

No dwelling hereby permitted shall be occupied until its associated driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the (prospective) highway boundary. The surfaced drives shall then be maintained in such hard bound material for the life of the development.

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

012

No dwelling hereby permitted shall be occupied unless or until a footway has been provided along the west side of Main Street as shown for indicative purposes only on drawing 101 Rev. S to the satisfaction of the Local Planning Authority. For the sake of clarity this may also require works to existing driveways within the public highway.

Reason: In the interests of pedestrian safety and to promote sustainable travel.

013

No dwelling hereby permitted shall be occupied unless or until a 2 metre wide grass verge frontage, to the south of the new access road, has been provided as shown on drawing 101 Rev.S and arrangements made to dedicate this verge to the Highway Authority for potential future footway provision.

Reason: To safeguard land for future footway provision, in the interests of pedestrian safety and promote sustainable travel.

014

No dwelling hereby permitted shall be occupied until the visibility splays shown on drawing no. 101 Rev.S 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 0.25metres in height.

Reason: In the interests of highway safety.

015

Notwithstanding the materials schedule submitted, development shall not be commenced until detailed samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

Cladding

Render

Reason: In the interests of visual amenity and in order to preserve or enhance the setting of listed buildings.

016

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

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

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Reason: In the interests of visual amenity and in order to preserve or enhance the setting of the listed buildings.

017

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

Reason: In the interests of residential and visual amenity.

018

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

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

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

means of enclosure;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

019

The approved soft landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be completed in accordance with a scheme which shall firstly be agreed in writing by the Local Planning Authority.

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

020

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) in order to safeguard the amenity of neighbours and to ensure that proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive rural location.

021

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

SK201D Proposed Site Layout and Visuals

SK202A Proposed Street Elevations

250\_A Plots 1 & 2 Plans and Elevations

251\_A Plots 3, 4 & 5 Plans and Elevations

252\_A Plots 6, 7 & 8 Plans and Elevations

253\_A Plots 9, 10 & 11 Plans and Elevations

254\_A Plots 12 & 13 Plans and Elevations

255\_A Plots 14, 15 & 16 Plans and Elevations

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

Reason: So as to define this permission.

## Notes to Applicant

01

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

02

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways 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. An Agreement under Section 38 of the Highways Act 1980 will be required. Please contact david.albans@nottscc.gov.uk for details.

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

03

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

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

04

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

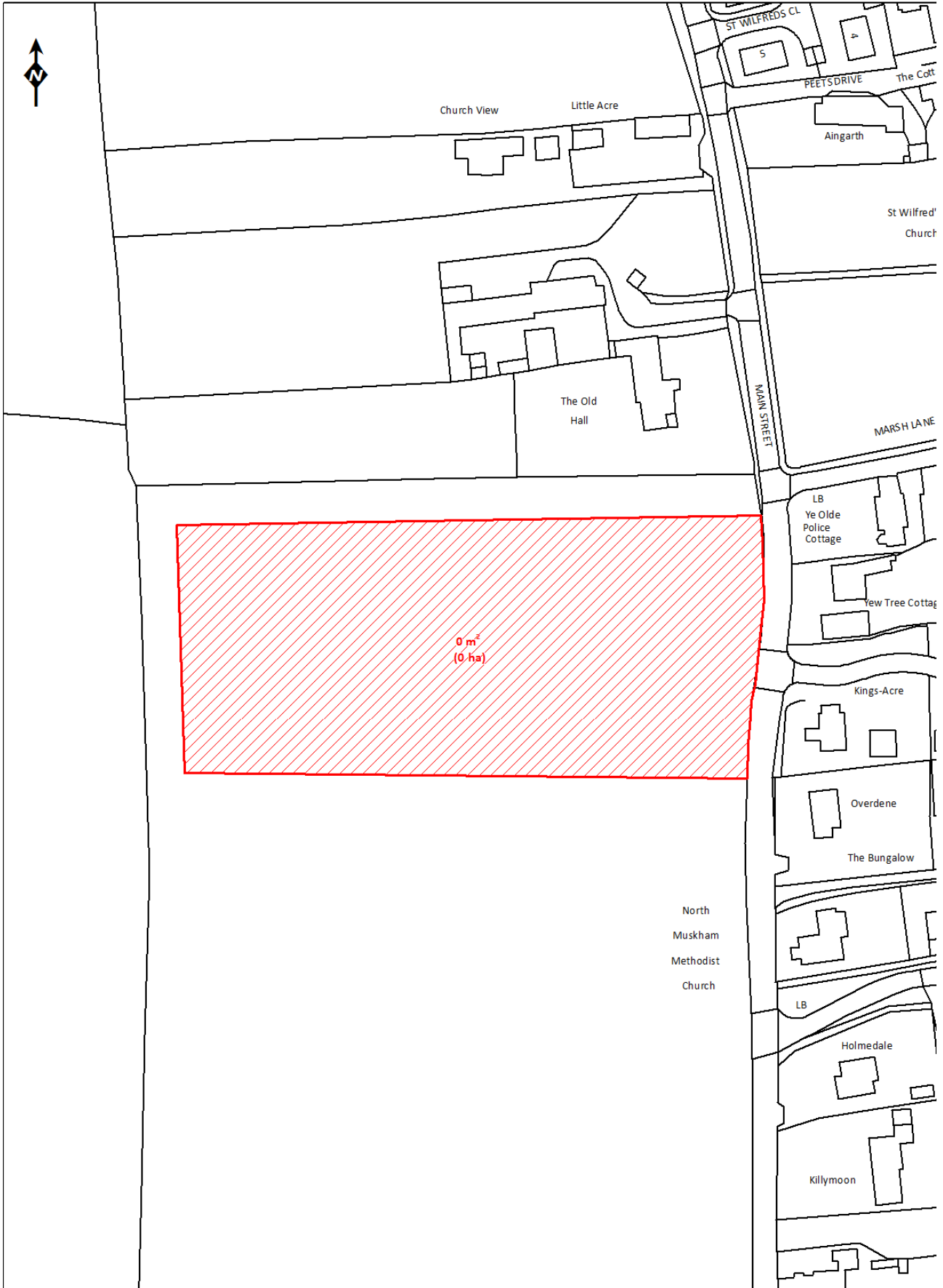
Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 16/01885/FULM



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<b>Application No:</b>	<b>17/01003/FUL</b>	
<b>Proposal:</b>	<b>Change of use of land to be used as a burial plots</b>	
<b>Location:</b>	<b>Field Ref. number 5254 Hargon Lane Winthorpe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Winthorpe - Langford Parish Council Lee Cammack</b>	
<b>Registered:</b>	<b>26.05.2017</b>	<b>Target Date: 21.07.2017</b>

**Under the Council's scheme of delegation, the application would not usually need to be referred to Planning Committee. However for consistency with the previous application determined in 2010, the application is being presented to Planning Committee given the recommendation is contrary to the advice of the Highway Authority.**

#### The Site

The site is located within amenity open space located to the rear of residential dwellings served off Hargon Lane, Winthorpe.

The amenity open space was provided by the developer of the adjoining residential estate in order to create a green buffer between built development and open countryside to the east. It is adopted by the District Council and is laid to grass with ornamental trees and shrubs. The site occupies a small part of the amenity space, amounting to some 360 square metres in area, on the western boundary, with the proposed access following a grassed area down the western boundary to Hargon Lane.

To the west the site adjoins the rear gardens of four properties, 25 and 27 Hargon Lane and 35 and 37 Branston Close. These properties are all bungalows, with rear boundaries defined by 2 metre high close-board fences. To the east the amenity space is bounded by a tree belt, beyond which are arable fields. Opposite the amenity space, to the south are enclosed paddocks.

#### Relevant Planning History

Planning permission was originally granted for residential development, including the provision of open space, in 1972. The open space was laid out in accordance with approved details in 1978.

Planning permission was granted in September 2010 for the change of use from open space to burial ground, although this has not been implemented and has now lapsed. Application Ref. 09/01448/FUL.

#### The Proposal

The proposal is a resubmission of the previous scheme for the change of use of the site to burial ground which has now lapsed.



As part of the application a new pedestrian access is proposed from Hargon Lane, utilising “grasscrete” blocks and provision will be made for flower waste bins. The burial plot would be separated from the remainder of the amenity space by a low box hedge.

The applicants submitted the following information in support of their previous application;

“The graveyard at the Parish Church is virtually full, having an estimated three plots for new burials. Whilst difficult to foresee future requirements, it is over five years since a burial took place in the Parish Church graveyard.

The Parish Council do not envisage therefore that the proposed new area will be filled quickly.

The Parish Council estimate the area to be sufficient to accommodate 30 plus internments. The church graveyard continues to have sufficient land however for the interment of cremated ashes.

The area of land for burial will be separated from the main area by a small (24” high) box hedge. It is also proposed to limit the height of any gravestones/memorials to 36” maximum.

The whole area of land is quiet and attractive, with a number of mature trees and flowering shrubs etc and the Parish Council is anxious not to disturb this.”

The applicants have previously consulted two local firms of undertakers as part of the original application (E Gill and Sons and Lincolnshire Co-operative Society) who confirmed that they would not require any hard-standing or a turning bay for the hearse as they would pull up at the kerbside and carry the coffin across the short distance to the area of burial.

The applicants previously said the undertakers advised it would be helpful, particularly in inclement weather, if there was a pathway over to the area so that there is no danger of slipping.

#### Public Advertisement Procedure

Occupiers of twelve properties have been individually notified by letter.

#### Planning Policy Framework

#### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

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

Core Policy 13: Landscape Character

## **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**

**Winthorpe Parish Council** – Supports the application.

**NCC Highways Authority** – ‘Few details have been submitted in order for this Authority to assess the application.

However, it would appear that there is only to be pedestrian access to this site. This raises two issues:

- 1) ‘Grasscrete’ is not a suitable surface for pedestrian usage due to the risk of tripping on the textured surface, and
- 2) There is nowhere on this road where a funeral cortege could reasonably be expected to turn.

It is suggested that the Applicant be approached and required to provide details as to how the above issues will be satisfactorily addressed. Without a satisfactory outcome this Authority would be minded to recommend refusal on the grounds of highway safety and convenience.’

**NSDC Environmental Health section** – ‘In response to the consultation regarding the above planning application, please refer the applicant to the Environment Agency guidance on cemeteries and burials below:

<https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

**Environment Agency** – No comments have been received within this application, although the EA have made the following comments within the previously approved scheme;

“The Groundwater and Contaminated Land team appreciate the comments and the additional information regarding the trial pit dug. With regards to the information provided we have the following comments:

The proposed cemetery extension lies on sands and gravels. These are classified as secondary aquifers under the Agency’s Groundwater Protection: Policy and Practice (GP3).

The burial of human remains can result in the release of a variety of substances and organisms into the subsurface, which can, over time potentially find their way into groundwater. Therefore

the Agency's policy is to minimise the risk of substances entering groundwater and surface waters and any potential harm arising from cemetery developments.

Therefore in order to protect groundwater and surface water in respect of burial grounds, the following conditions should be followed:

- (i) Remains must not be buried within 250 metres of any well, spring or borehole from which a drinking water supply is drawn.
- (ii) The place of interment should be at least 30 metres from any other spring or watercourse and at least 10 metres away from any field drain.
- (iii) The base of all burial pits on the site must maintain a minimum of one metre clearance above the highest natural water table. (Any variability of the water table should be taken into account.)"

**Neighbours/Interested parties** - No written representations have been received.

#### Comments of the Business Manager

It is considered that the main planning issues to consider with this application are the principal of the change of use of the amenity space, and the impact on the character of the area, the impact upon the amenity of neighbours, impact on groundwater and traffic safety.

#### Principal of Development

The application is designated as public open space, and as such Policy SP8 (Protecting and Promoting Leisure and Community Facilities) of Allocations and Development Management DPD is relevant. Policy SP8 seeks to prevent the loss of community facilities unless its continued use is no longer feasible, or there is sufficient provision of such facilities in the area or alternative provision has, or will be made elsewhere.

The emerging Policy wording for Policy SP8 under the current plan review also includes the following paragraph.

'Small-scale development that is ancillary to existing open space and recreational land and which would result in a small loss of space will be supported, providing that it contributes toward the improvement and better use of the remainder.'

The existing open space provides a green landscaped buffer between the residential development to the west and agricultural land within the open countryside to the east. The open space does not support children's play equipment and its chief function is visual, although it is also used for informal play, dog walking etc.

The area to be used for burials represents just over 3% of the whole open space, the remainder of which will remain as existing. With the exception of the gravestones and the pathway, no built development is proposed. The Parish Council have confirmed that existing trees and shrubs would be retained. As such I am satisfied that the open, amenity function of the open space will be retained. Furthermore, I consider the requirement to find additional burial space provides for an important community need, to the benefit of those residents who wish to be buried locally or to

visit and attend the graves of friends and relatives within their Parish.

I therefore consider that the principle of the change of use in this location is acceptable and that the visual amenity of the open space and community facilities will be preserved in accordance with the aims of Policy SP8.

### Neighbouring Amenity

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

The burial ground would principally adjoin the rear gardens of four bungalows on Branston Close and Hargon Lane. These gardens are bordered by 2 metre fencing which would screen views from the rear windows of those properties and protect residents' privacy during a funeral or visits to the graves.

The applicants have previously estimated that burials are unlikely to take place more than once every one to three years at most. The ceremonies themselves generally last less than half an hour.

Given the very low level of activity proposed on the site, and taking into account the solemn nature and short time span of the activities taking place I do not consider that significant issues of disturbance would arise.

### Groundwater Protection

The use of land for burials is required to meet strict environmental conditions established by the Environment Agency in order to safeguard against groundwater pollution. Discussions between the Parish Council and the Environment Agency took place during consideration of the previous application and resulted in the Environment Agency raising no objections (having had regard to the local ground conditions and the results of a trial pit) subject to the inclusion of recommended conditions. The Parish Council have previously confirmed that they are able to comply with the recommended conditions and these are still considered relevant to be attached to any new grant of planning permission.

### Highway Safety

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

The Highway Authority have expressed concerns on two grounds, firstly in respect of the proposed use of the grasscrete surface for the path, which they consider could lead to slipping in inclement weather, and secondly, the lack of a turning area for the funeral cortege on Hargon Lane.

Whilst the Highway Authority would not normally comment on pedestrian paths within a site the access crosses the verge and will be required to meet the County Council's standards at this point. I propose therefore to condition the precise details of the surfacing, to which the Parish Council

have previously agreed.

In terms of the second concern, I acknowledge that Hargon Lane is both single lane and lacks a turning space. Nevertheless, taking into account the very low proposed usage of the site, I do not consider it proportionate or reasonable to require a full turning area within the amenity land, which will have a significant impact upon the character of the open space.

There are only two further properties served off Hargon Lane, after the amenity site, and the lane is a cul-de-sac, being blocked by the A46 at its far end. In the circumstances, the level of traffic using the lane is extremely low. The undertakers consulted by the Parish Council have both confirmed that they would be able to turn round within the road, without the requirement for a formal turning circle to be constructed on site. Again, I consider significant weight should be attached to the predicted very low level of usage of the site, every two or three years on average, such that, in my opinion, any highway inconvenience would be both short lived and very infrequent.

As such, I do not consider that there would be any significant impact upon either highway safety or convenience.

### **Conclusion**

Taking into account the above, I consider that the use of a small area of existing amenity open space in this location will not detract from its open character, nor cause significant residential, groundwater or traffic impacts. The burial ground would however provide an important community facility for the residents of Winthorpe and Langford. It is therefore considered that the proposal would accord with the relevant aims of the NPPF, Spatial Policy 7 and Spatial Policy 8 of the Core Strategy and Policy DM5 of Allocations and Development Management DPD. Accordingly it is recommended that planning permission be granted.

### **RECOMMENDATION**

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

#### **Conditions**

01

The development hereby permitted shall be begun within 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

Location plan received by the District Council on the 24<sup>th</sup> May 2017  
The landscape plan dated 22nd October 2009

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

Remains must not be buried within 250 metres of any well, spring or borehole from which a drinking water supply is drawn.

Reason; In order to protect groundwater and surface water.

04

The place of interment should be at least 30 metres from any other spring or watercourse and at least 10 metres away from any field drain.

Reason; In order to protect groundwater and surface water.

05

The base of all burial pits on the site must maintain a minimum of one metre clearance above the highest natural water table.

Reason; In the interest of floodwater prevention.

06

No development shall be commenced until full details of surface materials for the footpaths have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; In the interests of visual amenity and safety.

07

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

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

### **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/](http://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.

#### BACKGROUND PAPERS

Application case file.

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive





<b>Application No:</b>	<b>16/01903/FUL</b>
<b>Proposal:</b>	<b>Conversion of outbuilding to form dwelling</b>
<b>Location:</b>	<b>9A Cross Lane, Farndon, Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr and Mrs K B and J A Mason</b>
<b>Registered:</b>	<b>10.4.2017</b> <b>Target Date: 05.06.2017</b>
<b>Extension of time agreed until the 11<sup>th</sup> August 2017</b>	

**This application is presented to the Planning Committee for determination because the recommendation differs from the Parish Council’s views.**

The Site

The site is located to the east of Cross Lane and is occupied by an outbuilding, originally used in connection with the farmhouse dwelling. The outbuilding fronts the highway and is currently used as storage. The site is located with the main built up area of Farndon and within the defined conservation area.

The proposed dwelling is accessed to the south of the site by an existing vehicular access from Cross Lane.

The character of the area is predominantly residential and Cross Lane contains a combination of traditional C18 and C19 red brick buildings, mostly related to the farming industry, and a significant number of modern C20 dwellings, predominantly bungalows. The site is surrounded by residential properties with the Rose and Crown Public House further to the north.

Site History

No relevant history.

The Proposal

The proposal seeks to convert an existing outbuilding which is currently used for storage into a two bedroom dwelling. Parking would be provided to the south east of the site with the access from Cross Lane. A rear private amenity area would be provided to the north east of the site. The application does not propose to extend the existing building with only internal alterations and minor alteration to the fenestration proposed.

Amended plans have been submitted to address the concerns of the highway authority, reducing the wall height to improve the visibility from the access point and the layout amended to provide adequate parking and turning facilities.

#### Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter and a site notice displayed near the site.

Press Notice published 20/04/2017

Site Notice Posted 28/04/2017

Earliest Decision Date 01/06/2017

#### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011):**

- Spatial Policy 1 - Settlement hierarchy
- Spatial Policy 2 - Spatial distribution of growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 6 - Infrastructure for Growth
- Spatial Policy 7 - Sustainable transport
- Core Policy 3 - Housing Mix, Type and Density
- Core Policy 9 – Sustainable design
- Core Policy 10 - Climate Change
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment

##### **Allocations & Development Management DPD**

- DM1 – Development within settlements central to delivering the spatial strategy
- DM7 - Biodiversity and Green Infrastructure
- DM5 – Design
- DM9 - Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

#### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance (web based resource)
- *Conversion of Traditional Rural Buildings Supplementary Planning Document June 2005*

- Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act')

### Consultations

**Farndon Parish Council** – The parish council has been concerned about the amount of work that has been undertaken at this property, and the adjacent one on School Lane in advance of any planning application being submitted. The Enforcement Officer has been involved and has visited the property on a number of occasions.

The property is located within the Conservation Area of the village and is at a very narrow pinch point on to Cross Lane. The proposed access is immediately adjacent to that for 20 School Lane, close to a corner, diagonally opposite Prebends Close and immediately opposite a residential driveway.

The Parish Council objects to the application on the grounds that:

the skylights in the roof will impact on the privacy enjoyed by the residents that live opposite;

an additional access will impact on the highways in an area that already suffers with a narrow road, no pavement and on street parking;

the landscape had already been altered in the Conservation Area by the removal of shrubs, bushes, etc. prior to any application being granted permission

**Nottinghamshire County Council Highways** – The amended plan, ref. 1A/24/2016, now provides adequate turning facilities within the site and the wall adjacent the access is to be reduced in height to a maximum of 900mm. This is acceptable to the Highway Authority, and as such no highway objections are raised.

**Newark and Sherwood District Council Conservation Officer** - 9A Cross Lane is an unlisted building, with an unlisted associated outbuilding that forms the basis of this application, and it is situated within the Farndon Conservation Area (CA).

The Farndon Conservation Area was first designated in 1992. The Conservation Area does not encompass the majority of the village as there has been substantial growth in the twentieth century to the north. However there remains a historic core of the village centred on the principal roads of Main Street and School Lane running from east to west, while the western boundary is enclosed by Wyke Lane which runs from north to south, of which there is open farmland and countryside beyond, leading towards the River Trent.

The predominant palette of materials in the Farndon Conservation Area are brick with pantile roofs, and the agricultural history of the area is clearly legible in the number of associated outbuildings that still remain, either in use as converted residential dwellings or for storage. The

application site, Cross Lane, is a combination of traditional C18 and C19 red brick buildings, mostly of a functional quality related to the farming industry, with some higher status properties, most prominently the only listed heritage asset on the street – Cross Lane Farm House, a Grade II listed mid C18 building in the polite form. Cross Lane is also subject to a significant number of modern C20 dwellings, predominantly bungalows, and they are not coherent with the surrounding historic buildings and traditional features of a village conservation area. Number 9A, the application site, is a traditional red brick C19 house, which was originally constructed with moderate detailing, including a projecting porch and segmental arched brick voussoirs, although it has lost its original fenestration with modern uPVC replacements.

The building has a relationship on two sides by the late C20 residential developments, although its rear elevation faces onto the Rose and Crown pub on Main Street, a two storey C19 brick and pantile building which has been extended onto at the corner of Cross Lane. The 1884 Ordnance Survey map shows the application site located at the junction of Main Street and Cross Lane, with the principle farmhouse dwelling and outbuilding on the west side of the street, with undeveloped and enclosed fields and farmland to the south and east beyond.

The sense of historic character on Cross Lane has not been entirely diminished by the modern C20 developments. As they are suitably low rise, they do not interfere with the overall setting of the more historic buildings on the street; the palette of the rich red, variably hand-made bricks and clay pantiles predominate over the more modern concrete pantile roofs and rendered facades.

Assessment of proposal

The submitted scheme seeks to convert an outbuilding, originally in use as a barn, associated to the primary farmhouse dwelling. The outbuilding has a strong presence on the street scene appearance of the Farndon Conservation Area as its rear elevation sits immediately to the edge of the site boundary, facing onto Cross Lane. This is a blank elevation with a chamfered brick eaves cornice, with a brickwork facade in an irregular bond. The front elevation roof is splayed towards the eaves as the building has been extended at some point to provide for additional storage or to ease water runoff. The southern aspect gable end features an attractive ironwork weathervane surmounted by a cockerel.

The proposed conversion of the outbuilding does not seek to alter the prominent, street facing rear elevation, excepting the insertion of two roof lights. It is recommended that these roof lights are conditioned to sit flush with the line of the clay pantile roof, as anything more prominent will disrupt the street scene and reveal a crude adaptation of this agricultural building. Located further south, on the west side of Cross Lane, are a series of already converted agricultural buildings, and these have been adapted suitably and discreetly so it is not immediately obvious that they are now in new use. The southern aspect gable end, visible from the street scene, is proposed to remain without alteration, and accordingly Conservation considers there to be marginal impact on the character of the Conservation Area, and as such the proposal aligns with Paragraph 137 of the National Planning Policy Framework, which stipulates the need for good design within this historic setting. The plans do not show the retention of the weathervane with cockerel, and if possible it is

recommended that this is conditioned to remain, as it is potentially of historic value and its removal would diminish a degree of the building's agricultural character.

The inner facing front elevation is proposed to be re-fenestrated, with the insertion of new doors and windows. At present, the front elevation is in a dilapidated state and subject to a level of detritus that marginally undermines the street scene. Therefore this revision is welcomed, albeit the impact is felt to be low due to the inward facing aspect.

**Newark and Sherwood District Council (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 contains useful information in this regard.

It is recommended that homes are accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc. To this end, it is recommended that inclusive access to, into and around the proposal be carefully examined from the edge of the site and car parking together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are comments equally convenient to access and use. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

**Newark and Sherwood District Council (EHO)** – This application includes the conversion of outbuildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

**Trent Valley Drainage Board** – The site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourse in close proximity to the site.

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

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

**Representations received** – One neighbour comments have been submitted which can be summarised as follows:

- Velux rooflight would material alter the external appearance of the building
- The addition of the velux windows, together with the likely change of the existing roof tiles, will seriously compromise the aesthetic and historical value of that whole section of Cross Lane, in a Conservation Area
- Works undertaken on the site so far to create the conditions whereby the conversion of the outbuilding might appear relatively benign, removal of hedgerow and widening of driveway
- The outbuilding is situated on the narrowest part of Cross Lane. Recently, a delivery lorry damaged roof tiles as it passed along the back of the outbuilding. This is a health and safety risk

### Comments of the Business Manager, Development

#### Principle of Development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within ‘other villages’ in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an ‘other village.’

The site is considered to be located with the main built up area of Farndon. In this location, Spatial Policy 3 states that consideration is given to schemes which secure environmental enhancements through the reuse of former farm buildings providing the scale is appropriate to the location of the proposal. It is considered that the building is has historical merit and is therefore worthy of retention in my view and as such the principle of its reuse as a dwelling would ensure the building’s appearance within the street scene and the Conservation Area is maintained through the continued use of the building; the building’s historic connection with the farmhouse would still be readable from the local area. As such, the principle of development is considered acceptable subject to all other planning issues (set out below) being addressed.

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

Policy DM5 confirms the requirement for new development to reflect the rich local distinctiveness of the District’s landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The Local Planning Authority has a general duty to give special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’).

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

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

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

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

Cross Lane, is a combination of traditional C18 and C19 red brick buildings, mostly of a functional quality related to the farming industry, with some higher status properties, most prominently the only listed heritage asset on the street, Cross Lane Farm House, a Grade II listed mid C18 building. Cross Lane also has a significant number of modern C20 dwellings, predominantly bungalows which lie to the south of the site. The application building has more modern development to the south and west. To the north is a traditional red brick C19 house, NO. 9 Cross Lane.

This application seeks to convert an outbuilding, originally a barn, associated with the farmhouse. The outbuilding, as its rear elevation faces Cross Lane, has a strong presence on the streetscene and contributes to the appearance of the Farndon Conservation Area. There are no alterations proposed to the street elevation, with the exception of two roof lights. These rooflights can be conditioned to sit flush with the roof line. As there are limited alterations to the street elevation the proposal is considered to have limited impact on the character of the streetscene or Conservation Area.

The Conservation Officer raises no objection to the proposal but has commented that the plans do not show the retention of the weathervane with cockerel, and if possible this should remain, as it is potentially of historic value and its removal would diminish a degree of the building's agricultural character. A condition to ensure its retention is recommended.

The inner facing front elevation of the building is proposed to be re-fenestrated, with the insertion of new doors and windows. At present, the front elevation is in a dilapidated state and the alterations would improve the appearance of the building. Although this would have a limited impact on the character of the area as the inward facing aspect has limited public views.

The application proposes limited alterations to the building, the majority of which are on the inward facing elevation which will have limited impact on the streetscene or designated Conservation Area. The external dimensions of the building will be unchanged. It is considered

that the design, materials and detailing will improve the appearance of the building and as such the proposal is considered to enhance the designated Conservation Area. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Core Policy 9 and Core Policy 14 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

### Impact on Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The application relates to the conversion of an existing building which is sited on the highway boundary to the north west of the site.

The frontage elevation, west, remains unchanged with the exception of two small rooflights serving a hallway. To the west of the site properties are separated by the highway and frontage gardens. The rooflights will not create any overlooking to properties to the west on the opposite side of Cross Lane.

To the north, No. 9 Cross Lane faces the application site with its main aspect facing south. The relationship to the building remains unchanged as no external alterations are proposed to the northeast elevation and no extension is proposed.

Adjoining the application site to the south and east are the gardens to properties on School Lane. The east elevation is proposed to be altered with the addition of infill panels and windows. These opening will be at ground floor and with the fencing to the boundary it is not considered that any overlooking or impact on privacy will occur.

The proposed conversion of this outbuilding into a dwelling would not have a detrimental impact on the residential amenities of adjoining properties and as such I consider that the proposal meets with policies CP9 and DM5 in terms of residential amenity.

### Impact Highway Impacts

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. The proposed dwelling would be served via an existing access from Cross Lane and parking and turning provided to the south of the site. Amended plans have been submitted altering the parking and turning layout and reduction in height of the wall at the request of the highway authority. Adequate access, parking and turning provision has been made within the site.



NCC Highways Authority raises no objection to the amended scheme and the proposal would not have a detrimental impact on highway safety. Therefore, the scheme accords with SP7 and DM5 in this regard.

### Ecological Impacts

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Traditional rural buildings and mature trees often provide a habitat for a variety of species, some of which may be protected by law. The application has been accompanied by an ecology and protected species survey. The survey concludes that during the inspection no evidence of bat activity was found in any location within the roof interior and this was considered to be sufficiently conclusive in this instance to confirm the absence of roosting bats. Given the location of this building in an area where bats are known to be foraging it is always possible that the features on this building could be used by a solitary bat or colony of bats in the future. This building is considered to be unsuitable for use as a maternity or hibernation roostspace due to its condition and structural / thermodynamic qualities. It could be used as a transient roost in the future and the following recommendations are made:

1. Work to remove the roof structure of the building should be completed outside of the bat activity season (i.e. not between April and August).
2. If any work needs to be carried out to the roof of the building during the bat activity season this should either be started after the building has been re-inspected or following a bat activity survey as a purely precautionary measure as it is always possible for one or more bats to take advantage of features within this structure in the future.

The recommendations can be controlled through means of a condition. Overall I am satisfied that ecology matters have been adequately addressed and the scheme complies in this regard with the Development Plan.

### Conclusion

The conversion of the building is acceptable in principle and the design, materials and detailing will improve the appearance of the building. As such the proposal is considered to enhance the designated Conservation Area and would not impact on the character of the area. The development is acceptable in terms of ecology, impact on residential amenity and highway safety. The proposal would also result in the reuse of a farm building which is likely to secure long-term environmental enhancements through the continued use of the building. For all these reasons I conclude that the scheme is acceptable and recommend approval.

## **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:

Proposed site plan received 18<sup>th</sup> May 2017

Proposed Plans and Elevations Drawing No. 3/24/2016

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The hereby permitted rooflights shall sit flush with the line of the clay pantile roof.

Reason: In the interest of visual amenity.

05

The existing weathervane with cockerel shall be retain and thereafter remain in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the special architectural or historical appearance of the building.

06

The development shall be strictly carried out in accordance with the recommendation in the protected species survey submitted with the application, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

#### Notes to Applicant

01

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

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

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

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

04

The above application includes the conversion of an agricultural building to residential use and there lies the potential for this to have been used for a variety of activities. Where the existing or previous land use(s) of the site indicate that there is a potential for the site to have been

contaminated then the applicant/developer will need to have a contingency plan should the construction/ conversion phase reveal any contamination. In this event you should contact the Environmental Health Unit at Newark and Sherwood District Council on 01636 650000.

05

The applicant is advised that surface water run-off rates to receiving watercourses must not be increased as a result of the development.

#### BACKGROUND PAPERS

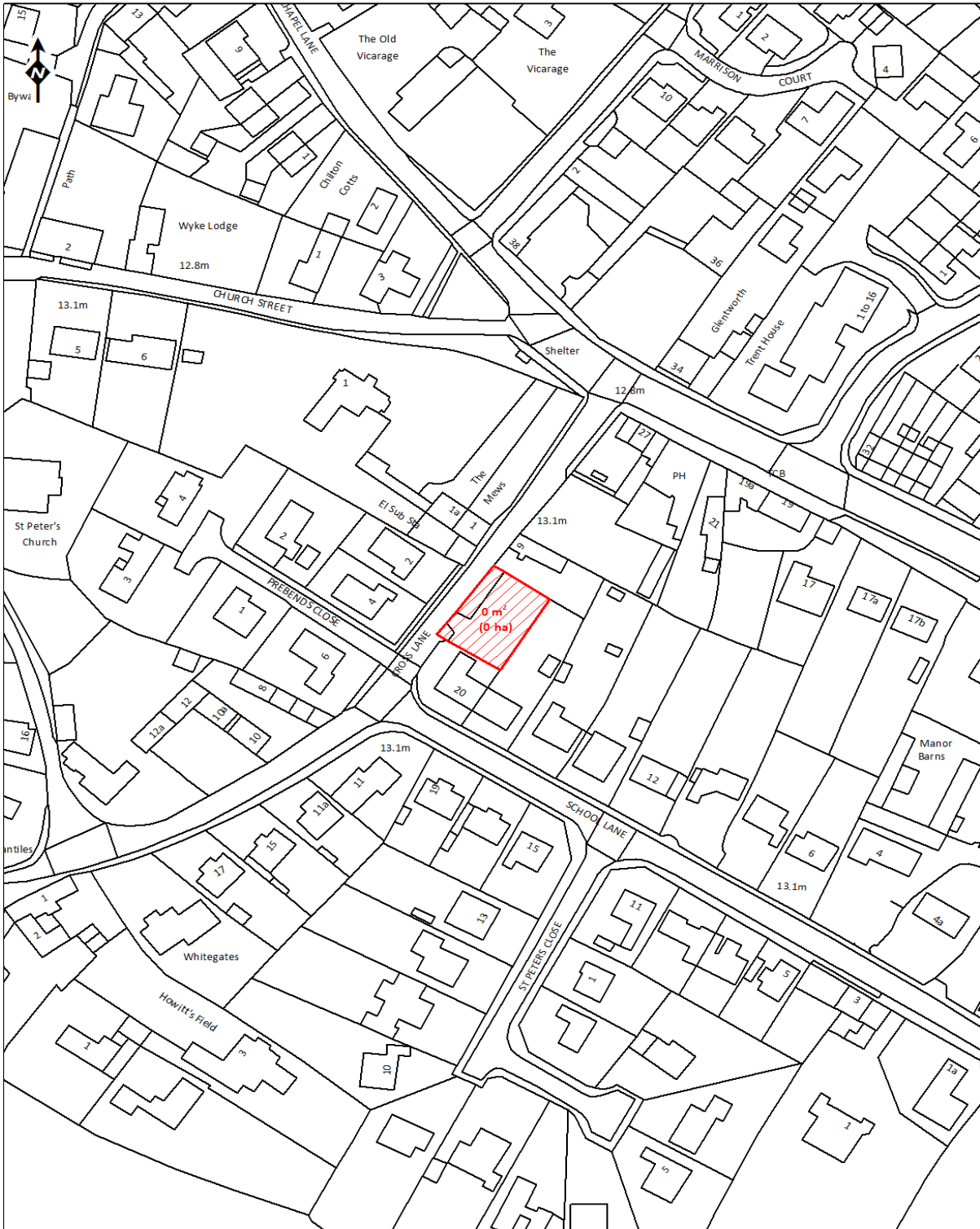
Application case file.

For further information, please contact 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](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive

Committee Plan - 16/01903/FUL



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<b>Application No:</b>	<b>17/00801/FUL</b>	
<b>Proposal:</b>	<b>Two detached dwellings</b>	
<b>Location:</b>	<b>Land Off Hockerton Road Hockerton Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr Richard Craven Smith Milnes</b>	
<b>Registered:</b>	<b>28.04.2017</b>	<b>Target Date: 23.06.2017</b>
	<b>Extension of Time Agreed until 11.08.2017</b>	

The application was deferred from the July 4<sup>th</sup> Planning Committee as Members requested that Officers undertook further negotiations with the agent in respect to the proposed design of the dwellings. Revised plans have been received on 18<sup>th</sup> July 2017 and an additional round of consultation undertaken to neighbours and the Parish Council for 10 days.

Whilst officers were satisfied with the original design proposed, the concerns of Members have been noted. It is considered that the revised design presented better represents a domestic dwelling rather than the original scheme which displayed a ‘barn-like’ appearance. Colleagues in conservation have also assessed the revisions particularly in respect to the proposed detailing. No objection has been raised and thus the recommendation remains one of approval. The majority of the report below remains unchanged to that presented to Members in July. Any changes included are depicted by bold text.

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

The Site

The application site is a broadly rectangular plot to the west of the junction between the A617 and Hockerton Road. The site as existing forms a vacant piece of land which appears to have been recently cleared of some vegetative cover (albeit the boundaries surrounding the site remain densely vegetated).

The proposal site is in Hockerton which, whilst not a Conservation Area, is an attractive historic village. The proposal site is also close to the Grade II\* listed medieval church and the Grade II listed Manor Farmhouse and separately listed barn and stables associated with Manor Farm.

The site is also in close proximity to other historic barns of Local Interest. In addition, at least part of the site was once (if not still) associated with the Old Rectory, an attractive Local Interest building of Georgian origin. The northern boundary of the proposal site is bound by the same red brick wall which encloses the Old Rectory and there is a gateway leading from the formal garden area of the Old Rectory, through a garden wall and into the proposal site. An estate fence in poor condition can also be seen part way through the proposal site. Late C19 maps suggest part of this site was an orchard, with various enclosures within it and small outbuildings on the eastern border.

### Relevant Planning History

There is no planning history of relevance to the site itself although the applicant has sought pre-application advice on a proposal for 2 dwellings.

As will become apparent in the appraisal section below, there are other schemes in the village which are considered material to the current application.

### The Proposal

The application seeks full planning permission for the erection of two detached two storey dwellings. Both dwellings are four bedrooms with internal double garages. The plots are proposed to be perpendicular to one another such that the building line of Plot 1 would be parallel to the A617 in the northern part of the site and the building line of Plot 2 would be parallel to Hockerton Road in the southern part of the site.

The dwellings would have a maximum pitch height of approximately 7.48m and an eaves height of approximately 4.61m with the single storey garage element on Plot 1 being approximately 5.38m in height.

The total floor space of the Plot 1 would be approximately 225m<sup>2</sup> whilst Plot 2 would have an approximate floor space of 233m<sup>2</sup>. Facing materials would be brickwork with a pantiled roof.

Both dwellings would be accessed from a shared access to the south eastern corner of the site from the existing Hockerton Road.

The application has been accompanied by a Planning and Design and Access Statement as well as a Heritage Statement and an Arboricultural Report which confirms that 5 trees within the site are retention category 'A' and 9 trees are retention category 'B.'

Comments received during consultation make reference to the application being sited at the wrong address (Land off Caunton Road rather than Hockerton Road). This was an administrative error which has been amended throughout the life of the application. The error related solely to the road name and the consultation procedure correctly notified adjacent neighbours as well as placing a site notice adjacent to the site. Given that the plans are clear as to the site's positioning,

it is not considered that neighbouring occupiers have been prejudiced by reference to the wrong road name. Indeed the comments received reflect the ability for the plans to be assessed as per the intentions of the proposal. **It should also be noted that the re-consultation on the amended plans has stated the correct address for the proposal.**

#### Departure/Public Advertisement Procedure

Occupiers of twelve properties have been individually notified by letter. A site notice has also been displayed near to the site.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment

##### **Allocations & Development Management DPD**

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM9 – Protecting and Enhancing the Historic Environment

##### **Other Material Planning Considerations**

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Spatial Policy 3 Guidance Note

##### **Consultations**

**Hockerton Parish Council** - In regards to the planning application 17/00801/FUL for 2 new dwellings, the parish meeting has voted unanimously to object to the proposal.

This vote was based upon the information that was available at the meeting. Questions were asked that could not be answered by the land owner at the meeting in concern of drainage and sewage treatment, impact near a busy junction, safety of perimeter wall, overhanging trees, and impact on neighbours.



Unfortunately the planning application gave the wrong address for the site thus giving much confusion in the village and the neighbouring properties were not notified as per normal procedure.

**NSDC Conservation** - The proposal site is in Hockerton which, while not a Conservation Area, is an attractive historic village. The proposal site is also close to the Grade II\* listed medieval church and the Grade II listed Manor Farmhouse and separately listed barn and stables associated with Manor Farm. Development here has the potential to affect the setting of these listed buildings.

The site is also in close proximity to other historic barns of Local Interest. In addition, at least part of the site was once (if not still) associated with the Old Rectory, an attractive Local Interest building of Georgian origin. The northern boundary of the proposal site is bound by the same red brick wall which encloses the Old Rectory and there is a gateway leading from the formal garden area of the Old Rectory, through a garden wall and into the proposal site. An estate fence in poor condition can also be seen part way through the proposal site. Late C19 maps suggest part of this site was an orchard, with various enclosures within it and small outbuildings on the eastern border.

In general village plan form terms it would not necessarily be out of character for modest development here and the site is within that you could discern to be the built form of the village.

#### *Impact on the setting of Grade II Manor Farmhouse and barns*

The proposal site is clearly inter-visible from Manor Farmhouse and its associated outbuildings. While the setting of these buildings benefit from a low density and semi-rural village environment, they are based *within* the village and so are seen in the context of other low scale village development, rather than rural isolation. Given the potential separation distance, the use of a sympathetic boundary treatment, a low scale and low density development, traditional materials and traditional overall form, I think there is potential to erect two houses here without causing harm to the setting of Manor Farmhouse or its associated farm buildings.

I am pleased to note a simple post and rail fence proposed (the height of which should be controlled) which should suit the semi-rural character of the area and avoid a suburban finish.

The two houses have a simple plan form and have been adequately sited to still afford this sense of spacing and low density character. The overall design idea of the new houses is a faux barn, which does make for a relatively simple and low impact appearance. The use of faux barn detailing alongside more domestic features, like a porch and Juliet balcony, is a little uncomfortable, but has been done with some restraint and is not in itself harmful. I also appreciate the use of segmental arches over openings and simple fenestration. The materials are red brick and pantile, which reflect the local character and materials. The only slightly unattractive element is the garage doors on plot 2 within a two storey element. The doors would benefit from a timber lintel or segmental arch and the wall above could do with some openings, or blind openings. This is an important elevation as it will be inter-visible with Manor Farmhouse.

### *Impact on the setting of the local interest Old Rectory*

While there is very likely to be a historical association between this proposal site and the Old Rectory there is a clear boundary and character distinction between the two sites. The site does not resemble an orchard anymore and, while there remains the historical association, its contribution to the setting of the Old Rectory is primarily now derived from a sense of space and greenery and from the high brick wall forming part of the boundary. I feel the two proposed new houses are of a density and siting that still preserves this overall green and low density setting. I feel the use of a simple two storey form, traditional detailing and materials will also help these houses become a neutral feature in the setting of the Old Rectory.

The boundary wall to the Old Rectory should not be breached and should be preserved as part of this development, which I believe it is. The condition of the wall, which is leaning in places, should be considered at this point and repairs may prove necessary. I would not want to see housing approved here and then applications made to demolish the boundary wall as new residents were unable or unwilling to repair/maintain it. Could we secure the repair of the wall as part of this application?

### *Impact on the setting of the Grade II\* Church of St Nicholas*

It would also not be harmful to the setting of the church to have low scale development here, which is far enough away from the church that it would not 'cramp' the church or church yard. A two storey form and the use of simple gables and pantiles roofs will make for a neutral addition in the setting of the church. Any views created of the church in conjunction with the two new houses would not necessarily be out of character, incongruous or obscure any important vistas.

### *Trees, landscaping & site entrance*

My preapp noted some mature yew trees on the eastern boundary, which in themselves are attractive but might be historically important in conjunction with the church and/or the Old Rectory and I believe these are shown as being retained. Greenery is very important to the semi-rural character of Hockerton and I believe the majority of the greenery on the site is being retained? That is certainly what I have inferred from the block plan which looks very similar in terms of trees identified to the tree survey report.

The existing site entrance is being re-used. I note a visibility splay annotated but also note that the trees around the entrance are being largely retained, so believe this will retain a fairly low impact approach. I believe the access has to bridge a ditch and maybe the exact details of this could be conditioned to avoid an overly engineered approach.

### *Archaeology*

I am pleased to see the pre-application advice has been followed and an archaeological report has been carried out. I note this concludes some potential for archaeological finds and disturbance. As

such we should ensure there is a condition to capture this by a scheme of archaeological mitigation, to be agreed.

### *Conclusion*

Overall, I think the principle of these two new houses is acceptable. The land falls broadly within the built form of the village. There is a historic association of this being open land cultivated as an orchard in association with the Old Rectory, but it is not discernible as an orchard now and the attractive brick wall of this is being retained. The buildings have been sited to keep a good sense of space around them and avoid cramping the Old Rectory and Manor Farmhouse. The new build houses are of a comparable scale, materials and detail to the local vernacular, but the elevation of plot 2 with the two garages could be improved. The overall greenery of the site seems to be retained.

Subject to conditions and a better detail to the garage elevation of plot 2 I think the setting of the nearby heritage assets will be preserved.

**Following discussions with the conservation officer and the submission of amended plans showing revisions to the design and appearance of the proposed dwellings it is considered that the development is much better and is of a more typical vernacular.**

**NCC Highways Authority** – This application is for the construction of two detached dwellings, served by an existing access, although this will require widening. The site is of sufficient size to easily accommodate this proposal and the associated parking.

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

1. No part of the development hereby permitted shall be brought into use until the access to the site has been widened in accordance with the approved plan (dwg. 02) and constructed in accordance with the Highway Authority's specification. Reason: In the interests of highway safety.
2. 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 details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 02 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 general interests of highway safety.

Note to applicant

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 VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

**NSDC Access and Equalities Officer** – Observations in relation to Building Regulations.

**Trent Valley IDB** – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

*8 letters of representation (4 from the same party) have been received all of which raise objections to the scheme which can be summarised as follows:*

- The NPPF specifically encourages the use of public transport but these dwellings will not be served by public transport
- The application should consider a public footpath across his land to Southwell
- The application form is incorrect in saying there will be no highway alterations
- There appears to be no consideration for disabled access
- The occupants would not be able to walk safely to the village hall or the pub
- The application has an incorrect address so no neighbouring consultations have been received
- The development would pose a risk to the stability of trees on the eastern boundary
- The ditch to the eastern boundary should be protected from blockages
- The access on the block plan is misleading, it cuts across private land – the more vehicles using this access will pose a greater risk of accidents
- There doesn't appear to be enough turning space for vehicles
- There is no proven local need for houses of this size
- The application does not say how drainage and sewage will be handled
- The church is no longer in use and the use of the village hall is limited
- The plans are incorrectly labelled
- There is only one bus twice a week to Southwell
- The visibility at the junction is poor
- There are other houses on the market or being built
- The greenfield site should be retained
- Wildlife will be affected
- No details of boundary treatments have been provided
- The size of the properties will cause visual impacts which will block light to neighbouring properties

- The landscaped area contributes to the setting of the adjacent listed building.

### Comments of the Business Manager

#### *Principle of Development*

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

#### *Five Year Housing Land Supply*

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

**In terms of the current 5 year housing land position, the Council has recently published (since the July Committee) that it does have a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's and having done more work since the Farnsfield appeal. Until such time that the OAN is tested at Plan Review, it cannot attract full weight but given that this is professionally produced in cooperation with partners and the only OAN available it should carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.**

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

#### *Location*

The first criterion of SP3 details that '*new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.*'

The first element of assessment; whether or not the development is within the main built up area of villages, in the absence of village envelopes, is somewhat a subjective matter. It is noted that the boundaries of the site are in some part shared with neighbouring residential curtilages. The land on the opposite side of the A617 is relatively open in nature. Nevertheless I am mindful that given the separation of the A617, and the vegetated boundary treatment, the site would undoubtedly be more readily interpreted with the residential curtilages to the south. On this basis it is considered reasonable to conclude that the site is within the main built up area of the village.

In addition to the above, the locational criterion of SP3 also requires consideration of the local services available. To confirm, Hockerton has a village hall, village church and public house. I appreciate from the content of the comments received during consultation that the use of these services at present may be limited, but they nevertheless provide opportunity for village facilities should the need arise.

Members will be acutely aware that local services and their sustainability implications have been subject to assessment through the determination of numerous applications in SP3 villages. In reaching a judgement on the current application, officers consider it necessary to explicitly reference other decisions which form a material consideration to the current determination. This includes other decisions taken in Hockerton as well as decisions taken in other villages on the basis of seemingly similar provision of services.

There have been numerous applications for additional residential development in Hockerton in recent years. This includes land within the ownership of the applicant. Notably two detached dwellings have recently been erected on land to the west of the site (reference 15/01920/FUL and 15/01678/FUL) and there is an extant permission for the erection of three additional dwellings nearby (references 16/01824/FUL and 17/00105/FUL). The approval of the extant schemes were made under delegated powers in January and March respectively on the basis of no objections raised by the Parish Council. In both of these decisions, officers concluded that the existing services within the village would be adequate to serve the proposed occupiers. In reaching this judgement the accessibility of Hockerton to Southwell and Newark gained the attachment of weight in the overall balance, on the basis of paragraph 55 of the NPPF which states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby." Clearly given the timing of these decisions, both were taken in the context of the Council's pragmatic approach to development in respect of the five year land supply position. On the face of these decisions, it would seem appropriate to conclude in this case that the services of the village are sufficient to support additional housing. It would be extremely difficult to resist the application on the basis that the services of the village were inadequate given the stance which has been taken in the recent past.

However, officers are extremely conscious of a scheme which was presented to Members at the last committee meeting for an additional dwelling in Maplebeck (also an SP3 village). One of the reasons for refusal of this application (reference 17/00694/FUL) was that Maplebeck did not

provide the services necessary to warrant the development being considered sustainable. Members should be aware that the services available in Maplebeck are identical (in terms of form) to those available in Hockerton. Nevertheless, officers have identified what they consider to be material differences between the two settlements which would warrant coming to a different view. The definition of sustainability is thus a matter of context and balance, including with settlements nearby. We are not talking in this instance of significant new built form outside of a village. Nor do we have before us evidence from consultees that infrastructure has reached an unacceptable tipping point.

Whilst Maplebeck and Hockerton are relatively close to one another (approximately 4 miles between them); the latter settlement is geographically closer to the larger more sustainable settlements of Southwell and Newark. In respect of the former, the site is approximately 2.2km away from the urban boundary of Southwell. There is no doubt that this is beyond the distance which one would reasonably walk for local services, but the journey by vehicular transport could easily be taken within 5-10 minutes. I appreciate that the use of the private car is not something that should be advocated in sustainability terms but I am also mindful of the context of paragraph 55 of the NPPF which acknowledges that *'where there are a group of smaller settlements, development in one village may support services in a village nearby.'* Indeed this is an approach Members took in overturning officer recommendation of another SP3 village application at the June Committee meeting for a scheme in Morton (reference 17/00382/FUL).

Taking all factors into account, and given that as an authority Hockerton has already been accepted as a sustainable settlement for further small scale and in village residential delivery, officers consider that it would be extremely difficult to resist the current application on the basis that the current services are inadequate to support the proposed occupiers.

#### *Scale and Impact of Development*

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. As is already alluded to above, there have been a number of recent applications for further housing in the village, some of which have been built and others which remain extant.

One could take a view that the provision of two additional dwellings would begin to tip the balance beyond 'small scale' development within the village as a whole. However, this would be purely in respect to a numerical assessment which in itself does not automatically create harm. This then leads to the third criterion of impact.

SP3 requires that development proposals should not have a detrimental impact on the amenity of local people (discussed further below) nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. The application form submitted confirms that the foul sewage of the proposed dwellings will be dealt with by septic tank and the surface water will be dealt with through a soakaway system. The Parish Council objection makes reference

to questions that could not be answered by the land owner in respect of these matters but unfortunately it is not clear to the level of detail which was sought. Officers have no reason to conclude that the scheme couldn't deliver an acceptable means for dealing with sewage and surface water through the suggested means and there are no objections from relevant expertise that would be a cause for concern. Without an identified harm, it is considered that it would not be appropriate to resist the application purely on the basis of the numerical addition of dwellings. Matters of surface water drainage can be adequately dealt with by condition if Members are minded to agree with the officer recommendation.

### *Need for Development*

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need.

The Design and Access Statement submitted to accompany the application references that the application is *'based upon a need to deliver new homes in this location, to meet an identified housing need.'* However, no evidence has been provided to substantiate this comment. I am conscious that the village was subject to a Housing Needs Survey in 2006, but this is now considered too out of date to be attached any weight whatsoever (especially given the advances in housing delivery since this time which have already been referenced.) On this basis, for the avoidance of doubt, officers consider that the applicant has failed to demonstrate a proven local need for the delivery of two additional dwellings. Nevertheless, whether or not this falls to be a determinative factor to the recommendation is weighed in the overall balance below noting the current pragmatic approach being taken by the LPA.

### *Impact on Character including Heritage Setting*

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

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

Given the proximity of the nearby heritage assets identified above, there remains a likelihood that the proposed development could affect the setting of the listed buildings. Policies CP14 of the



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

The proposed dwellings are substantial in both their scale and footprint offering four large double bedrooms and ample living space at ground floor as well as an internal double garage. Nevertheless the size of the plot is ample such that this design can be delivered in plan form without appearing cramped in the overall street scene. It is stated within the submitted Design and Access Statement that the scale of the dwellings is comparable in terms of other recently approved dwellings in the village. Having appraised the schemes which have been approved, I consider that it would be difficult to disagree with this statement. Indeed given the precedent of modern development which has been set nearby, I consider that it would be difficult to resist the application on the basis of its presented design.

**The original scheme was presented to Members in July with the resolution of the meeting being to defer the item to allow the applicant the opportunity to amend the design of the proposed dwellings. This has been done through negotiations with amended plans received 18<sup>th</sup> July 2017. Overall officers consider that the revised scheme is a more traditional and domestic feel which is not considered to be harmful to the overall character of the area nor the setting of nearby listed buildings. Although it is noted that there is not an abundance of dormers in Hockerton, it is also noted that these are not true dormers as they do not use the loft space. In this case the dormers are considered appropriate in that they aide in breaking up the elevations to which they serve. Officers are satisfied with the revised design presented and have identified no resultant character harm.**

The application has been accompanied by an archaeological desk based assessment dated April 2017. The submission of this document is welcomed in allowing an upfront assessment given the proximity of the church precinct. On this basis, the application is confirmative with the requirements of paragraph 128 of the NPPF in describing the significance of heritage assets affected. There is an acknowledgement within this document that *'clarification of the archaeological potential could be achieved through further archaeological work'* and that the site is *'suitable for geophysical survey and for evaluation trial trenching.'* On the basis of these conclusions, it is considered reasonable to attach a condition requiring further archaeological work should the application be approved.

#### *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 is already identified the overall site area is of an ample size to allow for the delivery of two relatively large plots despite the proposed scale of the dwellings. This has the benefit in terms of residential amenity of increasing separate distances. The block plan annotates that Plot 1 would be approximately 16m from the closest neighbouring boundary and Plot 2 would be approximately 25.5m away. The respective plots would have an approximate separation distance of 19m.

It is acknowledged that the proposal would have a visual impact to the nearest neighbouring residents particularly to the west. In respect of Plot 2 this would be most pronounced for the dwelling known as Rectory Barns (the L-shaped plan form shown on the block plan but not labelled) and no. 1 Church Lane (labelled as such on the submitted block plan). Dealing firstly with the former, the neighbouring dwelling does have a number of first floor windows on the east elevation. However these are predominantly narrow slit windows in acknowledgement of the barn style of the dwelling and therefore do not appear to serve habitable rooms. Owing to the separation distances between the rear elevation of Plot 2 (over 30m) I do not consider that the proposal would amount to a detrimental impact on their amenity in respect of overlooking or overbearing impact. The impact of Plot 2 to No. 1 Church Lane would be significantly reduced owing to the level of vegetative cover within the site and along the boundary.

Whilst Plot 1 would be situated closer in spatial terms to the built form of The Old Rectory, given the orientation of the plot it would be the gable end which would be orientated towards the neighbouring plot. There is a first floor window proposed on the northwest elevation, but this would be a secondary window to a window to the same room on the south west elevation. I therefore do not consider that the outlook of this window would create a loss of privacy which would justify a resistance of the proposal. I have identified no other amenity impacts which would render the application contrary to the relevant element of Policy DM5.

### *Impact on Highways*

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

The comments in respect of the shared nature of the access and potential conflicts that this may cause are noted. However I have also noted the comments of NCC Highways which have been listed in full above. These comments raise no objection to the application subject to the imposition of conditions including the requirement for the access to be widened and for visibility splays to be kept free from obstruction. On the basis of these conditions I have identified no harmful impacts on the safety of the highways network which would justify a resistance of the proposal.

## *Impact on Trees*

The application has been accompanied by an Arboricultural Report dated March 2017. As identified above, this survey references 5 trees of retention Category A and 9 trees of retention category B (there are also 26 category C trees and 1 category U). Given that the site is not within a designated conservation area and there are no specific Tree Preservation Orders within the site, the trees at present are not afforded any level of protection.

The positioning of the dwellings appears to have taken account of the existing vegetative cover within the site which contributes greatly to the established character of the site. Indeed the submitted block plan confirms that the existing trees along the boundary of the site would be retained. The report suggests some works to existing trees (including the removal of the U category tree T26) and the removal of the trees growing close to the boundary wall along the north eastern boundary. The report also incorporates methods of protection for existing trees. Further landscaping details and means of tree protection could be secured by condition.

## ***Conclusion***

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

With regards to location, the site is considered to be in the main built up area of the village and as is rehearsed fully above, Hockerton is considered, on the basis of proximity to larger settlements, previous decisions, and in-village, very small scale developments, acceptable.

Whilst the Authority is now more confident than it was 4 months ago that it has a 5 year supply it is not considered that in this case a refusal is now justified on principle grounds, notwithstanding the lack of demonstrable need advocated in SP3.

## **RECOMMENDATION**

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

### **Conditions**

01

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004 **and in acknowledgement of the Council's evolving position in respect of demonstrating a five year housing land supply.**

02

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

- Block Plan – 3300 Drawing No. 02 Revision A **dated Apr-17 and received on the 19<sup>th</sup> July 2017**
- Plot 1 Proposed plans and elevations – 3300 Drawing No. 03 **Rev. A**
- Plot 2 Proposed plans and elevations – 3300 Drawing No. 04 Rev. **C**

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

Reason: So as to define this permission.

03

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

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

04

No part of the development hereby permitted shall be brought into use until the access to the site has been widened in accordance with the approved plan (dwg. 02) and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

05

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 details to be first submitted to and approved in writing by 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 visibility splays shown on drawing no. 02 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 general interests of highway safety.

07

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. This should include the retention of the boundary wall to the Old Rectory and any methods of repair necessary. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

08

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.
- car parking layouts and materials;

Reason: In the interests of visual amenity and biodiversity.

09

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

planning authority. The approved hard landscaping shall be implemented on site 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.

10

No development shall be commenced until a scheme for archaeological investigation, mitigation and recording has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall take place in accordance with the agreed scheme.

Reason: In order to adequately address and safeguard any archaeological interest that the site may have.

11

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

## **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](http://www.newark-sherwooddc.gov.uk)

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

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is

fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The existing hedge/shrubbery along the site frontage requires regular maintenance to ensure visibility from the site access.

#### BACKGROUND PAPERS

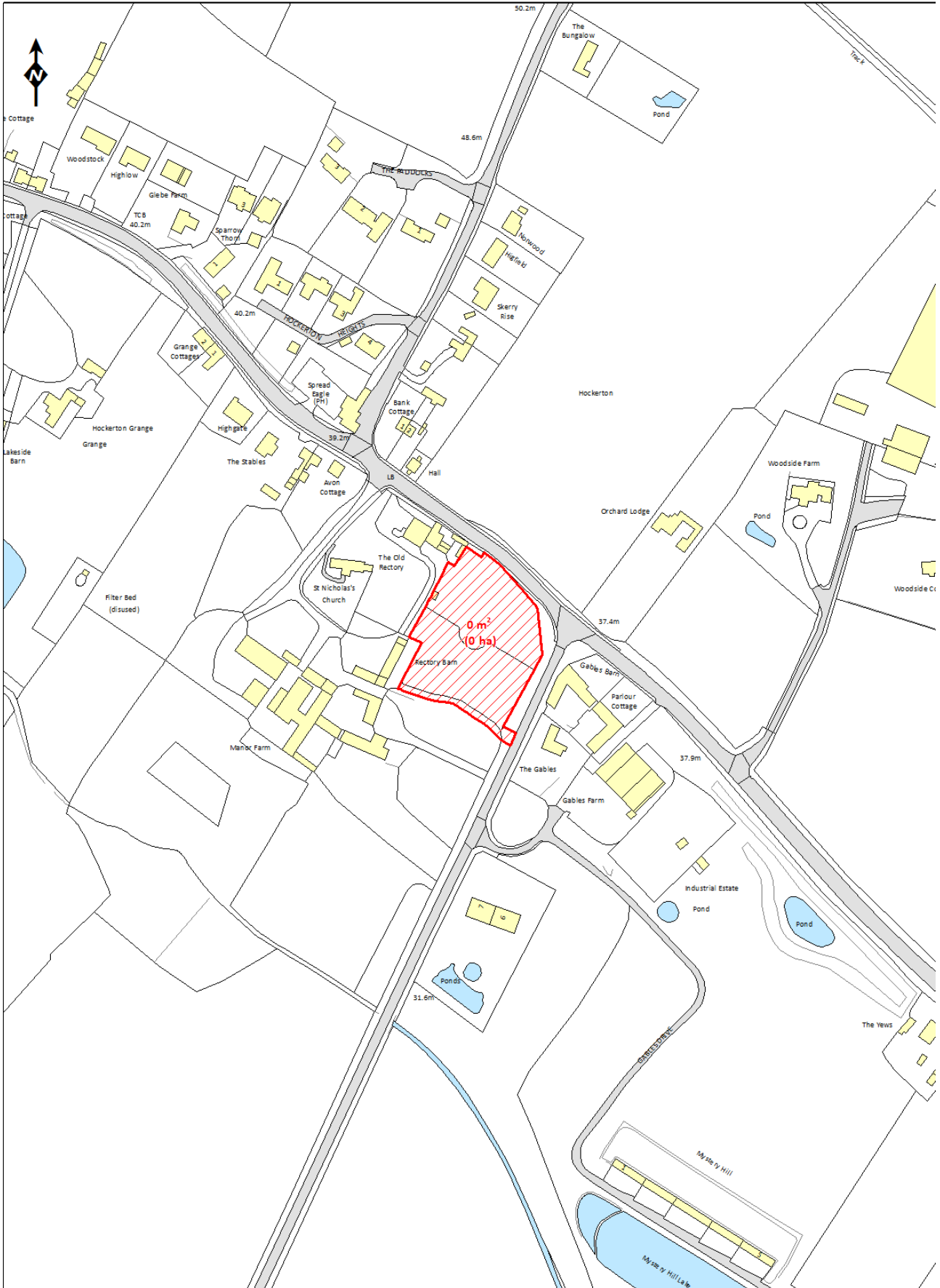
Application case file.

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 17/00801/FUL



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<b>Application No:</b>	<b>17/00641/FUL</b>	
<b>Proposal:</b>	<b>Erection of a two bedroomed dwelling and detached garage, including internal and external alterations (Revision of Approved Planning Permission 15/02291/FUL)</b>	
<b>Location:</b>	<b>Roewood Lodge, Bleasby Road, Thurgarton, NG14 7FW</b>	
<b>Applicant:</b>	<b>Mrs Shelley Lafferty</b>	
<b>Registered:</b>	<b>10 April 2017</b>	<b>Target Date: 05 June 2017</b>
	<b>Extension of time agreed in principle</b>	

**Background**

Members resolved to defer this application from the July Planning Committee to allow the applicant the opportunity to consider re-locating the proposed garage away from the site frontage. In response, the applicant has not amended the scheme but has presented additional information to Members to demonstrate why this is not practicable. The additional information comprises:

1. Plan SK30 which seeks to demonstrate that a garage on the site frontage is not out of character or out of keeping with the streetscene along Bleasby Road;
2. Plan SK31 which seeks to demonstrate that relocation to the side or rear of the house, would result in the re-positioning of the footprint of the main house and result in a greater impact on the amenity of neighbouring properties either side;
3. Plan SK32 which seeks to demonstrate that the higher ground levels to the rear of the site will result in the ridge of the garage being at a higher level than the approved house;
4. Plan SK33 which seeks to provide further indicative streetscene views with the proposed garage in situ.

The applicant wishes the Planning Committee to re-consider the unchanged application showing a garage to the site frontage in the light of this additional information.

The report below is a copy of the report considered by Members at the July meeting and the officer recommendation remains unaltered as one of approval, subject to a S106 Legal Agreement to secure the visibility splay.

This application has been referred to Planning Committee for determination following a call in from Councillor Roger Jackson and the recommendation being contrary to that of Thurgarton Parish Council.

**The Site**

The application site historically formed part of the residential garden serving Roewood Lodge, situated immediately to the north-east of that property but it has now been separated from the curtilage by a close boarded timber fence along the northern boundary to enclose it as a separate parcel of land. It is situated fronting Bleasby Road on the eastern edge of the settlement of

Thurgarton. Roewood Lodge is a newly renovated dwelling which has been recently rendered with the appearance of being a dormer bungalow with a large dormer window situated in the front roof slope and which utilises the rear roof to provide a two storey rear addition. The Bleasby Road frontage is currently defined by a low (approx. 1.2m high) red brick wall.

To the south of the site is South Croft which is also two storey in height, detached and set within a substantial plot. The land which forms the development plot slopes up gently from the roadside from east to west with the rear of the site being steeper in incline. The proposed plot is approximately 15m in width x 45m in depth. There are a number of trees situated within the land, with a particularly large coniferous tree situated on the south eastern corner of the site. The site is designated as being within Flood Zone 1 in accordance with Environment Agency flood zone maps and is within Thurgarton Conservation Area.

### Relevant Planning History

16/01503/NMA - Application for a non-material amendment to planning permission 15/02291/FUL for Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) – Refused 11.10.2016

15/02291/FUL - Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) – Approved 05.04.2016

15/00438/FUL - Construction of new two-storey dwelling and garage – Refused 19.05.2015

### The Proposal

Full planning permission is sought for the erection of a detached two bedroomed dwelling with a detached garage. The proposal is an amendment to a previously approved application (15/02291/FUL) which approved a detached two bedroomed dwelling over two floors.

The new dwelling accommodation comprises the following facilities. On the ground floor there is a lounge, kitchen/dining room, utility, W.C, snug, and study. On the first floor there are 2 bedrooms, one en-suite and walk in wardrobe and one bathroom.

The extant permission approved a layout with the following facilities. On the ground floor there is a lounge, kitchen/dining room, bathroom/wetroom, bedroom and integral garage. On the first floor there was 1 bedroom with en-suite.

Members should note that this application originally sought an internal layout comprising 4 bedrooms, however due to the existence of the Housing Needs Survey (discussed in the appraisal section below) it is now sought to be retained as a two bedroom dwelling as previously approved, and this is reflected in the description of development. The main alterations are internal with more utilisation of the first floor space, insertion of a first floor window, roof dormer and roof light in the rear elevation, alteration of the garage door to a window on the front elevation, one additional rooflight in the side (north-east) elevation and alteration of a previously approved window to a set of French doors at ground floor and a roof light in the south-west elevation. The footprint and scale of the new property is not altered from the previously approved application.

The proposed garage is detached and located to the front of the site and this was not in the previously approved scheme. Amendments have been sought for this following concern from consultees and residents. The originally proposed rooflights have been removed, the ridge height has been reduced from approximately 5.5m to 5.1m with an eaves height at 2.4m, and the siting has been moved from approximately 800mm from the highway edge to now 2.3m within the site.

#### Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter, a 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 March 2011)**

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 – Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity & Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment

##### **Allocations and Development Management DPD (adopted July 2013)**

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

##### **Thurgarton Neighbourhood Plan (Adopted May 2017)**

Policy 1 : New Development  
Policy 2 : Residential Development  
Policy 3 : Transport Impact of Development  
Policy 6 : Historic and Natural Environment

#### **Other Material Planning Considerations**

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Thurgarton Conservation Area Appraisal 2008  
Thurgarton Housing Needs Survey 2015

#### **Consultations**

**Thurgarton Parish Council – 04/05/2017 – Object to application (as a 4 bedrooed dwelling) for the following reasons:**

- A significant modification to the approved planning application (15/02291/FUL);
- The original two bedroomed property satisfied on of the needs highlighted in the recent housing needs survey, the modification from two to four beds means that it no longer satisfied this need;
- The inclusion of a large double detached garage with overhead storage built up to the boundary of the property not only produces a risk of a road collision for anyone exiting the property on to Bleasby Road, a known speed issue road, turns what was a pleasant looking house in to one that does not fit in with the character of the village;
- The housing needs survey identified a need for 10 houses of varying sizes to be built within the village, there are now 25+ approved, an 18% increase in housing for the village;
- No housing needs survey produced with this application.

**No comments received at the time of print on revised proposals.**

**NCC, Highway Authority - (02/05/2017)** – The application site is located on the C17 Bleasby Road, which is restricted to 30mph. A new vehicular access is proposed to serve the new dwelling for which visibility splays of 2.4m x 43m are required in accordance with the current Highway Design Guide (6C's). The site plan submitted does not accurately provide the required visibility splays. Therefore, it is recommended that a suitable plan be submitted demonstrating adequate visibility splays prior to formal conditions being imposed.

*06/06/2017 - Amended site plan 1702/SK12 Rev P2*

The amended plan does not satisfactorily address my previous concern relating to the provision of visibility splays from the proposed access. The plan is of an insufficient scale/size to adequately measure up to 43m in each direction, which should be measured to the nearside edge of carriageway.

Therefore, could the applicant/agent provide a suitable plan demonstrating the required visibility splays from a 2.4m set back distance.

*16/06/2017 Site plan with visibility splays (dwg. no. 1702/SK25)*

The plan does not adequately demonstrate the visibility splays of 2.4m x 43m, as the splays should be measured from the proposed access to the nearside edge of carriageway.

Whilst there are no highway objections to this proposal it is recommended that the following condition be imposed:

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

*21/06/2017* No objection to the access subject to the imposition of the 4 suggested highways conditions from the 2015 approved application along with the following additional condition.

No part of the development hereby permitted shall be brought into use until the site frontage boundary is provided at a height not to exceed 0.6m in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

**NSDC, Conservation** - The application site is an open plot, within Thurgarton Conservation Area. The principle of a new house here, and its design, were established in application 15/00438/FUL. I note minor amendments to the design of the house now (a change in fenestration to part of the building) which does not materially alter my earlier comments about this house and in any event are acceptable. As my comments are not materially altered with regard to the house then please refer to my 2015 comments.

The main difference with this application is the proposed new roadside garage.

This street in Thurgarton has a mixture of housing types and ages and there is a fairly strong pattern for both later houses set back from the road and older properties that address the road. Generally the properties addressing the road sit gable end onto the road, but there are also examples of ridges running parallel to the road. There are also some later garages built in a similar fashion and position to the one now proposed.

I am aware that this is a small development plot but do not think it would be out of character or harmful to see a single storey outbuilding addressing the road, with a residential property set back behind it, given the overall plan form of this road.

I believe the garage is designed to retain the existing trees on site, which is something I would be keen to see. Generally the design of the garage is acceptable. It is not wholly traditional for this area but I note it relates to a modern design in the main house and as it has a broadly simple and traditional form it is acceptable.

My only suggestion is that the appearance would be better without a road side roof light and this should be negotiated out (and then secured through removal of relevant pd rights). The garage is already to be light by two, double, gable windows and potentially a roof light to the rear, so I cannot see why this is needed at all. While there is the odd exception, generally the buildings fronting Bleasby Road are an uninterrupted pantile structure, which gives a simple and traditional character to this part of Thurgarton it would be good to maintain.

Subject to removal of the roadside rooflight this application would preserve the character and appearance of Thurgarton Conservation Area, in accordance with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

**NSDC, Environmental Health (Contamination)** - The proposed development is in a potentially Radon Affected Area\*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m<sup>3</sup>). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

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

**NSDC, Access and Equalities officer** – No observations beyond those previously advised on the previous application.

**Representations have been received from five local residents on the original submission which can be summarised as follows:**

- Object to the garage being put right at the front of the garden;
- Object to the first floor window in the garage as may be living space at a later date;

- There is already a surfeit of large properties within the village and I feel that more smaller residential properties are required in the village to attract first time buyers;
- The size and positioning of the garage does not take in to account the nature of traffic on Bleasby Road. It would provide a limited view to the south west without the vehicle pulling partially on to Bleasby Road;
- The siting and access to the garage may cause difficulty when exiting the property in a forward direction especially if more than 2 cars are parked on the property. Building the garage further back from the south-east boundary might reduce the potential for creating a traffic hazard;
- Overdevelopment of the property;
- The multiple rooflights at the rear of the property, whilst necessary to provide light for rooms in the loft are intrusive to both neighbours;
- New 4 bedroomed property with detached garage would be incongruous and unsuitable addition to Bleasby Road;
- Large mature maple tree has apparently been felled without permission;
- New garage is very unattractive compared with the existing plan;
- New window on the garage would overlook our property;
- It would create an unpleasant corridor effect not in keeping with the current village environment in a Conservation Area;
- New windows on the property overlook our property;
- Contradicts the Neighbourhood Plan;

One representation has been received on the amended scheme which can be summarised as follows:

- No further comments other than object to the size and position of the garage.

#### Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) Principle of development, 2) the impact on the character and appearance of the Conservation Area; 3) the impact on residential amenity of surrounding occupiers, and 4) the impact on highway safety.

#### Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Thurgarton is defined within the settlement hierarchy within Spatial Policy 1 as an 'other village' within the Rural Area and as such should be considered against Spatial Policy 3. Ordinarily within these settlements new development is considered against five criteria; location, scale, need, impact and character. However this site already has extant planning permission granted under 15/02291/FUL which established the principle of development and remains a significant material planning consideration in the determination of this application. The previous permission is a 'fall-back' position for the applicant and this proposal is only sought to vary the design and introduce a detached garage to serve the dwelling and not to re-rehearse the principle of a new dwelling. Therefore I consider due to the extant permission on the site and that there would be no net additional dwelling created by this application which has not already been assessed, I consider the principle of development to be acceptable. Nonetheless other material planning considerations are still applicable and these are outlined in detail below.

### Impact on the Character and Appearance of the Conservation Area

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy Core Policy 14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Core Policy 9 of the Core Strategy states that all new development proposals will be expected to contribute to and sustain the rich local distinctiveness of the District and achieve a high standard of sustainable design that is appropriate in form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that the rich local distinctiveness of the District's character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Paragraph 137/138 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. The legal framework is set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that with respect to any building in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The development site is located within Thurgarton Conservation Area. The Conservation Officer has not raised any objections to the proposal on the basis of the design or massing of the proposal given the mixed nature of the dwellings along Bleasby Road, and given the current spacing between dwellings, it is apparent that it is in keeping with the character of the street scene. They did raise comments on the presence of rooflights in the new garage which have been duly removed by the applicant. There are also some later garages built in a similar design and position to the one proposed on this application and as such it is not considered that the garage would be out of character or harmful to the character and appearance of the Conservation Area.

The proposed dwelling would be constructed of materials in an attempt to blend in with the existing housing stock which is red brick and tiles which shall be controlled by way of condition should Members seek to resolve to approve the application. Subject to suggested materials condition the development is not considered to detrimentally impact on the character of the surrounding area and would preserve the character and appearance of the Conservation Area.

### Impact on the Residential Amenity

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

Concern has been expressed during the processing of the application that the proposal would cause harm to the amenity of surrounding occupiers.

The siting of the dwelling within the plot has not altered from the already approved permission (15/02291/FUL) neither has the scale from ground level and juxtaposition to neighbouring dwellings and boundaries. The first floor has been utilised more in this application than the previous which has led to the insertion of a dormer window to the rear elevation and alterations to previously approved window positions. These are:

#### *Front elevation*

- Alteration of the garage door to windows to serve a utility on the ground floor;
- Increase in height of the ground floor window to serve the snug/tvroom.

#### *Rear elevation*

- Insertion of French doors on the ground floor to serve the study;
- Insertion of first floor windows to serve the main bedroom;
- Insertion of a rooflight to serve the dressing room;
- Insertion of a roof dormer to serve a bedroom.

#### *North-east elevation (side to Roewood)*

- Insertion of one rooflight (retention of two as previously approved) to serve an ensuite.

#### *South-west elevation (side)*

- Alteration of a window on the ground floor to French doors to the kitchen/living room;
- Insertion of a rooflight to the bedroom.

Whilst the number of alterations are substantial from the previously approved scheme, mainly with the greater utilisation of the first floor of the dwelling, I do not consider the alterations would substantially increase the degree or perception of overlooking, overbearing impact or overshadowing to the detriment of neighbouring occupiers.

There are new rooflights located at first floor however these are located 1.7m above internal finished floor level and therefore they are unable to be utilised as a direct means of outlook and serve purely for light and ventilation purposes. I therefore consider that the insertion of the rooflights would not cause any significant direct overlooking impacts which would be detrimental to the amenities of neighbouring occupiers.

Concerns have been expressed that the siting of the garage would cause their amenity to be compromised. I consider that the revised siting of the garage and the juxtaposition to neighbouring occupiers coupled with the removal of the rooflights, would all ensure that the amenities of neighbouring occupiers would not be detrimentally compromised by the siting of the garage to the front of the dwelling.

I consider that the revised design of the dwelling and the resulting design of the garage would adhere to the character and distinctiveness of the surrounding area and would not cause any detrimental impacts upon residential amenity. Therefore the proposal is considered to accord with policy DM5 of the ADMDPD and the NPPF which is a material planning consideration.

#### Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. Policy 3 (Transport Impact of Development) of the Thurgarton Neighbourhood plan states “developments should make provision for suitable levels of off-street parking for the development proposed and off-street manoeuvring space for the vehicles likely to service the proposed use.”

The applicant has submitted plans which show the potential visibility splay to the property however this is reliant on part of the splay overlapping third party land (Roewood). Members will be aware that permission has already been granted for a dwelling with vehicular access which is a substantial material planning consideration. This was at the time when the applicants were the owners of Roewood Lodge and the ‘site plan’ contained Roewood Lodge within the land owned as



well. Although the need for a visibility splay plan was mentioned in the comments received from highways colleagues at the time, no condition was imposed or suggested by them to ensure the visibility splay was provided and the submitted plans showed that this could not be achieved without reliance on land at Roewood Lodge. Instead four conditions were imposed relating to the access which included surfacing, drainage etc. In the interests of meeting current design standards the applicant has been asked to agree with the now adjoining landowner the ability, via a Section 106 agreement, to secure the visibility splays required. The recommendation currently presented is subject to a S106 on this basis.

Some residents have raised the issue that the garage was raised as a highway safety issue on the application in 2015 as an objection was raised from highways colleagues that the visibility splay to the south-west of the site could not be achieved. Having reviewed this application (15/00438/FUL) I have seen that the double garage was located on the back edge of the highway boundary and this application proposes the garage set back from the highway by approximately 2.3m which ensures the required splay can be achieved to the south-west. Highways are satisfied with this arrangement and as such I consider the siting of the garage, in this instance, would not cause any harm to highway safety.

Therefore the proposal to create a new access to Bleasby Road is not considered to result in a detriment to highway safety and accords with Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD as well as the Thurgarton Neighbourhood Plan, the NPPF and PPG which are material planning considerations.

#### Flood Risk and Drainage

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. Flooding within Thurgarton is a concern and the Neighbourhood plan (paragraph 2.8) states that new development must not cause other properties to be put at any greater risk and it is necessary through floor levels, rainwater and sewerage disposal and landscaping, to alleviate any future problems. The proposal would not result in a considerable increase in the amount of hard surfacing and there would still be a significant degree of permeable surfaces into which any surface water would be able to soak away. It is therefore considered that the proposal would not significantly increase the surface water run-off to the detriment of the surrounding area.

Overall, the development accords with Policy Core Policy 9 and 10 of the Core Strategy.

#### Impact on Trees

In accordance with the aims of Core Policy 12, Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the ADMDPD states *"new development, should protect, promote and enhance green infrastructure."*

The applicant has submitted a Tree Survey dated March 2017 which shows the trees within and adjacent to the site and classifies those in terms of their maturity and condition. There are three trees (T2, 8 and 9) which are most affected by the construction of the dwelling and garage and

which are due to be retained by the proposal. T2 is a semi-mature Cedar rated as good condition, T8 is a mature Snowy Mespilus rated as good condition and T9 is mature Wild Cherry also rated as good condition. It is not proposed that these trees would be detrimentally impacted by the development and protection measures are proposed. The most affected tree, T2, is proposed to have additional root protection measures and the construction of the garage would be on a raft foundation with cantilevered ground-beam portions to ensure there is no adverse effect on the tree roots.

Additional trees are proposed to the rear of the property and if Members resolve to approve the application a landscaping condition would be imposed. As such I consider the proposal would enhance the local biodiversity and the retention of the trees on the site would contribute to the local character which includes the Conservation Area. Therefore the proposal accords with the Development Plan taking into account the material planning considerations.

### Conclusion

The principle of a new dwelling on this site has already been accepted and there is currently an extant planning permission for the site. It is considered that the proposal to amend the approved design of the two bedroomed dwelling is acceptable and the re-sited and amended design to the garage is also acceptable. The proposal would not cause significant detrimental impact upon neighbour amenity nor would it, subject to the imposition of appropriate conditions, cause harm to highway safety or the character and appearance of the Conservation Area. All other material planning considerations are weighted in favour of the proposal. As such the scheme is considered acceptable for the reasons set out within this report.

### **RECOMMENDATION**

**That full planning permission is approved subject to the following conditions and the signing of a S16 agreement to secure in perpetuity an appropriate visibility splay.**

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 other than in complete accordance with the following approved plans:

- 1702/SK12 Rev P3 – Proposed Site Plan;
- 1702/SK13 Rev P2 – Street Elevation and Site Section as proposed;
- 1702/SK14 Rev P2 – Proposed Ground Floor Plan;
- 1702/SK15 Rev P2 – Proposed First Floor Plan;
- 1702/SK16 Rev P2 – Proposed Roof Plan;
- 1702/SK17 Rev P1 – Proposed Front Elevation;
- 1702/SK18 Rev P2 – Proposed Rear Elevation;
- 1702/SK19 Rev P1 – Proposed Side (NE) Elevation;
- 1702/SK20 Rev P2 – Proposed Side (SW) Elevation;

- 1702/SK21 Rev P2 – Proposed Section A;
- 1702/SK22 Rev P2 – Proposed Garage Plans and Elevations;
- 1702/SK23 Rev P2 – Proposed Garage Street Elevation;
- 1702/SK25 Rev P2 – Vision Splays Site Plan
- 1702/SK33 Rev P1 – Garage Locational Analysis Views

Reason: So as to define this permission.

03

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Bricks
- Roofing tiles – clay

Reason: In order to preserve or enhance the character and appearance of the conservation area

04

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

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

Treatment of window and door heads and cills

Verges and eaves

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

05

Notwithstanding the submitted plans, no development shall take place until a topographical survey of existing ground levels, together with details of the proposed finished levels, has been submitted to and approved in writing by the local planning authority. Development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

06

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

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.

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

07

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

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

08

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

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the access drive is constructed with provision to prevent the unregulated discharge of surface water from the access drive 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 causing danger to road users.

10

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

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

11

No part of the development hereby permitted shall be brought into use until the site frontage boundary (eastern boundary) is provided at a height not to exceed 0.6m from finished ground level in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12

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

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

Reason: In the interests of visual amenity and biodiversity.

13

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

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

### **Note to Applicant**

01

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

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

he 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](http://www.newark-sherwooddc.gov.uk)

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

04

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

#### Background Papers

Application case file.

For further information, please contact Lynsey Tomlin on ext 5329.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**



<b>Application No:</b>	<b>17/01316/FUL</b>	
<b>Proposal:</b>	<b>Erection of a cycle sculpture</b>	
<b>Location:</b>	<b>Sconce And Devon Park, Boundary Road, Newark On Trent, Nottinghamshire</b>	
<b>Applicant:</b>	<b>Newark And Sherwood District Council</b>	
<b>Registered:</b>	<b>17.07.2017</b>	<b>Target Date: 11.09.2017</b>

**This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.**

**The applicant wishes to unveil the sculpture on Wednesday, 6 September when the Tour of Britain terminates in Newark on Victoria Street at the side entrance to Sconce and Devon Park.**

#### The Site

The site lies in the suburbs of the town within the defined Newark Conservation Area. The application site forms part of the Sconce and Devon Park which is a protected recreational space within the Local Plan.

The proposal site is located towards the north-west of the park within the play park area. The site is bounded by Victoria Street to the north and Boundary Road to the west. Vehicular access is taken from Boundary Road into a car park which is utilized by people visiting the park and the local primary school on the adjacent site to the east.

There are residential properties located to the north and west on Victoria Street and Farndon Road. To the east of the application site is the Play Area and Queen's Sconce visitors Centre followed by Holy Trinity Community Centre and School on the adjacent site to the east. Land to the south is used as recreational space and in excess of 200 m to the south is the Queen's Sconce Hill.

This application seeks permission to erect a cycle sculpture to mark the termination point for the Tour of Britain bike ride.

#### Relevant Planning History

**08/01122/FULMR3** - Construction of visitor centre, children's play area, new bridge access to the Queen's Sconce scheduled ancient monument plus extension of existing car park. – Permitted 05.09.2008

**09/01587/FUL** – Proposed new footbridge bridge – Permitted 05.01.2010

**07/00171/CAC** - Demolition of public convenience block – Permitted 23.07.2007



**07/00170/FULR3** – Construction of new park visitor building and associated improvements - Permitted 21.03.2007

### The Proposal

The application seeks consent for the erection of a cycle sculpture to the north of the site close to the play area. The sculpture is proposed to be erected on the western corner of the play area.

The steel constructed cycle structure is proposed to be powder coated in a green paint finish on the bottom plinth and saffron yellow on the main body of the sculpture. The sculpture will be a maximum of 5.2 m in height and 2.7 m at the widest point of which will be 3 m from the ground. At ground level the sculpture will be 0.6 m wide.

Newark and Sherwood District Council seek to erect a Tour of Britain Cycle Sculpture that has been commissioned for Sconce and Devon Park within the playpark. The colour yellow is the theme for stage 4 of the Tour of Britain in Nottinghamshire and for this reason is proposed to be the main colour for the sculpture. The plinth is proposed to be green so as to give the illusion of a floating bike amongst the back drop of trees.

The Tour of Britain bike ride comes to the district on Wednesday, 6 September and finishes on Victoria Street at the side entrance to Sconce and Devon Park. The council would like to have a legacy sculpture in place, near the finish, to be unveiled by the Chairman on the day and to mark the spot where the race finishes.

### Departure/Public Advertisement Procedure

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

Earliest decision date: 17 August 2017

### Planning Policy Framework

#### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Core Policy 9 – Sustainable Design

Core Policy 14- Historic environment

#### **Allocations & Development Management DPD**

DM5 – Design

DM9- Protecting and enhancing the historic environment

DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

## Consultations

**Newark Town Council** – No comments received at the time of writing this report. Any comments received will be reported to planning committee.

**NCC Highways** – “This proposal is not expected to impact on the public highway, therefore, there are no highway objections.”

**NCC Rights of Way** – No comments received at the time of writing this report. Any comments received will be reported to planning committee.

**Ramblers Association** - No comments received at the time of writing this report. Any comments received will be reported to planning committee.

**NSDC Conservation Officer** – “Many thanks for consulting Conservation on the plans for the above.

## Introduction

The proposal seeks permission to construct a cycle sculpture within the Sconce and Devon Park, close to the side entrance with Victoria Street/Farndon Road. The Park is an important area within Newark Conservation Area (CA). No 3 Farndon Road and the Spring House are both Grade II listed. The Queen’s Sconce to the southwest of the proposed sculpture is a scheduled monument.

The sculpture will mark the Tour of Britain international cycling race which comes to the district on Weds 6th September 2017 and finishes on Victoria Street at the juncture with the Park. The sculpture will mark the spot where the race finishes. The sculptor is Phil Neal, a local artist.

The applicant advises that the sculpture will be raised from the ground (mounted on a column) and measure just over 5m in total height. There will be a plaque on the playground fence explaining what its significance is. The sculpture will be visible from the pathway around the park, as well as from across the playing field and on approach from the Victoria Street entrance.

## Legal and policy considerations

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

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting.

Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (HEGPAP; notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

### Heritage Assets Affected

Newark Conservation Area (CA) was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added. Sconce and Devon Park is an important space within the CA, combining public amenity and landscape values with the significant archaeological value of the Queen's Sconce.

3 Farndon Road is Grade II listed, and was designated in 1971. The list entry advises: "House, formerly the Master's house of a bleachworks and linen manufactory. Dated 1806, with mid C20 rear addition. Built for George and Mary Scales. Brick with stone dressings and slate roof. Plinth, first floor band, moulded eaves, low parapet, coped gables, 2 gable stacks. Windows have segmental rubbed brick heads. Slightly projecting single bay centre. 3 storeys; 3 window range. Central 12-pane fixed light flanked by single glazing bar sashes. Above, 3 unglazed windows, the central one smaller. Below, central wooden doorcase with pediment on brackets ornamented with feathers. Panelled recess with 6-panel door and fanlight. On either side, a glazing bar sash."

The Spring House is also Grade II listed. The list entry states: "Public house. Early C19, with late C19 and C20 alterations. Brick, rendered and colourwashed, with pantile roof. Rebated eaves, 2 gable stacks, that to the left external. 3 storeys; 2 window range of glazing bar sashes. Above, 2 smaller sashes. Below, off-centre C20 2-leaf door with overlight, flanked to left by 2 sashes and to right by a single one. These openings have segmental heads. To left, a set back single storey lean-to addition with a segment headed glazing bar sash. On its left side, a C20 porch flanked by single sashes. Right side has 2 sashes to the right, and below them, a single sash. Rear has a catslide roof and a central 2 storey gabled wing. Single storey C20 addition below."

The Queen's Sconce was scheduled in 1935. The remains of the Queen's Sconce include a series of well preserved, substantial earthworks and have significant archaeological potential in the form of buried deposits. As a result of the survival of historical documentation and subsequent archaeological survey and evaluation, the sconce contributes significantly to our understanding of the Civil War sieges of Newark. In terms of scale, complexity and survival, the Queen's Sconce represents England's finest remaining example of Civil War military engineering.

A Royalist plan of c.1646 illustrates the sconce in some detail and includes a bridge spanning the western side of the ditch and the presence of an external palisade and pitfalls. The latter consisted of camouflaged pits containing sharpened stakes designed to hamper cavalry assaults. Documentary sources indicate that the Queen's Sconce was constructed in conjunction with a similar work to the north of the town in an effort to improve the defences following the end of the second siege in March 1644. It is known from contemporary accounts to have been completed prior to the beginning of the third and final siege in November 1645. The location of the sconce on a prominent knoll with commanding views of the crossing point over the River Devon and the line of the Fosse Way suggest that it was primarily designed to cover the southern approach to the town whilst denying control of a tactically important piece of high ground to the attacking Parliamentarians.

All fences and the surfaces of roads and pathways are excluded from the scheduling, although the ground beneath them is included.

#### Assessment of Proposal

The bike element of the sculpture will be constructed from recycled bike parts and will be coloured yellow (matching established colour traits for this type of international cycle event). The plinth will be green so as to give the illusion of a floating yellow bike.

The position of the sculpture against a background of trees and shrubs in the corner of the children's playground ensures that it will not be unduly prominent within the setting of the Queen's Sconce, an important designated heritage asset. It will, furthermore, be of a similar height to the existing play equipment nearby, and in this context, will cause no material harm to the CA.

The sculpture will cause no harm to the setting of any other designated heritage asset, including nearby listed buildings.

Conservation acknowledges that the Tour of Britain is an important international sporting event. The sculpture is an interesting and appropriate commemoration.

In reaching this view, I have given special consideration to the special interest of heritage assets and their setting in accordance with sections 66 and 72 of the Act. If approved, the development should be carried out in accordance with the submitted details."

**No further representations have been received at the time of writing this report however any comments received shall be presented to the committee.**

## Comments of the Business Manager

### *Principle of Development*

The application site forms part of the Sconce and Devon Park which is a protected recreational space within the Local Plan. The proposal is to erect a legacy sculpture as a lasting celebration of the termination point of the 2017 Tour of Britain which is thought to enhance the local area and mark an important event in Newark's recent history. The sculpture has been commissioned to be made by a local sculptor, Phil Neal, based in the Welbeck Estate who has been involved in many projects throughout the district including the living willow sculpture created for the Friends of Southwell Parks.

As the site lies within Newark Conservation Area, the main considerations are considered to be the impact of the proposed development on the character and appearance of the Conservation Area.

### *Impact on Character and Appearance of the Conservation Area*

The proposed position for the sculpture would be set against the back drop of trees and shrubs in the corner of the children's playground. As such the proposed yellow and green colours would fit seamlessly with the existing play equipment. The raised sculpture is also thought to integrate well with surrounding tree lines and vegetation whilst appearing vibrant and prominent within the park and surrounding area.

The proposed legacy sculpture has been commissioned by a local sculptor that is very active in the district, the proposal seeks to create an interesting piece that is high quality and respects and seeks to enhance the existing landscape and commemorate an important event in Newark's recent history. An introduction of such a piece is thought to enrich the vibrant and diverse feel of the area. The quality of this proposal is further enhanced by the commissioning of a local sculptor.

Given the proposal site is within the Newark conservation area, consideration must be given to policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, which seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

Paragraph 137 of the NPPF reminds us Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favorably.

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

I am of the view that the proposed sculpture seeks to enhance the local area and contribute positively to the public park area that is a valuable open space in the town of Newark. The proposed location for the sculpture is approx. 200 m north of the Queen's Sconce Hill of which is scheduled under the Ancient Monuments and Archaeological Areas Act 1997 and as such is of national importance. The remains of the Queen's Sconce is a reasonably well preserved substantial earthwork and retains significant archaeological potential in the form of buried deposits. As the proposal is sited a significant distance away from this important heritage asset and will be positioned in an area of largely manmade earthworks and a playpark I am of the view that the introduction of an approx. 0.6 m plinth into the ground at this location would not detrimentally implicate the heritage and archaeological merit of the site. Due to the proposed siting of the sculpture with the play equipment to the North West of the site the proposed sculpture is not considered to cause any material harm on the character and appearance of the conservation area.

I note that should the sculpture have been less than 4 m in height, the proposal would not have required planning permission by virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015: schedule 2, part 12, Class A, Para. A). With public safety in mind, the sculptor has put forward this proposal of a sculpture that exceeds the aforementioned regulations however I consider the principal of development of this nature is acceptable.

The internal conservation officer has been consulted on this application and their favourable comments are set out under the 'Consultations' section of the report.

I concur with the opinion of the conservation officer and as such I am of the view that the sculpture would be an acceptable introduction into the conservation area and will successfully integrate a modern sculpture into an area of significant historical importance.

#### *Other Matters*

The Highway Authority have confirmed that the proposal would have no material impact on the highway.

I am mindful that the consultation period is ongoing, however given the timescales involved in order to install the sculpture in time for the Tour of Britain and that the application needs to be determined by Committee, the application is being presented early on the premise that the application can be determined on conclusion of the consultation period provided no further comments are received which raise material planning issues not already considered by the Planning Committee.

#### *Conclusion*

In conclusion the erection of the legacy sculpture as a lasting celebration of the termination point of the 2017 Tour of Britain which is thought to enhance the local area and mark an important event in Newark's recent history. I am of the view that the sculpture would fit seamlessly with the play equipment that is in situ close to the application site and that the proposed colours seek to create an exciting visual piece that complements the local area whilst combining the theme for Nottinghamshire's stage 4 and the termination of the Tour of Britain.

The sculpture is considered to be an acceptable introduction into the conservation area and will successfully integrate a modern sculpture into an area of significant historical importance without detrimentally impacting the local area or setting of the designated local heritage asset. As such, I am of the view that there are no material considerations why planning permission should not be granted.

In conclusion I consider the proposal would accord with Core Policy 9 and 14 of the Core Strategy and Policy DM5, DM9 and DM12 of the ADMDPD and the scale, form and materials is considered acceptable and preserves the character and appearance of the conservation area. The development is appropriate and accords with the development plan, taking into account material planning considerations.

## **RECOMMENDATION**

**That full planning permission is approved subject to no comments being received which would raise additional material planning considerations to those already considered within the report and subject to the conditions and reasons shown below.**

### Conditions

01

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

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

02

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

- Site Location Plan
- Detailed Drawing of Sculpture – Tour of Britain Legacy Sculpture – 0710002
- Photo of Proposed Sculpture

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application, stated in Section 11 of the application form, unless otherwise agreed in writing by the local planning authority.

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/cil/](http://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.

04

Trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site (other than those expressly shown will be removed to make way for built development permitted by this permission) you may require the prior consent in writing of Newark and Sherwood District Council and are advised to contact the Development Control Service of the Council on 01636 650000 to discuss the matter.

#### Background Papers

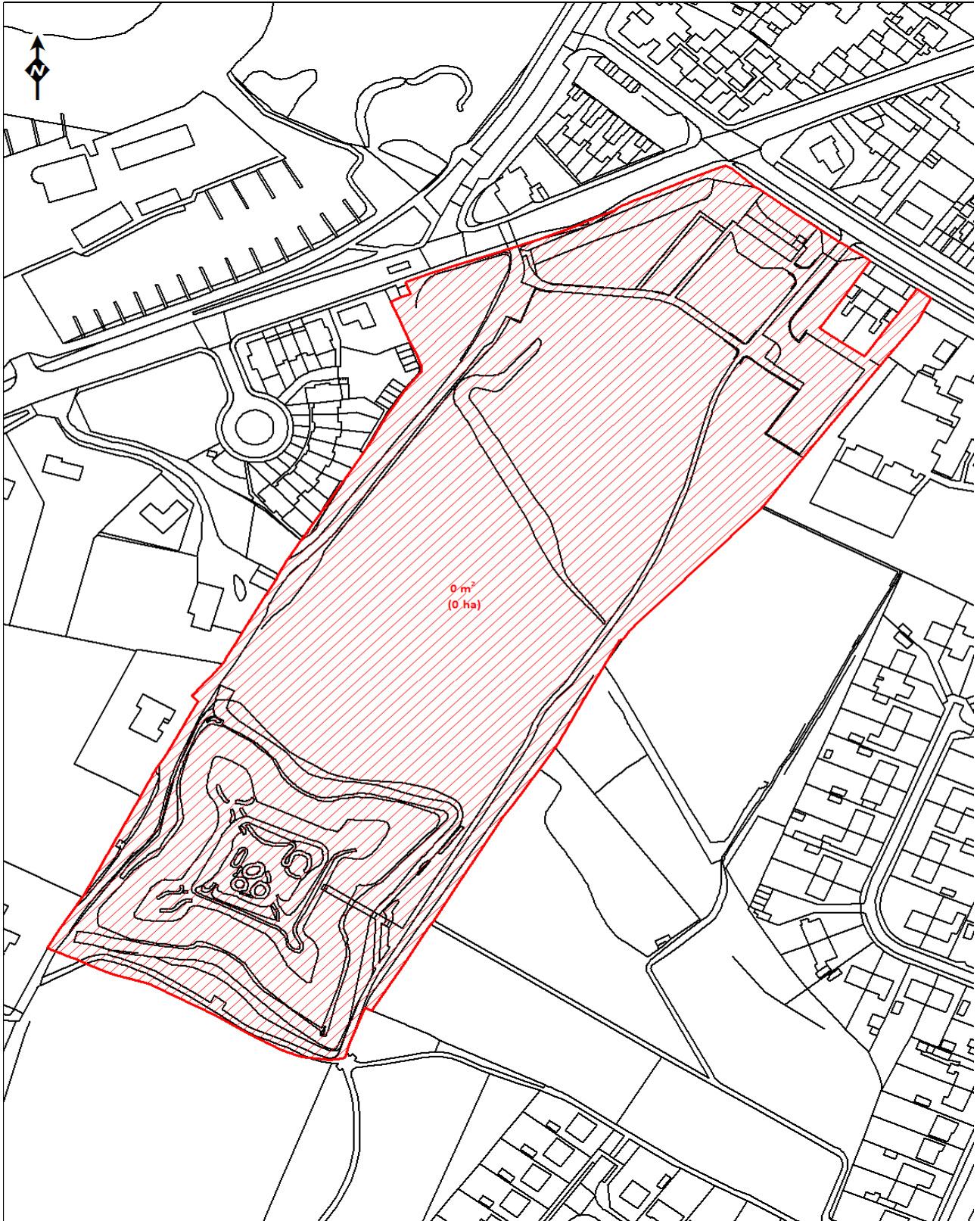
Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**





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<b>Application No:</b>	<b>17/00554/FUL</b>	
<b>Proposal:</b>	<b>Change of use to residential and erection of a fence</b>	
<b>Location:</b>	<b>102 Python Hill Road Rainworth Nottinghamshire NG21 0JF</b>	
<b>Applicant:</b>	<b>Mr Paul McCartney</b>	
<b>Registered:</b>	<b>24<sup>th</sup> April 2017</b>	<b>Target Date: 19<sup>th</sup> June 2017</b>
	<b>Extension of time agreed until 9<sup>th</sup> August 2017</b>	

**This application is being referred to the Planning Committee for determination at the request of the local ward member Cllr Tift due to concerns with impact on visual amenity and the character of the area**

The Site

The application property is a semi-detached dwelling house located at the south end of Python Hill Road, which that forms a cul de sac off the main Python Hill Road. There is substantial off street car parking to both the front and side of the property.

The rear garden faces onto an amenity space to the east and the residential cul de sac of Vera Crescent. The rear boundary fence was formally separated from the highway of Vera Crescent by an area of amenity planting that is now the subject of this application.

Relevant Planning History

09/01707/FUL - Householder application for the erection of a double garage - approved

The Proposal

Full planning permission is sought to retain a replacement close boarded timber fence between 1.8m & 2.1m high around the east and southern boundaries with Vera Crescent. The applicant has confirmed that the fence will be stained in a darker colour.

The fence encloses the rear garden of the property in addition to an area of 3.7m by 12.9m formerly a small area of amenity land along Vera Crescent which the applicant has now purchase. The proposal is for the continued use of this land as part of an extended rear garden serving the application property.

Departure/Public Advertisement Procedure

Occupiers of 29 properties have been individually notified by letter.

## **Planning Policy Framework**

### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Core Policy 9: Sustainable Design

*Allocations and Development Management DPD Adopted July 2013*

Policy DM5: Design

Policy DM6: Householder development

*Other Material Planning Considerations*

National Planning Policy Framework 2012

Planning Practice Guidance 2014

SPD on Householder Development

### **Consultations**

**Rainworth Parish Council** – Object to the proposal with the following concerns:

Confused about the nature of the application.

Considers that the height of the fence is imposing and is detrimental to the neighbouring properties on Vera Crescent by virtue of the visual impact.

Considers that the land which has been incorporated within the garden to be a loss of amenity space.

Note that the application form refers to 9 car parking spaces.

Concerned that the application will lead to the future use of the property for business activity.

**NCC Highways Authority** – The proposal is acceptable to highways.

**Access and Equalities officer** – No comment

**Representations have been received from 1 local residents/interested parties which can be summarised as follows:**

- They have no objection to the proposal. Concerned that a car business will be operated behind the fence, which could increase road traffic and possibly cause potential hazards for residential occupants on Vera Close.

### **Appraisal**

The principle of householder development is acceptable subject to a number of site factors being considered (as set out in DM6). In this case I consider the site specific considerations relate to 1) the character and appearance of the area and 2) any impacts on residential amenity.

## Impacts on the Character and Appearance of the Area

Core Policy 9 seeks to achieve ‘a high standard of sustainable design’.

Policy DM5 provides that new development shall be assessed against ‘the rich local distinctiveness of the District’s landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of the proposals....’

Policy DM6 states that planning permission will be granted subject to ‘the proposal respects the character of the surrounding area including its local distinctiveness...’

The SPD on Householder Development provides that the aspects against which a proposal would be considered include *“whether the scale, height and choice of material is in keeping with the character and appearance of the dwelling and surrounding area, and is not considered as too intrusive – particularly important where a treatment is proposed on a corner plot...”*

The site is located within the residential area of Rainworth and there was formally a typical close boarded timber fence that demarked the boundary with the footway, albeit this was set back from the vehicular highway separated by amenity area that is the subject of the change of use aspect of this application. The proposed fence has replaced the existing fence, albeit has been erected against the back edge of the highway. In support of the application the applicant states that the fence has been erected to increase security to their property. They have offered to enhance the existing planting next to the fence in order to assist in blending the fence in further with the immediate surroundings.

Whilst I note that the height of the proposed boundary treatment is to be over the permitted 1 metre allowed by the Town and Country Planning (General Permitted Development) Order, I do not consider that the fence exceeds what would normally be expected in what is a residential area. Indeed, the treatment of rear boundaries in the area is close boarded fences of similar height and materials to that proposed to be retained by this application, including examples on corner plots, many of which are either adjacent to the back edge of the highway or readily visible from the public spaces.

Given that that this type of enclosure is typical for the area I consider that its materials, height and neat design would be appropriate in this context, and not out of keeping with the appearance of the street scene.

Moreover I do not consider that a lower fence or a post and rail arrangement would provide the same degree of privacy as a higher fence such as this fence, especially on this exposed corner plot with a road on one side and an open space on the other.

Overall I consider that the proposed retention of the fence and gates would not significantly harm the street scene on either Python Hill Road or Vera Crescent and the character and appearance of the surrounding residential area to justify refusal on these grounds. As such, I find no conflict with the relevant criteria of CS Core Policy 9, DPD Policies DM5 and DM6, and advice in the SPD.

## Residential Amenity

Policy DM6 of the ADMDPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light or over-bearing impacts.

With regard to residential amenity, given the siting of the proposed fence which is set away from any neighbours I do not consider that the proposal would have an adverse impact upon residential amenity. I therefore find no conflict with the Development Plan in this regard.

### Highways

Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

It is not considered that there would be any impact on highway safety as it would not affect highway visibility in any way.

### Other issues

With regard to the proposed use of the extended garden and access from Vera Crescent, the applicant has confirmed that it is not now their intention to use the rear garden and access for any business purpose, as was originally proposed. I do not consider that a planning condition would be required to control this aspect as any material business use of the land would require a separate planning application.

### **RECOMMENDATION**

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

01

Within 3 months of the date of this permission the finished treatment and colour of the fence and gate have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details within 28 days of written confirmation of the finished treatment.

Reason: In the interests of visual amenity and biodiversity.

02

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

- Received site layout plan received 24/04/17
- Revised application form received 24/04/17
- Revised site location plan received 10/04/17

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 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/](http://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](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive



<b>Application No:</b>	<b>17/00219/FUL</b>	
<b>Proposal:</b>	<b>Development of 2 x 1 bedroom bungalows and 1 x 3 bedroom bungalow (Phase 2)</b>	
<b>Location:</b>	<b>Land at Staveley Court, Farndon, Newark</b>	
<b>Applicant:</b>	<b>Newark and Sherwood Homes</b>	
<b>Registered:</b>	<b>20 April 2017</b>	<b>Target Date: 15 June 2017</b>
	<b>Extension of Time Agreed until 11 August 2017</b>	

**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 application is before Members for consideration due to the officer recommendation differing from the Parish Council views.**

**The Site**

Staveley Court is a small cul-de-sac of seven modern bungalows accessed off Westfield Way within the built up part of Farndon village. The existing bungalows are set back into the site to the south-east with vegetation and planting forming a backdrop between them and the Fosse Road further south-east.

At present the land between the existing bungalows and Westfield Way is open, flat and grassed land. The site comprises part of this open green space being the portion of the site nearest the existing bungalows. The application site forms a T shaped site that does not follow any features on the ground and comprises c0.12 hectares.

The dwelling to the north-east is no. 7 Birchenhall Court, a two storey modern dwelling with one window at first floor level overlooking the site. The side elevations of numbers 5 (with one window) and 11 Staveley Court (blank) adjoin the application site.

The south-western boundary is formed by a corridor of mature trees and vegetation that separates the site from dwellings on Holmefield and Fosse Way beyond. Directly north and east is a modern (1980’s) housing estate of mainly two-storey detached dwellings.



The entire site lies within Flood Zone 2 and an area prone to surface water flooding.

### Relevant Planning History

17/00218/FUL – Proposal for 6 x 2 bed dwelling and 2 x 3 bed dwellings on land adjacent to this application site to the north-west (referred to on the plans as Phase 1) was approved by the Planning Committee on 4<sup>th</sup> July 2017.

14/00859/OUT – Outline permission for 1 dwelling was refused on the strip of land between Staveley Court and Holmefield.

99/50600/FUL – Removal of condition 6 from pp RMA/920914. Approved (related to the site plus the Staveley Court bungalows)

1181485 – Residential development (relates to Westfield Way and Staveley Court) approved 19/05/1981.

1182279 – Construction of 33 dwellings plus garages, roads sewers and ancillary works. Approved 02/06/1982.

11880960 - ERECTION OF SIXTEEN ELDERLY PERSONS BUNGALOWS AND ASSOCIATED ENGINEERING WORKS. Approved 31/01/1989. This relates to Staveley Court and the application site.

11911141 – Erection of 7 dwellings for the elderly. Approved 03/01/1992.

92/50403/RMA – Erection of 7 no. dwellings for elderly and road. Approved 07/12/1992 (relates to the site). This is the scheme that was implemented.

### The Proposal

This application seeks to develop the remaining part of the open space immediately in front of the existing bungalows and has been termed as 'Phase 2' by the applicant on their plans; with Phase 1 having now been approved by the Planning Committee in July. Full planning permission was originally sought for 4 dwellings (a pair of semi-detached two storey dwellings and two detached bungalows) but has now been amended to 3 bungalows. The layout is such that this phase contains a turning head with 3 bungalows fronting this as follows;

#### *House Type A3*

This dwelling type is a single storey, one bedroom dwelling of 53m<sup>2</sup> in floor space designed for two persons. Accommodation comprises a hallway, open plan kitchen/diner/lounge, small store, bathroom and one bedroom. Each dwelling has a simple pitched roof with non-projecting gable above the bedroom window and simple detailing measuring 7.42m across the frontages (the building as a whole would span 14.84m across its frontage) projecting 8.32m in depth and measuring 2.33m to eaves and 5.16m to ridge height.

There are a pair of these bungalows proposed which would be sited adjacent to proposed two storey houses being considered under 17/00218/FUL.

## *House Type F*

This dwelling type is a detached single storey dwelling with three bedrooms comprising 74m<sup>2</sup> of floor space designed for 4 persons. Accommodation comprises a hallway, open plan kitchen/diner/lounge, small store, three bedrooms and bathroom. The bungalow has a simple pitched roof with non-projecting gables above the lounge and main bedroom windows and simple detailing. It would measure 11.58m across the frontage projecting 7.53m in depth and measuring c2.5m to eaves and c5.46m to ridge height. There is one of this type of bungalow proposed, located adjacent to number 5 Staveley Court.

All properties are offered for the social rented housing sector.

The following has been submitted with the application:

40860/ID082/005E Proposed Site Layout Phase 2  
40860/ID082/004A Site Location Plan Phase 2  
40860/ID082/012B – Proposed Plans and Elevations Type F (Plot 09)  
40860/ID082/015 Proposed Plans and Elevations Type A3 Plots 10-11

Desk Top Study - Phase 2 Ground Investigation, February 2017 by Collinshallgreen Ltd  
Flood Risk Assessment, April 2017 by Collinshallgreen Ltd

### Departure/Public Advertisement Procedure

Occupiers of twenty two properties have been individually notified by letter. A site notice has also been displayed near to the site with an expiry date of 19<sup>th</sup> May 2017.

### **Planning Policy Framework**

#### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

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

#### **Allocations & Development Management DPD**

Policy DM4 – Renewable and Low Carbon Energy Generation  
Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

**Farndon Parish Council** – Object to original plans as follows:

“Prior to consideration of these applications, Councillor Oldham declared a personal interest and withdrew himself from the discussions.

Considered discussion took place on the applications that had been received to develop land at Staveley Court in two phases. Members also considered the views expressed by residents who would be affected by the development if planning permission was granted.

Particular concern was expressed at the impact any development would have on the ecology and wildlife that existed in the land that was situated adjacent to the application site.

It was proposed by Councillor Gomes, seconded by Councillor Millner that objection be raised to the applications on the grounds that:

- it was over-intensive development for the site
- the plans showed 2 parking spaces for each dwelling. The area already suffered from on-street parking and narrow roads and an additional 24 vehicles would have a detrimental impact on the access currently enjoyed by residents.
- the design of the dwellings did not match the existing properties and, given the intensive development, would have a negative visual impact on the existing properties.
- the proposed dwellings would impact on the privacy and daylight enjoyed by the existing properties.
- the development would have a detrimental impact on the ecology of the adjacent site. Members would want an ecological survey undertaken prior to any works commencing, in the event that planning permission were to be granted.
- the application referred to the provision of a new or altered pedestrian access to or from the public highway. It was noted, however, that there was insufficient space to allow for any pavements.

This was agreed with one abstention’

**Comments in relation to the amended plans are awaited and will be reported to the Planning Committee (if received) as a late item.**

**NCC Highways Authority** – ‘The layout now provides 1 x 3 bed bungalow, with two parking spaces and 2 x 1 bed bungalows each with two parking spaces. The existing 2m grass service strip has been taken into account and will be replaced as footway.

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

1. No part of the development hereby permitted shall be occupied on any part of the application site unless or until a new 2m wide footway along each side of the existing carriageway has been

provided, as shown for indicative purposes on plan 40860/ID082/005E, to the satisfaction of the Local Planning Authority. **Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the parking areas/private driveways are provided and surfaced in a bound material in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking areas/private driveways shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles. **Reason:** In the interests of highway safety.

#### Notes to applicant

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

**Environment Agency** – 'This site lies partly in Flood Zone 2 & 1 and as such Standing Advice can be applied. You may wish to consult the LLFA regarding surface water disposal from this site and the Emergency Planner regarding access and egress.'

**LLFRA** – No comments received

**Trent Valley Internal Drainage Board** - "There are no board maintained watercourses in close proximity to the site.

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

The design, operation and future maintenance of the drainage system must be agreed with the Lead Local Flood Risk Authority and the Local Planning Authority."

**STW** – No response received.

**NSDC Strategic Housing** – No comments received

**Tree Officer** – 'Application site has mature vegetation on the west boundaries that may pose constraints on development. Request tree survey constraints plan in accordance with BS5837-2012 Recommendations in order to evaluate any potential issues.'

**NSDC- Access and Equalities** – Make general observations

**Representations have been received from 6 local residents/interested parties in relation to the original plans (which included two storey houses) which can be summarised below.**

- Current properties on Staveley Court are shared ownership for the elderly with Johnnie Johnson as landlord;
- Concerned about the property that will be adjacent to the turning area of no. 11 Staveley Court. There are a number of very frail and vulnerable residents in the bungalows and this

area needs to be kept clear at all times for emergency vehicles.

- Access road is quite narrow and needs to be kept free from obstruction;
- Aware that the corner of Staveley Court and Westfield Way can be dangerous and there is concern that contractors/delivery vehicles will only add to the problems;
- Development is not in keeping with the surrounding detached private houses and bungalows.
- All houses are detached and semi-detached so would make more sense to put a bungalow where plot 7 & 8 were supposed to go so there are bungalows down that side including plot 9;
- We have been expecting Bungalows to be built on this site for a number of years but not semi-detached houses;
- Westfield Way is a private development of detached houses which are mainly 4 bedroom. A new development on Staveley Court should both complement the existing bungalows on Staveley Court and the mature development of Westfield Way. Bungalows are ok but houses are not.
- Staveley Court and Westfield Way are narrow roads which cause difficulty when vehicles try to pass one another – this proposal would make matters worse.
- The amount of traffic already using this road, and for parking, is already making it difficult for pedestrians to walk along pavements, and space for parking. Introducing more housing in this enclosed section will make the situation even more difficult.
- Parking already occurs on the pavements, making access for disabled scooters impossible, or for pedestrians to access pavements.
- The development will mean the removal of a large number of established trees, which must be under TPO orders.
- Would like to know how the trees were removed when residents have been informed all the trees had a TPO on them;
- It has not been identified that additional council houses are needed in the area and there is no demand for 3 bed roomed properties if anything more bungalows are needed.
- There is already a strain on the current facilities on the estate.
- The development will devalue properties and will bring anti-social behaviour to a very nice estate.
- The outside space that is shown in the plans is not sufficient.
- The proposed development is not in keeping with the estate or the bungalows situated at the bottom of Staveley court.
- Drainage is currently an issue at my property when it rains and often comes up to neighbouring garage, the current drains are not adequate to take the water and by building additional properties the size proposed will only add to this;
- On Staveley court the residents often have issues having to have water pumped away when it rains heavily and this will only be worse if additional properties were to be built of the proposed size adding a strain on already problematic resources.

**There have been two comments** from neighbours/interested parties in relation to the amended plans which is summarised as follows:

- Concerned about parking areas accessed from the turning area at the side of 11 Staveley Court. There are a number of vulnerable residents who have carers/visitors who will have nowhere to park.
- There also needs to be access for emergency vehicles at all times.
- Concerned at size of 3 bed bungalow and the impact on residents, would prefer smaller property.
- These buildings are not in keeping with the area
- Added volumes of traffic into the area

- Thought all the trees in that area were protected

## Comments of the Business Manager

### *Principle of development*

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an 'other village.'

It is interesting to note that the wider site (including land to the south-east and the existing bungalows) had permission granted in 1989 for 16 bungalows, which were never built out. Later in 1992, reserved matters approval was granted for the scheme now built on site for 7 bungalows with the layout plan suggesting that the remainder of the site was to be developed for a further 12 bungalows. Whilst this does not carry any weight as the permissions have now expired, it shows an intention to develop the remainder of the site from the outset rather than it being any functional public open space.

### *5 Year Housing Land Supply*

The current 5 year housing land position is that the Council has recently published (since the July Committee) that it does have a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's and having done more work since the Farnsfield appeal. Until such time that the OAN is tested at Plan Review, it cannot attract full weight but given that this is professionally produced in cooperation with partners and the only OAN available it should carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

### *Location*

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the built up area of the village adjacent to existing residential development on Westfield Way to the north and Staveley Court to the south-east.

With regards the provision of services; whilst Farndon is defined as an 'Other Village' in the settlement hierarchy it does contain a primary school, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark and Nottingham where a wider range of services can be found. I therefore consider the site accords with the locational requirement of SP3.

### *Scale*

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. Three units are proposed as part of this 'Phase 2'

with an additional 8 units proposed as Phase 1 which is being considered separately which would be in addition to the 7 units already served off Staveley Court. Taking into account the 3 dwellings proposed by this application and other approvals over the development plan period, I still consider that the scale of the development for the village is acceptable, particularly that given the range of facilities available in Farndon, it is one the more sustainable villages in the settlement hierarchy.

#### *Impact on Character/Visual Amenities*

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within a residential area which has a mix of single storey and two storey dwellings of a similar scale and design. The amended scheme has now omitted the two storey dwellings and proposed 3 bungalows which would sit alongside the existing bungalows of Staveley Court and the backdrop of two storey dwellings of Birchenhall Court and Westfield Way.

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 and the wider residential setting. The layout of the development is such that the proposal would read as an extension to the existing Staveley Court (all bungalows) and relates well to its surroundings.

Overall it is 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 is in accordance with Spatial Policy 3 and Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

#### *Need for Development*

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, which is part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Farndon. The identified housing need in Farndon is for 11 affordable dwellings albeit most of this need is in the shared ownership tenure which this scheme does not promote. In the affordable rented sector there is an identified need for 1 x 3 bed bungalow (adapted) and 2 x 1 bed bungalows. The applicant has amended the scheme to cater for this identified need and in my view the proposal fully complies with the specific housing need for Farndon.

#### *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.

Two of the proposed bungalows would be located on the south-western side of the existing access road adjacent to a strip of existing mature vegetation and trees. A proposed turning head lies adjacent to no. 11 Staveley Court and the distance between the side elevation of proposed Plot 10 and this nearest existing dwelling (blank side elevation) is c17.8m which is more than ample to meet the needs of privacy in this context. The relationship between the bungalow of Plot 11 and the proposed adjacent dwelling on Phase 1 has also been considered and is acceptable.

Plot 9, the proposed detached three bedroom bungalow would sit beside the existing bungalow at no. 5 Staveley Court. The existing bungalow has one small side window facing the application site (which looks to be a secondary window) and would be c4m away from the blank side elevation of the proposed dwelling. Again I consider that the relationship is acceptable. Plot 9 would also be located approximately 9.7m south of the two storey dwelling at no.7 Birchenhall Court which has two windows (one at first floor) facing the site. Whilst the existing side first floor window would have the ability to overlook the garden of the proposed bungalow, I do not consider this is sufficient to warrant refusal of the application. This existing dwelling has its rear elevation and main garden facing south-east, away from the proposed bungalow. Overall I consider the relationship between dwellings is acceptable.

Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To maintain privacy and security, boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 1.8 to 2m in height. This is typical of the surrounding area.

The proposed dwellings have been afforded sufficient private amenity commensurate with the size of the dwellings they serve.

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 and would provide an appropriate standard of amenity for future occupants of the property. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

### **Impact on Highway Safety**

Policy SP7 require development proposals to provide safe, convenient and attractive accesses for all, including the elderly and disabled and others with restricted mobility and provide links to the existing network of footways so as to maximize opportunities for their use as well as being appropriate for the highway network in terms of volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected. It also seeks to ensure that vehicular traffic generated by development does not create new or exacerbate existing on-street parking problems nor materially increase other traffic problems. Policy DM5 reflects this.

It is noted that some local residents have raised concerns regarding the volume of traffic using this road, the narrowness of the highway (Westfield Way) and parking issues. Westfield Way is a cul-de-sac that also services 4 small cul-de-sacs (Jackson Court, Tow Court, Birchenhall Court and



Staveley Court) that are off this comprising around 34 existing dwellings which tend to have off street parking. The Highways Authority have raised no concerns regarding volumes of traffic or parking issues.

The scheme provides for off-street parking spaces at a rate of 2 spaces per dwelling which can be secured through condition and are adequate to meet the needs of the development and 2m wide public footways are proposed along Staveley Court which link into Westfield Way which can also be secured through condition. Therefore taking this into account and the comments from the Highways Authority it is considered that the proposal accords with Policy SP7 and DM5.

### **Flood Risk/Drainage**

The application site is located within an area identified as being within Flood Zone 2. Core Policy 10 states that development proposals will be located in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding. Development proposals within the Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones.

A Flood Risk Assessment (revised) accompanies this planning application which shows the site to be at medium flood risk from pluvial flooding from the River Trent. This FRA looks in detail at the Sequential Test which basically asks the question as to whether there are there any other sequentially preferable sites within the village in Flood Zone 1 that could accommodate the proposed development.

The FRA identified 6 alternative sites in the village that are within FZ1 and has concluded that these are not preferable for various reasons (such as not being available, being part of the cemetery, play park and countryside) than the site being promoted. It has not looked at other sites in Farndon that already have consent for dwellings within the NASH 5 year programme as these sites are already committed. Whilst these alternative sites have not been independently assessed, I agree that these sites are unlikely to be sequentially preferable. Moreover given that Phase 1 adjacent and fronting onto Westfield Way is acceptable and within Flood Zone 1 and there are existing bungalows to the other side (also within FZ2) it would not make sense to leave this land between them undeveloped when it can be made safe for its lifetime.

Given that the application as now presented is meeting an identified proven local need, this need can only be met in Farndon.

I therefore consider that it is not unreasonable to conclude that the affordable need of Farndon that have not already been consented can only be met in flood zone 2 based on the evidence available.

As the proposed use is considered to be 'more vulnerable' in flood risk terms and the site lies within Zone 2, the NPPF and its guidance is clear that the Exception Test should be passed. The NPPF states that for the Exception Test to be passed;

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and;*

- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

*Both elements of the test will have to be passed for development to be allocated or permitted.*

Indeed I note from the FRA that the Exception Test is judged as being passed and that the Environment Agency indicate that given the low risk they would not comment and the LLFRA also choose not to comment. In terms of wider sustainability benefits, there is an argument that developing this site would have wider benefits given the identified housing need within the village, I am also satisfied that the development would be safe for its lifetime and would not increase risk elsewhere.

Whilst the Council's Emergency Planning Officer has not commented on this specific scheme, the FRA has not identified any issues with the means of escape. Although ingress and egress could be difficult for the emergency services if the site floods, this is no worse than for current residents and the site lies adjacent to Zone 1 an indicator that the risk is actually low. I therefore consider that in this particular instance it would be reasonable to include a condition requiring the applicants to sign up to the Environment Agency's Flood Warning System.

It should be noted that the recommendation to raise the finished floor levels would not cause an adverse impact to neighbours at 12.96 AOD. This finished floor level shall be controlled via condition in the interests of residential amenity as well as to minimize flood risk.

In my opinion these conditions would be proportionate to the flood risk in this instance and would ensure occupants have the opportunity to leave the site in the event of a flood whilst also including a measure to mitigate the impact of flooding on the dwelling itself.

On balance, I consider the proposal does would broadly accord with the aims of Core Policy 10 and DM5 and would minimise flood risk and passes the tests set out in the NPPF in relation to flooding.

### **Impact on Trees and Ecology**

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

I understand that some trees have been removed/heavily pruned prior to this application being submitted. This clearance did not need permission as the trees were not protected in any way. I note that there is an existing belt of mature trees located adjacent to the south-western boundary. However these are located outside of the application site. The dwellings are all located 8m or more from the boundary and therefore I consider that a tree survey is neither necessary or appropriate (given they are on third party land) and that tree protection measures are not required given the distances involved.

I note that some local residents have also commented about the impact on the scheme on wildlife and bats. However given the site is maintained grass with no trees contained within, I do not consider it would be reasonable or appropriate to request an ecology survey in this instance.

## **Conclusion**

The Council is satisfied that it has its 5 year housing supply. However there is a need for affordable housing across the district including within Farndon and specifically there is a need for 2 x 1 bedroom bungalows and 1 x 3 bedroom bungalow which could be used by those with mobility issues in the affordable rented sector. The proposal meets an identified local need therefore.

The site is considered to be relatively sustainable in terms of its location with the settlement served by a good range of facilities and access to public transport. I am satisfied that the proposal would have an acceptable impact on the character of the area and neighbouring amenity. There are no highway safety matters or parking concerns which have been raised by the Highways Authority and no adverse impacts upon ecology.

The site lies in Flood Zone 2 albeit it is immediately adjacent to flood zone 1 at lowest risk. However, aside from the sites that are already committed to through the NASH programme, there do not appear to be any sequentially preferable sites to meet the identified need. Given that the site is sandwiched between existing and committed development, it would be nonsensical to resist bungalows on this site when the development can be made safe for its lifetime and where the proposals would make a positive contribution towards fulfilling the identified housing need in Farndon and the wider district's housing supply. On balance I am satisfied that the provision of the proposed bungalows and the public benefit in terms of meeting an identified need would outweigh the minimal additional flood risk in this instance.

It is therefore recommend that planning permission be granted subject to the conditions outlined below.

## **RECOMMENDATION**

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

### **Conditions**

01

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

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

02

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

40860/ID082/005E Proposed Site Layout Phase 2  
40860/ID082/004A Site Location Plan Phase 2  
40860/ID082/012B – Proposed Plans and Elevations Type F (Plot 09)  
40860/ID082/015 Proposed Plans and Elevations Type A3 Plots 10-11

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 dwellings hereby approved and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

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

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

Reason: In the interests of visual amenity and biodiversity.

06

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 completed prior to first occupation of the first dwelling unless otherwise agreed in writing by the Local Planning Authority.

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

07

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

08

No part of the development hereby permitted shall be occupied on any part of the application site unless or until a new 2m wide footway along each side of the existing carriageway has been provided, as shown for indicative purposes on plan 40860/ID082/005E, 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 parking areas/private driveways are provided and surfaced in a bound material in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking areas/private driveways shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

010

The finished floor levels shall be set at 12.96 AOD (300mm above the 1000 year event flood level) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In line with the recommendations of the Flood Risk Assessment dated 24 April 2017 which forms part of this application, in order to protect residents from flood risk and in the interests of residential amenity.

011

Before the dwelling hereby approved is first occupied potential residents shall first;

- (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by the Environment Agency);
- (b) within 14 days provide the local planning authority with confirmation from the Environment Agency that they have done so.
- (c) Submit to the LPA an evacuation scheme which details under what circumstances, triggers (including the Flood Warning Service), and locations occupiers will be evacuated to in the event of a Flood.

Residents shall maintain their registration with the Flood Warning Service (or any replacement service) at all times and should the dwelling be sold or occupied by new tenants registration with the Flood Warning Service will be made a condition of the sale/tenancy. Residents shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of any written request from the local planning authority for such confirmation.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

#### **Notes to Applicant**

01

The applicant is advised that all planning permissions granted on or after the 1 December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://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 you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and

therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans 0115 804 0015 for details.

#### 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](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive

Committee Plan - 17/00219/FUL



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<b>Application No:</b>	<b>16/00139/RMAM</b>	
<b>Proposal:</b>	<b>Residential development of <del>142 165</del> 161 dwellings and associated parking, garages, roads, sewers and open space</b>	
<b>Location:</b>	<b>Bluebell Wood Lane, Phase II Clipstone, Nottinghamshire</b>	
<b>Applicant:</b>	<b>Retail Ventures Ltd</b>	
<b>Registered:</b>	<b>26 January 2016</b>	<b>Target Date: 26 April 2016</b>
	<b>Extension of time agreed in principle</b>	

The Site

The site forms part of a consented housing site within the defined built up part of Clipstone. The site and wider area has been subject to multiple permissions in recent years, as explored below. It has few distinguishing features on the ground but the land levels slope down gradually from north-east to south-west. Some structural planting (semi-mature broadleaf plantation) has already taken place along the periphery of the site but is surrounded largely by agricultural land (comprising scrub, grassland but the majority of which is cultivated /disturbed land) with housing immediately south-east being built out by Taylor Wimpey under a reserved matters approval.

Relevant Planning History

Records indicate there are various historic planning consents on the wider site. However the most relevant are (for the avoidance of doubt approvals just comprising this application site are **bolded**):

**08/01905/OUTM** – Outline consent (with all matters reserved) was granted to Retail Ventures Ltd for up to 420 residential units, 1ha of B1 office, community facilities, landscaping and public open space on 5<sup>th</sup> November 2009.

This current application site formed part of this previous site. This permission is no longer extant for the current application site, which is governed by the 2012 outline permission detailed below.

**12/00966/OUTM** - Outline application was sought for an additional 180 units over and above the 420 units on part of the site. The application was a bare outline with all matters to be reserved for subsequent consideration. However an indicative layout plan was provided showing how 180 units might fit within the site area. This application was approved 8<sup>th</sup> February 2013 under delegated powers. This was subject to a S106 Agreement that secured the following:

<b>Contribution</b>	<b>Trigger</b>
30% on site affordable Housing	Standard triggers, no more than 60% dwellings unless AH
Education - 38 primary school places and at £11,455 per place the development requires an education contribution of £435,290.	Not more than 60 dwellings to be occupied until 1/3 contribution paid and not more than 100 dwellings occupied until 2/3 paid, not more than 150 dwellings until contribution paid in full.
Library contribution of £6,969.02 is required as a direct result of this development, based on their formula.	Contribution to be paid before occupation of 100 <sup>th</sup> dwelling
Sports Pitch contribution of £85,714.20 based on a pro-rata of the level of contribution extracted by the previous consent, which was £200k/420= £476.19 x 180.	½ to be paid on occupation of 100 <sup>th</sup> dwelling with remaining ½ upon 150 <sup>th</sup> occupation
Community facilities - £100k to improve existing community facilities within the existing settlement.	To be paid in full before occupation of 91 <sup>st</sup> dwelling

**14/02054/VAR106** – Variation of Section 106 Agreement attached to 12/00966/OUTM. Approved as recommended by Committee on 07.09.2015. Variations based on viability comprised:

<b>Contribution</b>	<b>Trigger</b>
Contribution towards affordable housing of £238,000 (based on 7.4 houses at £32k each) equating to a 4% offer (Amended)	£80K to be paid on occupation of 80 <sup>th</sup> dwelling, not to permit occupation of more than 110 until £160k has been paid, not to permit occupation of 140 dwellings unless paid in full. (amended)
Education - 38 primary school places and at £11,455 per place the development requires an education contribution of £435,290. (As previous)	Not more than 60 dwellings to be occupied until 1/3 contribution paid and remainder to be paid before occupation of the 151 <sup>st</sup> dwelling. (amended)
Library contribution of £6,969.02 is required as a direct result of this development, based on their formula. (As previous)	Contribution to be paid before occupation of 100 <sup>th</sup> dwelling
Sports Pitch contribution of £85,714.20 based on a pro-rata of the level of contribution extracted by the previous consent, which was £200k/420= £476.19 x 180. (As previous)	Payment on occupation of 90 dwellings (amended)
Community facilities - £100k to improve existing community facilities within the existing settlement. (As previous)	To be paid in full before occupation of 91 <sup>st</sup> dwelling (as existing)

History on adjoining sites.

11/00950/RMAM – Reserved matters approval was granted to Taylor Wimpey for 219 dwellings, associated roads and public open space on 11<sup>th</sup> October 2011. The edged red line included ‘The Green’ which will be the focus for the NEAP and MUGA etc. as set out in the S106 Agreement.

12/00965/RMAM – Reserved matters application for 201 dwellings, retail units, crèche and associated infrastructure was submitted in July 2012 and is currently being considered by this Council.

### The Proposal

Reserved matters approval was originally made for 142 dwellings and included all matters (access, scale, appearance, landscaping and layout). This is made under the outline permission 12/00966/OUTM which granted an additional up to 180 dwellings on this parcel of land.

The original submissions were deposited given that the outline was about to expire. These were not sufficient to be able to positively determine the application. Further plans and information were requested and submitted on 21<sup>st</sup> September 2016. Further plans have followed on various occasions which have also been superseded and therefore I have not listed them in full.

On 3<sup>rd</sup> March 2017 the applicant amended the scheme to increase the number of units from 142 to 165 having engaged Persimmon Homes to build and utilise their house types. These revisions necessitated a change to the description of the development and a full round of re-consultation.

The scheme has been amended again in June and July 2017 in response to concerns raised by the case officer in relation to the car dominated layout and in relation to concerns raised by the Highways Authority. **This has resulted in the number of dwellings being sought reduced to 161 and has required another full round of public consultation.** The report and appraisal is therefore based upon the following plans and documentation:

As original deposited:

- Concept drainage layout, drawing ELL/578/RV/W/1002
- Revised Flood Risk Assessment by ELLUC Projects Ltd
- Revised Ecological Appraisal, by FPCR August 2016

Received 21<sup>st</sup> June 2017

- Drawing No. 7886-L-03 Rev B (Revised Phase 3 – Site Layout Plan Colour Details)
- Drawing No. 7886-L-04 Rev C (Revised Phase 3 Layout)

Received 26<sup>th</sup> June 2017:

- Drawing No. 7886-L-200 Rev A (Revised Landscape Proposals – Drawing 1 of 5)
- Drawing No. 7886-L-201 Rev A (Revised Landscape Proposals – Drawing 2 of 5)
- Drawing No. 7886-L-202 Rev A (Revised Landscape Proposals – Drawing 3 of 5)
- Drawing No. 7886-L-203 Rev A (Revised Landscape Proposals – Drawing 4 of 5)
- Drawing No. 7886-L-204 Rev A (Revised Landscape Proposals – Drawing 5 of 5)

Received 30<sup>th</sup> June 2017:

- Unreferenced ‘Corfe’ Drawing Rev H (Corfe, Plans and Elevations)
- Drawing No. CA-WD01 Rev F (Clayton, Plans and Elevations)
- Drawing No. RF-WD01 Rev V (Rufford, Plans and Elevations)

Received 5<sup>th</sup> July 2017:

- Drawing No. ELL/578/RV/1000 Rev C (Proposed Finished Floor Levels)
- Drawing No. ELL/578/RV/1001 Rev B (Proposed Road widths and visibility splays)

Received 10<sup>th</sup> July 2017:

- Drawing No. ELL/578-RV/100 Rev C (Proposed Road widths and visibility splays)
- Drawing No. CL3/ALN/P-01 (Alnwick, Plans and Elevations)
- Drawing No. CL3/MOS/P-01 (Moseley, Plans and Elevations)
- Drawing No. CL3/HAN/P-01 (Hanbury, Plans and Elevations)
- Drawing No. CL3/SOU/P-01 (Souter, Plans and Elevations)
- Drawing No. CL3/HAT/P-01 (Hatfield, Plans and Elevations)
- Drawing No. CL3/SUT/P-01 (Sutton, Plans and Elevations)
- Drawing No. CL3/BEE/P-01 (Beech, Plans and Elevations)
- Drawing No. CL3/RO/P-01 (Ro, Plans and Elevations)
- Drawing No. CL3/CHED/P-01 (Chedworth, Plans and Elevations)
- Drawing No. CL3/LEI/P-01 (Leicester, Plans and Elevations)
- Drawing No. CL3/WIN/P-01 (Winster, Plans and Elevations)

The following table seeks to set out information on the house types that are now proposed:

House Type	Drawing No.	Description	Plots	Dimensions	Total no. of plots
Alnwick	CL3/ALN/P-01	Semi, two bed, two storey	118,119,120,123, 124, 127, 128,134,135,237,238,239,240	4.37m across x 8.87m deep (inc porch) 7.63m to ridge	13
Moseley	CL3/MOS/P-01	Terrace, 2 ½ storey, 2 bedroom with office  (office appears large enough for single bed)	125,126,165,166,167, - 168,164,163,186,187,188,205,206,207,222,223,224,231,232,233,234	4.04mx7.41m by 9.3m to ridge	21
Hanbury	CL3/HAN/P-01	Semi-detached, two storey, two bedroom with office	114, 115, 116, 117,131, 132,133,121,122,149,150,170,261,262,263,202,203,,209,210,218,219,250,249	5.17mx8.76 inc porch, 7.6m to ridge	23
Rufford	CL3/RUFF/9-01	Detached/semi - detached 3 bed two storey  Windows in both side elevations	109,110,162.161,148, 159,160,264,265,178,179 211,212,248,247,221,225, 230	6.25mx 10.1m (inc porch) x 7.41m to ridge	18
Souter	CL3/SOU/P/01	Terrace, 2 ½ storey, 3 beds	111,112,113,140,143, 151,153,172,173,180,182,189,191,193,194,215,217, 254,255,257,258,241, 244	4.11m (w) x 9.16m (d) x9.46m(h)	23
Hatfield	CLP/HAT/P-01	Detached, 2 storey, 3 bedroom	136, 137, 169, 138,139, 145,175,260,176,200,183,, 184,192,251,208,201, 213,214,220,245,221,235,236	6.17m (w) x9.10m(d) x 7.75m to ridge	23

Sutton	CLP/SUT/P-01	Terrace, 2 ½ storey, 3 bedroom	141,142,152,155-158,181,190 216,,243,242	4.1m(w) x 10.72 (d) inc porch, by 9.61m to ridge	12
Beech	CLP/BEE/P-01	Detached two storey 3 bed		8.76m (w) x 6.29m (d) x 7.17m (ridge)	0
Roseberry	CLP/RO/P-01	Detached two storey, 3 bed + office (4 bedrooms)	108,154,267,266,195,196, 213, 246	7.97m (w) x 8.76m (d) x 7.69m to ridge	8
Chedworth	CLP/CHED/P-01	Detached, two storey, 3bed + office (4 bed)	144,259,256,226,229	8.54m (w) x 7.75m (d) x 7.88m to ridge	5
Leicester	CLP/LEI/P-01	Semi-detached, 2 ½ storey, 3 bedroom plus office	129,130,197,198,199, 252,253,227,228	5.55m (w) x 8.54m (d) x 9.57m to ridge	9
Winstar	CLP/WIN/P-01	Detached two storey 4 beds + study		8.87m (w) x 8.87m (d) x 8.04m to ridge	0
Clayton (corner)	CA-WD17Rev F	Detached property with two bedrooms and upstairs office (large enough for third bedroom)	146, 268,185	8.76m (w) x 6.29m (d) x 7.3m ridge (4.8m eaves)	3
Corfe	No drawing ref received 30/06/2017 (Rev H)	Detached four bedroom house with office that looks large enough to be fifth bedroom	147,174,204	8.76m (w) x 8.87m (d x 7.8m to ridge (4.8m eaves)	3
					<b>161</b>

### Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. Consultation has occurred in relation to each set of amended plans.

### 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 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
- MFAP1 – Mansfield Fringe Area

## **Allocations & Development Management DPD**

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Supplementary Planning Document (Developer Contributions)
- Interim Policy Note 'Planning Provision for Affordable Housing' adopted 2005 is still partly relevant.

## **Consultations**

**Consultation has taken place throughout the life of this application in response to each set of amendments. The responses set out below relate to the most recent consultation response unless otherwise specified:**

### **Clipstone Parish Council –**

16<sup>th</sup> May 2017

“The Council would like to object to the application as it is felt the housing type proposed would not address local need for smaller housing units of 2 bedrooms or fewer. There will be no affordable housing on site. The Council is furthermore concerned that the local schools will struggle to provide the necessary places in time for the development to be completed. No amenities are planned as part of this phase of the development (shops, doctor's surgeries, etc.). A further 142 dwellings will adversely affect the infrastructure which is already stretched. No public transport and lack of sustainable transport links (cycle paths and safe footpaths) tying the new development to the rest of Clipstone. Its at least a 15 minute walk to the nearest bus stop on 1st Avenue. One road access for emergency services”

13<sup>th</sup> October 2016

Object to Proposal. The Council would like to have the following objections noted;

- Impact on local already oversubscribed schools;
- Added traffic damaging local roads;
- Shops and other infrastructure missing;
- No bus service;
- No S106 agreement details

On 18<sup>th</sup> February 2016: “The Council would like to object to the application as it is felt the housing type proposed would not address local need for smaller housing units of 2 bedrooms or less. There will be no affordable housing on site. The Council is furthermore concerned that the local schools will struggle to provide the necessary places in time for the development to be completed.”

**Forest Town Community Council** (part of Mansfield DC jurisdiction) - comment 21/09/16 as follows:

“We write to note that it appears that none of the new revised documentation address the concerns raised by the Forest Town Community Council regarding the fact that the Transport Assessment is seriously out of date.

Forest Town residents remain concerned regarding the traffic impacts of the development, especially the increase in traffic associated with Clipstone Road, and subsequent to our previous objection even more time has passed since the July 2008

Transport Statement rendering it even further out of date.

As such, at this time the Community Council is not in a position to withdraw our previous planning objection.

We hope that this matter can be satisfactorily rectified in advance of the determination of the planning application.”

Comments made in February 2016:

The Forest Town Community Council is genuinely concerned that the transport assessment appears to have been written in 2008. We all know that much has happened since 2008 to make any assessment from 2008 out-of-date.

We note the Government guidance on this matter, e.g. that the scope and level of detail in a Transport Statement will vary from site to site, but that the following should be considered when settling the scope of the proposed assessment: "...an assessment of trips from all directly relevant committed development in the area (i.e. development that there is a reasonable degree of certainty will proceed within the next three years); data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network; an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent three-year period, or five-year period if the proposed site has been identified as within a high accident area;..."

Forest Town residents have serious concerns about the worsening traffic situation in our area, especially the increase in traffic associated with Clipstone Road. In view of this, and in the absence of an up-to-date traffic assessment, the Forest Town Community Council (FTCC) objects to the proposal (ref 16/00139/RMAM).

Source: <http://planningguidance.communities.gov.uk/blog/guidance/travel-plans-transportassessments-and-statements-in-decision-taking/transport-assessments-and-statements/>

**NCC Highways Authority – 10/07/2017** - In response to amended plans:

‘That deals with the visibility issue. It is noted that the footways will be widened to include the splays, and wonder if the other drawings submitted need to show this details to avoid confusion. As part of the road adoption process I will be expecting the widened footways.’

**03/07/2017** – ‘A brief look at my last comments suggest that 2 items remain outstanding:

They need to show the forward visibility splay around the bends at plots 192 and 267 (not 270 as I misquoted). This may require a widening of the footways and affect these plots.

They need to have a management/maintenance arrangement for visitor car spaces in private areas.’

Subject to the resolution of these issues and conditions (quoted verbatim as conditions 7 to 10) the highway authority confirm they have no objection.

**Previous comments made 5<sup>th</sup> May 2017:**

‘I refer to submitted drawing CLP-PH3-002B

1. The development still appears to be car-dominated and will have long lengths of dropped kerb crossings of the footway.

2. Forward visibility splays should be demonstrated around the bends near plots 270 and 192.

3. The car parking to plot 146 is remote from the dwelling and is likely to lead to on-street parking (potentially close to junctions).

4. It is unclear what the area of block paving outside plot 243 achieves and why is it there? There appears to be a sharp deviation in the kerblines at this point. Amendment is sought.

5. In places along the northern site boundary there appears to be a conflict between the existing hedge and proposed footpaths. Perhaps the loss of hedgerow should be made clear and assessed by the LPA.

6. Allocation and management of car parking in private areas should be clarified particularly concerning visitor spaces. It would be helpful to have these points considered and addressed as appropriate by the applicant/agent.’

Comments made 21<sup>st</sup> December 2016

‘Although the submission does not offer all the details required of Condition 5 of the Outline Permission (Ref. 12/00966/OUTM) there is sufficient detail to allow planning consent to be considered, since the additional details can be clarified as part of the Section 38 Road Adoption Agreement with the Highway Authority that will follow in due course.

The layout submitted is broadly acceptable apart from a minor kerb line realignment required so that Road 5 marries smoothly with the adjacent feeder access road.

No objections are raised subject to the following conditions:

No part of the development hereby permitted shall be occupied until associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.



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

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

No part of the development hereby permitted shall be occupied until associated driveways / parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways / 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 dangers to road users.

**Note to Applicant:**

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

It should also be noted that the Highway Authority will only enter into a Section 38 Road Adoption Agreement under the Highways Act 1980 for roads that link directly to the existing public highway network, or link to it via roads already subject to Section 38 Agreements."

**Natural England** – Commented on 8<sup>th</sup> March 2017:

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

*The Wildlife and Countryside Act 1981 (as amended)*

*The Conservation of Habitats and Species Regulations 2010 (as amended)*

Natural England's comments in relation to this application are provided in the following sections.

*Statutory nature conservation sites – no objection*

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Sherwood Forest Golf Course SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this

application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### *Protected species*

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

Natural England has published Standing Advice on protected species.

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

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

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

#### *Green Infrastructure*

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

#### *Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area*

We note the proposed development is located in the Sherwood Forest area in proximity to habitats identified as important for breeding nightjar and woodlark. Therefore we have enclosed Natural England's Advice Note (Revised March 2014) in respect of this matter which encourages Local Planning Authorities to follow a risk-based approach, ensuring that proposals are accompanied by robust assessments of the likely impacts arising from the proposals on breeding nightjar and woodlark and include measures to minimise any potential direct, indirect and cumulative impacts that are identified.

#### *Local sites*

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

#### *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities

Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

### *Landscape enhancements*

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

### *Sites of Special Scientific Interest Impact Risk Zones*

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.'

### **NCC (Nature Conservation)-**

28/06/2017 – 'We welcome the changes made to the landscaping proposals as requested and therefore have no further comments to make about the proposed development.'

22/06/2017 – 'The proposed species mix for the new section of native hedgerow is welcomed and supported. However, the areas around the retained hedgerow and along the north western boundary of the site are set to become amenity grassland as shown in the revised landscape proposals (Phase 3 Landscape Proposals Drawings 1 to 5). These areas, however, could provide more ecological value if they are established as wild flower meadows. There are a few meadow mixtures on the Emorsgate Seeds website which could be suitable for these areas such as EM7 Meadow Mixture for Sandy Soils. It is therefore requested that this minor amendment is made to the landscaping proposals.'

The County Ecologist advised on 11/09/16:

'Surveys have confirmed the presence of common lizard on the site. Section 4.11 of the Ecological Appraisal (FPCR, August 2016), recommends that working methods are followed to prevent the killing and injury of common lizards during site clearance works, which may include passive displacement. I would suggest that the applicant produce a Precautionary Method of Working for Reptiles in this respect, secured through a condition.

A standard condition should also be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive.

A further condition should require the use of temporary fencing to protect retained vegetation (hedgerows and plantation woodland) during construction.

Finally, another condition should be used to require the submission of a lighting scheme, to be designed to minimise impacts on bats.'

*Previously advised*

#### *Site context and Surveys*

- As the Ecological Appraisal provided is over seven years old, it is requested that an updated site assessment to be carried out. This is necessary to identify the current flora and fauna present, and to determine what (if any) specific mitigation is required. It should be noted that paragraph 165 of the NPPF requires planning decisions to be based on up-to-date environmental information.
- The current landscape plan is conceptual, and therefore very basic. It is requested that a condition be used to require that a more detailed landscape plan be submitted, to include species mixes and layouts.
- A standard condition should be used to control vegetation clearance during the bird nesting season.

**Nottinghamshire Wildlife Trust** – on 9<sup>th</sup> February 2016 recommended that up to date surveys were undertaken given they were over 7 years old. No comments have been received in respect of the up to date ecological appraisal. As they no longer have the capacity to comment.

**NCC (Rights of Way)** – 06/03/17 – Nothing further to add to previous comments:

22/09/16 - 'This application impacts on Clipstone Parish Bridleway No 6 aka Clipstone Drive, which runs through the site as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way. I welcome information on what is intended for this path as I cannot see anything specific in the application.

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

**NCC Policy** - Make comments requesting developer contributions in respect of primary education and libraries.

**Environment Agency – 22/06/17** - Reference previous comments of 29/01/16 and 22/09/16 the latter of which states as follows:

"I understand Condition 04 on the decision notice dated 8 Feb 2013, in respect of planning application 12/00966/OUTM, was perhaps proposed by STW Ltd and they may have a view on the reserved matters layout which does not appear to have any obvious sustainable urban drainage features.

On the basis that the EA is not involved in the surface water drainage from this site I have no comments to make on the proposed layout.”

**NCC as Lead Local Flood Risk Authority –**

26/06/17 and 09/03/17 – reference previous comments.

09/02/17 Current preliminary comments:

1. This application makes reference to prior agreements made with the Environment Agency and we recommend that any details that relate to these agreements are discussed with The EA rather than NCC as LLFA.

**Severn Trent Water** - I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

*Condition*

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

*Suggested Informative*

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

**NSDC Access and Equalities Officer** – Makes general comments.

**NSDC Parks and Amenities** – Makes comments in respect on the Public Open Space in respect of Phase 1 which does not form part of this application.

**NSDC Environmental Health Contaminated Land** – No observations from a contaminated land perspective.

**6 Representations have been received from local residents/interested parties** (4 supporting with observations and 2 objections) which can be summarised as follows:

- The proposal aligns with the master plan and therefore should be approved without delay.
- With respect to the largely irrelevant comments over 2 bedroom social housing, it may be prudent to refer the parish to 1) The master plan and 2) The number of townhouse and / or apartment type buildings within phase 1 and this proposal. We do not need any further social housing on the estate and therefore housing of a higher quality and / or number of bed spaces should take precedent.

- Only observation would be the need for a communal area for kids, other than a green space and a skate park should be considered.
- The need for amenities should be recognised and the proposed development in this regard should be incentivised to speed up delivery of this need.
- Concern at why this application is being delayed
- Concern that Transport Statement is from 2008 and out of date;
- Only concern is that there is no local retail services such as shop, food outlet or bar similar to berry hill area NG18 and no public transport decisions.
- Bluebell Wood Lane is currently the main access road into the building site and will continue to be so during the proposed future works. This road now has residents living extremely close to the building site, and so it is no longer suitable for an access road.
- Concern at construction/commercial HGV's mounting the kerbs and pavements and parking on pavements where families walk because there is no room on the road for them to gain access which is unsafe.
- Noise pollution from the site starts at around 6.45am all year round waking us all up on the street and loud radios and foul language continue to play all day.
- The mud and filth continually spread across the street, both road and pavement is not acceptable on the grounds that all of our property is becoming dirty and its unsafe and very slippery, whilst driving and walking.
- Other buildings on site do not seem concerned about this and I doubt they will change for the proposed phase.

### Comments of the Business Manager

#### The Principle

Outline planning consent was granted under delegated powers in February 2013 for up to 180 dwellings on this site. This was accompanied by a Section 106 Agreement which secured a number of developer contributions which was amended (by Committee) on viability grounds through a deed of variation in 2015.

As such the principle of the development is now established through the granting of the outline consent with the means of access having been considered and ultimately approved. The principle of the use need not be considered further in any detail, nor do any of the infrastructure requirements, open spaces, or commuted payments already secured.

Members will note that this scheme has been subject to many amendments over the last year and a half, culminating in a scheme that is now for 161 dwellings over the site. Persimmon Homes (who are already developing out other phases of the wider site) have now been identified as the developer which has resulted in further changes to the scheme.

Only reserved matters including appearance, landscaping, layout and scale of the development proposed is open for consideration.

#### Impact of Design and Layout

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local

distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

During the lifetime of the application the scheme has been amended several times for various reasons, some of which related to concerns with the layout and particularly due to the large expanses of car/highway dominated site frontages of hard standing and a lack of landscape detailing that would allow officers to understand the potential mitigation of this impact.

The latest revised plan layout received June 2017 has been submitted as an attempt to overcome these concerns and have involved reducing the number of dwellings by 4, realignment of driveways in some cases to the sides of houses (rather than the frontage) and a general attempt to reduce the amount of hard standing together with the submission of detailed landscaping plans that would sit amongst this.

It is noted that there are still expanses of hard standing in parts of the site. However in the most prominent positions of the site the layout has been improved to reduce the car dominated frontages to what is in my view an acceptable level when viewed in context with the proposed soft landscaping.

I am also mindful of the character of the surrounding area which has been established through the delivery of recent modern residential developments. It is my view that the current proposal, as revised, represents a better and more considered delivery of urban design than some other areas in the wider site. On this basis I feel it would be very difficult to resist the application on the basis of the site layout and aforementioned disadvantages (such as street frontage parking in areas) in principle.

Regarding the house types, I am mindful that the applicant is a national housebuilder which have already been building plots in the immediate surroundings. A number of the house types presented through the current application have already been delivered on the adjacent site and have been proposed by Persimmon on the phase that Members considered in July. This will inevitably mean that the proposal integrates well within its immediate surroundings. The design of the dwellings is considered relatively basic with the appearance being primarily two storey and two-and-a-half-storey dwellings, brick elevations under pitched roofs. Like the adjacent phases as proposed the mix of detached dwellings, semi-detached and small groups of terraced dwellings ensure that the layout is not uniform and enables gaps between properties. I am satisfied that the design has been properly considered and meets an acceptable standard of design in accordance with Core Policy 9. Subject to conditions relating to external materials, finished floor levels and boundary treatment the overall design of the proposed development is considered acceptable and in compliance with Core Policy 9 and Policy DM5.

### Landscape Character

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

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within

the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

A Landscape and Visual Statement by FPCR has been prepared in respect of both this phase and Phase 2 (at committee July 2017) which confirms that the site is within the Policy Zone 12: Cavendish Wooded Estatelands and Wooded Farmlands with key characteristics such as a gently undulating topography and coniferous plantations. The landscape actions for the zone are to Restore and Create.

It is acknowledged that the character of the site has been changed in the recent past owing to major earthworks for the original consented mixed use development site. There are areas of pronounced cutting as well as areas of the site which have been levelled. The character of the immediate surroundings has also been fundamentally altered by the residential development of previous approvals. Features such as the public right of way which bounds the site to the north west are also identified. The landscape value of the site is defined as follows:

*“In terms of "landscape value", in all intents and purposes the site can be considered to be already developed given the earthwork intervention undertaken under the consented outline application. The proximity of the new residential built form relating to phase 1 to the south of the site exerts a dominant urbanising character. As such it is considered that the site has a low value in terms of landscape sensitivity.”*

In general I would concur with this assessment and agree that the existing buffers along the northern and north eastern site boundaries will assist in mitigating the development. The site benefits from a good deal of concealment offered by the prevailing topography. It is concluded that in all instances the mitigation planting once matured will provide near full visual containment with filtered glimpses during winter months. Overall it is considered that the application site and receiving landscape has the capacity to accommodate the proposals.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site but this has already been accepted through the granting of outline consent in any case. Given the positioning of the site within the settlement envelope and recent residential developments in the immediate vicinity, it would be difficult to conclude that the character impacts of residential built form in itself would be so harmful as to warrant a resistance of the application in their own right. In this regard the proposal is compliant with Core Policy 13 of the Core Strategy.

#### Housing Density, Mix, Type and Need

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances.

This part of the development comprises c4.98 hectares gross and the density equates to c30 dwellings per hectare which is in line with the policy expectations.

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning 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 (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects this and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

CP3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any local housing need information.

There appear to be some inaccuracies within the accommodation schedule listed on the layout plan and I have therefore compiled my own list of the mix based on the plans, which is similar in any event.

No. of Beds	Mix in Officer View
2	36
3	109
4	16
	<b>161</b>

In terms of what the local demand is, evidence of this is contained within the Newark and Sherwood Housing Needs Survey Sub Area Report 2014 by DCA. Clipstone falls within the Mansfield Sub-Area from the perspective of our Housing Market & Needs Assessment (2014), with the Sub-Area Report showing demand within the market sector to be predominantly focussed on 2 bed (32.3%) and 3 bed (24.8%) unit types, with lesser demand shown for 1 bed (17.2%), 4 bed (14.1%) and five or more bed (11.6%) units.

The mix on offer equates to 22.36% two bedroom units, 67.70% three bedroom units and 9.93% four bedroom units. Given the district wide housing needs survey suggests that smaller units are required in the general area, the applicant has been invited to amend the mix. However a response has been received confirming that:

- *‘The proposed scheme has been designed by Persimmon homes and is based upon their market research, the scheme does use their house types and is fully based upon what they are currently selling on site (Now)*

- *I have discussed your comments with Persimmon homes whom have stated that “We are proposing a mix that has sold well on Phase 1. It is more cost effective for customers to purchase a 2/3bed due to Help to Buy rather than small 1 bed units.”*

This is essentially the same justification that was put forward with regard to Phase 2 also promoted by Permission that was considered by Members at July 2017 Committee where Officers took the view that the experience was given in the context of the delivering of the dwellings on the wider site and thus is relevant to this application. What was particularly persuasive was the fact that in sales terms the difference between 2/3 beds was not significant for buyers looking to obtain a mortgage. Whilst the mix does not fully reflect the needs of the Mansfield Sub Area, I am mindful that it promotes house types that are generally smaller (being 2 bedrooms, 2 beds with offices and 3 bedroom houses) and would contribute to the family size market housing that is required in this district as acknowledged by CP3.

The outline permission has already secured a contribution towards affordable housing which is not open for consideration as part of this reserved matters application.

#### Impact on Amenity

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

Like the scheme Members considered in July, the majority of separation distances between dwellings meet best practice separation distances however there are elements within the site which demonstrate amenity relationships which are on the cusp of acceptability. For example, the rear elevation of Plot 246 would only be approximately 9.8m from the gable end of Plot 244. However on the basis that the future occupants would move into these dwellings in the full knowledge of the separation distances, on balance it is considered that the proposed layout of the site allows for reasonable distances between dwellings to avoid any direct overlooking, overshadowing or overbearing impacts. An adequate area of private amenity space has also been provided for each dwelling.

Condition 3 of the outline consent required that details of the existing ground levels together with the finished floor levels of new buildings be submitted for agreement as part of a reserved matters approval in the interests of visual and residential amenity. These have been provided and are acceptable which essentially discharges the requirement of this condition.

Having carefully assessed the scheme I am satisfied that the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or committed dwellings adjacent to the application site in accordance with the Policy DM5 of the DPD.

#### Impact on Flood Risk and Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses.

The outline application submission was accompanied by the original Flood Risk Assessment dated

June 2012. Condition 4 of the outline consent included a condition that requires the submission of drainage plans for the disposal of foul and surface water to be agreed prior to development commencing which remains in place. The submitted information is with flood agencies for comment. The scheme is not materially different from the solution provided on earlier phases and it is therefore envisaged that there will be no issues raised.

Subject to confirmation I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Core Policy 9.

### Highways Impacts

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

It is noted that a local resident has commented that the transport assessment is now out of date. However planning permission has already been granted for the erection of up to 180 dwellings on this site, where the Highways Authority raised no concerns regarding the amount/volume of traffic in principle. There was no requirement to revisit this matter as part of this reserved matter application.

This scheme for 161 dwellings has been amended several times in an attempt to reduce the car dominance frontages and street-scenes, a concern raised by both the case officer and the Highway Officer. The scheme has reduced the level of car dominance and has addressed the concerns regarding forward visibility on certain plots and has sought to provide footways in line with Highways advice. The level of off-street car parking is also considered acceptable.

The HA raise no objections in respect of the detail submitted and I agree that the highway issues have been dealt with satisfactorily and the scheme now accords with the requirements of SP7 and DM5.

### Impact on Ecology

The outline consent considered impacts on ecology with Condition 6 imposed which provides that no development should take place until an Ecological Mitigation and Management Plan and timetable has been approved and also Condition 7 which seeks to prevent clearance works during bird nesting season.

In support of this scheme a Revised Ecological Appraisal was submitted by FPCR dated August 2016. With the exception of a single common lizard, no protected species were found on site and the site wasn't considered suitable habitat for most species other than common lizard and foraging bats given the presence of hedgerows. Whilst this Appraisal suggests what mitigation measures may be implemented it does not go far enough as suggesting a firm course of action for all necessary mitigation. Therefore I consider that Condition 6 of the outline consent remains valid and further work will be required before the condition can be discharged and work commence. I note that the potential Special Protection Area (pSPA) has been covered in the Ecological Appraisal and surveys have found that nightjar and woodlark are absent from the site.

Full landscaping plans have been provided during the course of this application and amendments have been made to the species mix for the new section of hedgerow and the inclusion of wildflower meadows around the periphery of the site at the request of the County Ecologist whom has confirmed the scheme is now acceptable. I also note their request for conditions to be imposed which comprise a Precautionary Method of Working for Reptiles, the requirement for temporary fencing to protect retained vegetation (hedgerows and plantation woodland) during construction and to require the submission of a lighting scheme to minimize impacts on bats. I consider that all of these matters would fall within the remit of Condition 6 of the outline consent and need not be explicitly imposed again, albeit I consider it sensible to set out expectations in a note to applicant.

It is noted that Natural England raise no objection to the scheme.

Overall 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.

Developer Contributions/Deed of Variation

Given that the reserved matters application seeks a lower number of dwellings than what the outline permission actually consented (161 whereas the outline approved up to 180) I consider that a deed of variation to the Section 106 Agreement will be necessary. This is to proportion out the developer contributions based on a lower number of units but more importantly to ensure that the triggers are met and that there is still an incentive for the developer to build out the scheme in its entirety.

The following table sets out the suggested amendments which the applicant has confirmed agreement to in principle.

<b>Contribution currently in S106</b>	<b>Trigger as Existing</b>	<b>Proposed contribution</b>	<b>Trigger as Proposed</b>
Contribution towards affordable housing of £238,000 (based on 7.4 houses at £32k each) equating to a 4% offer (Amended)	£80K to be paid on occupation of 80 <sup>th</sup> dwelling, not to permit occupation of more than 110 until £160k has been paid, not to permit occupation of 140 dwellings unless paid in full. (amended)	A scheme for 161 houses would generate a requirement for 48 dwellings. However given previously accepted viability issues, 4% offer is considered reasonable. This would equate to 6 houses at £32k each so £206,080	£64K to be paid on occupation of 50 <sup>th</sup> dwelling, not to permit occupation of more than 100 dwellings until remaining £ has been paid, not to permit occupation of 120 dwellings unless paid in full.
Education - 38 primary school places and at £11,455 per place the development requires an education contribution of £435,290. (As previous)	Not more than 60 dwellings to be occupied until 1/3 contribution paid and remainder to be paid before occupation of the 151 <sup>st</sup> dwelling. (amended)	Education – 34 Primary school places and at £11,455 per place the development requires a contribution of £389,470	Not more than 55 dwellings to be occupied until 1/3 contribution paid and remainder to be paid before occupation of the 120 <sup>th</sup> dwelling.
Library contribution of £6,969.02 is required as a direct result of this development, based on	Contribution to be paid before occupation of 100 <sup>th</sup> dwelling	Library contribution of £7,399.56 based on revised numbers	No changes proposed

their formula. (As previous)			
Sports Pitch contribution of £85,714.20 based on a pro-rata of the level of contribution extracted by the previous consent, which was £200k/420= £476.19 x 180. (As previous)	Payment on occupation of 90 dwellings (amended)	Based on 161 dwellings a pro-rata contribution is considered reasonable as follows: £476.19 x 161= £76,666.59	No changes proposed
Community facilities - £100k to improve existing community facilities within the existing settlement. (As previous)	To be paid in full before occupation of 91 <sup>st</sup> dwelling (as existing)	Based on pro-rata contribution the amount sought for revised numbers will be £89,444.44	No changes proposed

Subject to the deed of variation being entered into and sealed, I consider that the development will continue to constitute sustainable development having regard to the previous viability works that have been presented to the Authority and ultimately accepted by the Planning Committee in 2015.

### Other Matters

Many of the representations made at this reserved matters stage relate the principle and the parameters of the development such as the public open space, the perceived need for amenities and impacts on infrastructure. However these were set at outline stage and are not matters which can be open for further debate.

It is noted that some concerns have been raised regarding the impacts of construction traffic and noise albeit I note that the Highways Authority haven't raised any explicit concerns regarding the impacts on highway safety and in relation to noise this is a matter that could be dealt with through Environmental Health should there be a statutory nuisance. I am also mindful that in terms of consistency, a construction management plan condition has not been imposed on other developers operating on this site including the other Persimmon scheme that was approved at the last committee.

### Conclusion

The principle of development for up to 180 houses on this site has already been accepted and this reserved matters scheme for 161 dwelling is considered an appropriate number for the site having regard to the density and mix of houses on offer.

The design and layout of the scheme is satisfactory with regards to visual amenity, residential amenity and landscape impacts. There would no unacceptable adverse impacts in respect of ecology, flood risk or highway matters.

The proposal necessitates a deed of variation to the existing Section 106 Agreement to ensure that previous triggers imposed continue to be met and that this is sufficient incentive for the development to be completed in its entirety.

Subject to securing the Deed of Variation and the conditions below, the recommendation is for

approval. The outline permission means that the developer would get two years from the date of the decision to make a lawful start and implement the scheme.

## **RECOMMENDATION**

**That reserved matters approval is granted subject to:**

- (a) the signing and sealing of a Deed of Variation to Amend the Section 106 Agreement as detailed in this report; and**
- (b) the conditions and reasons shown below.**

### Conditions

01

No development shall be commenced until a schedule of external materials relating to each plot/building has 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.

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

02

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

Received 21<sup>st</sup> June 2017

- Drawing No. 7886-L-03 Rev B (Revised Phase 3 – Site Layout Plan Colour Details)
- Drawing No. 7886-L-04 Rev C (Revised Phase 3 Layout)

Received 26<sup>th</sup> June 2017:

- Drawing No. 7886-L-200 Rev A (Revised Landscape Proposals – Drawing 1 of 5)
- Drawing No. 7886-L-201 Rev A (Revised Landscape Proposals – Drawing 2 of 5)
- Drawing No. 7886-L-202 Rev A (Revised Landscape Proposals – Drawing 3 of 5)
- Drawing No. 7886-L-203 Rev A (Revised Landscape Proposals – Drawing 4 of 5)
- Drawing No. 7886-L-204 Rev A (Revised Landscape Proposals – Drawing 5 of 5)

Received 30<sup>th</sup> June 2017:

- Unreferenced 'Corfe' Drawing Rev H (Corfe, Plans and Elevations)
- Drawing No. CA-WD01 Rev F (Clayton, Plans and Elevations)
- Drawing No. RF-WD01 Rev V (Rufford, Plans and Elevations)

Received 5<sup>th</sup> July 2017:

- Drawing No. ELL/578/RV/1000 Rev C (Proposed Finished Floor Levels)
- Drawing No. ELL/578/RV/1001 Rev B (Proposed Road widths and visibility splays)

Received 10<sup>th</sup> July 2017:

- Drawing No. ELL/578-RV/100 Rev C (Proposed Road widths and visibility splays)
- Drawing No. CL3/ALN/P-01 (Alnwick, Plans and Elevations)

- Drawing No. CL3/MOS/P-01 (Moseley, Plans and Elevations)
- Drawing No. CL3/HAN/P-01 (Hanbury, Plans and Elevations)
- Drawing No. CL3/SOU/P-01 (Souter, Plans and Elevations)
- Drawing No. CL3/HAT/P-01 (Hatfield, Plans and Elevations)
- Drawing No. CL3/SUT/P-01 (Sutton, Plans and Elevations)
- Drawing No. CL3/BEE/P-01 (Beech, Plans and Elevations)
- Drawing No. CL3/RO/P-01 (Ro, Plans and Elevations)
- Drawing No. CL3/CHED/P-01 (Chedworth, Plans and Elevations)
- Drawing No. CL3/LEI/P-01 (Leicester, Plans and Elevations)
- Drawing No. CL3/WIN/P-01 (Winster, Plans and Elevations)

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 approval.

03

Prior to the occupation of the first dwelling, a scheme for the phasing of the approved landscaping scheme as demonstrated on the plans referenced in Condition 2 shall be submitted to and agreed in writing by the local planning authority. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

04

Details of all the boundary treatments proposed for the site including types, height, design and materials, must be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

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

05

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

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

06

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and/or parking area are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and/or parking shall then be maintained in such hard bound material for the life of the development.

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

07

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

08

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and/or parking is constructed with provision to prevent the unregulated discharge of surface water from the drive /parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

09

Prior to first occupation, a scheme for the management and maintenance of parking spaces relating to plots served by shared private accesses within the development shall be submitted to and approved in writing by the Local Planning Authority. This scheme should make clear how the visitor spaces are to be transferred in ownership and/or managed and maintained and on-site arrangement should be made clear with road markings/and or signage.

Reason: In order to provide adequate management and maintenance; avoid neighbour disputes and make the parking legible in the interests of amenity and highway safety.

### **Note to Applicant**

01

The applicant is advised that conditions attached to the outline consent remain relevant and may require an application for formal discharge. The applicant's attention is also drawn to those conditions on the decision notice, which should also be discharged before the development is



commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

With regard to ecology, the applicant is advised that whilst the accompanying ecological appraisal by FPCR dated August 2016 suggests what mitigation measures may be implemented it does not go far enough as suggesting a firm course of action for all necessary mitigation. Therefore Condition 6 of the outline consent remains valid and further work will be required before the condition can be discharged and work commence. In particular this should include a Precautionary Method of Working for Reptiles, the requirement for temporary fencing to protect retained vegetation (hedgerows and plantation woodland) during construction and to require the submission of a lighting scheme to minimize impacts on bats.

03

The application is accompanied by a Deed of Variation to a Section 106 Agreement which should be read in conjunction with this approval.

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/](http://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.

05

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).

06

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

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

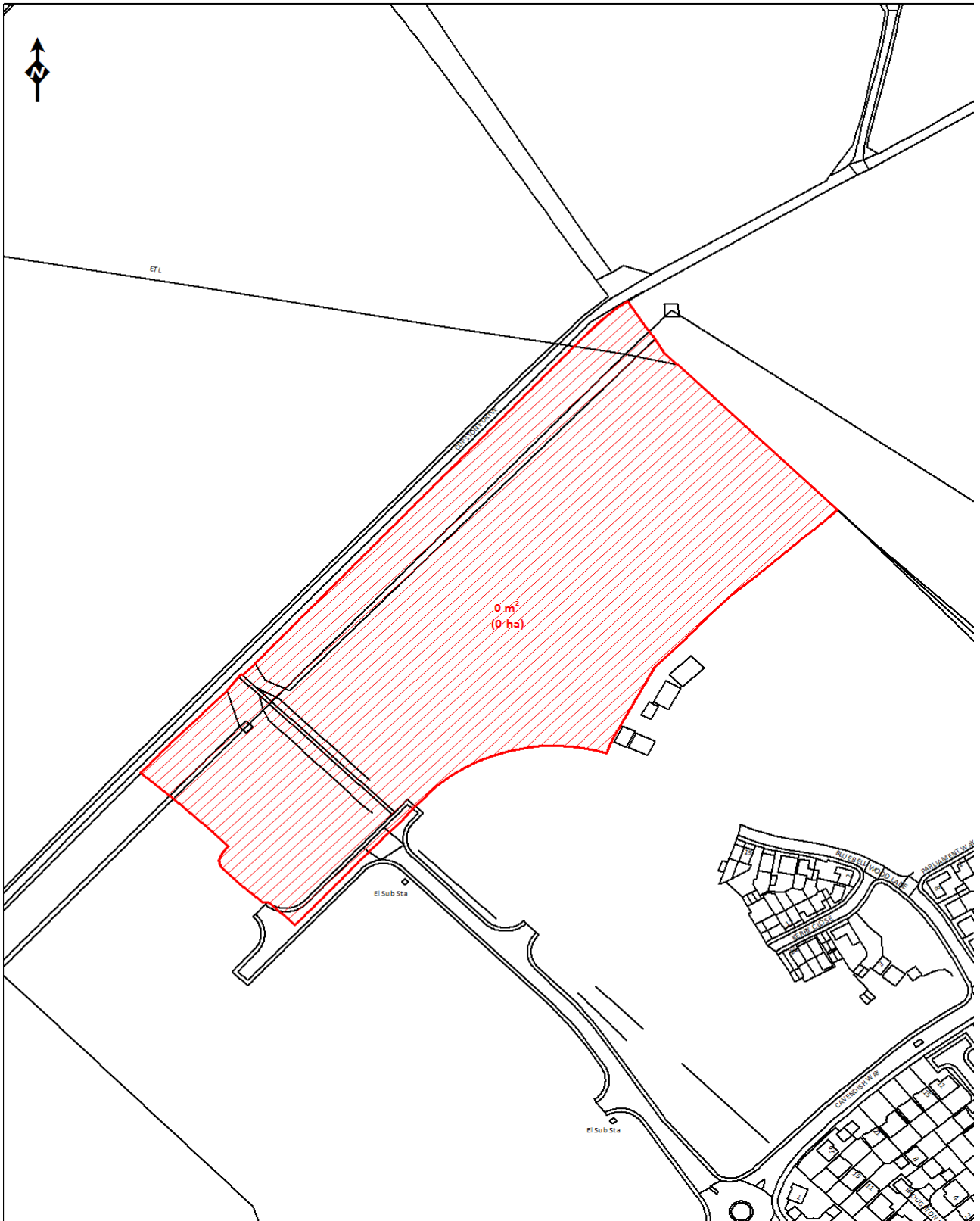
**BACKGROUND PAPERS**

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](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**



**APPEALS A**

**APPEALS LODGED (received between 20 June 17 and 24 July 2017)**

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

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

**BACKGROUND PAPERS**

Application case files.

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

Matt Lamb  
Business Manager Growth & Regeneration

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/W/17/3168135	16/01775/FUL	Land East Of Beck Lane Blidworth Nottinghamshire	Change of use of land to one Traveller pitch comprising 1 no. mobile home, 1 no. touring caravan, 1 no. mobile utility unit, and hardstanding (Retrospective)	Hearing
APP/B3030/W/17/3169436	16/01575/OUTM	Field Reference No 8993 Mansfield Road Farnsfield Nottinghamshire	Outline Planning Application for up to 20 No. Dwellings	Public Inquiry
APP/B3030/W/17/3169590	16/00819/FULM	Land To The South Of Bilsthorpe Road Eakring Nottinghamshire	Erection of 9 environmentally sustainable eco homes, publically accessible wildlife area and associated development including landscaping, allotments, sustainable drainage reed bed and pond system, PV panels, cycle storage, electric car recharging facilities	Hearing
APP/B3030/Y/17/3172170	16/00898/LBC	48 - 50 Westhorpe Southwell Nottinghamshire NG25 0NG	Conversion of 2 No. dwellings to form 1 No. three bedroomed dwelling (internal alterations only)	Written Representation
APP/B3030/W/17/3175089	16/01304/FUL	Highways Depot Fiskerton Road Southwell NG25 0TH	Residential Development of 9 houses and associated infrastructure on allocated housing site, including demolition of existing buildings.	Written Representation
APP/B3030/W/17/3176870	17/00029/FUL	Land At Lunaris 16 Hemplands Lane Sutton On Trent Nottinghamshire NG23 6PU	Erection of a Detached Dwelling with Associated Access	Written Representation

**APPENDIX B: APPEALS DETERMINED (between 20 June 17 and 24 July 2017)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
16/01745/FUL	Land Adjacent Cherry View Bilsthorpe Road Eakring Nottinghamshire	Erection of Two, two-bedroomed dwellings and associated access	DISMISS	21.06.2017
16/02092/FUL	2 Forest Side Blyth Road Ollerton NG22 9DY	Householder application for the erection of a two storey rear extension	DISMISS	20.06.2017
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.	ALLOW	22.06.2017

**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](mailto:planning@nsdc.info) quoting the relevant application number.

Matt Lamb  
Business Manager Growth & Regeneration



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## Appeal Decision

Site visit made on 16 May 2017

**by Louise Nurser BA (Hons) Dip UP MRTPI**

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

**Decision date: 22 June 2017**

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### **Appeal Ref: APP/B3030/W/17/3168578 Brownlows Hill, Coddington NG24 2QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Malcolm Parker against the decision of Newark & Sherwood District Council.
  - The application Ref 16/01840/FUL, dated 1 November 2016, was refused by notice dated 16 January 2017.
  - The development proposed is erection of 2 (No.) Three Bedroom Houses.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection two (no.) three bedroom houses at Brownlows Hill in accordance with the terms of the application, Ref 16/01840/FUL, dated 1 November 2016, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

### **Application for costs**

2. An application for costs was made by Mr Malcolm Parker against Newark & Sherwood District Council. This application is the subject of a separate Decision.

### **Procedural matter**

3. At the request of the Parish Council my site visit coincided with the start of the school day.

### **Main Issues**

4. The main issues in this case are whether the proposed development would preserve or enhance the character or appearance of the Coddington Conservation Area; the effect of the proposed development on highway safety and the availability of on street parking; and whether the proposed development would be consistent with the development strategy of the development plan.

### **Reasons**

#### *Conservation Area*

5. The appeal site lies between Coddington Church of England Primary School, which appears to be a 1970s, predominantly single storey building, and no 2

- Brownlows Hill which looks to be of a similar age, and lies opposite a range of traditional brick built properties of limited historic interest.
6. I have not been provided with a Conservation Area Appraisal of the Coddington Conservation Area. However, at my site visit I took the opportunity to walk around the wider area, where the buildings are predominantly constructed of a red brick, with clay pantiles, and are for the most part modest houses or cottages, such as Post Office Row. However, there are larger properties closer to the limestone All Saints Church.
  7. I was able to observe a mix of open frontages, walled gardens and buildings which sit directly on the pavement within the dispersed rural settlement. I was also aware of examples of modern housing, such as Dell View on Balderton Lane.
  8. From what I observed, the large mature trees, which in the summer months form attractive, substantial swathes of greenery, create an important cohesive element within the Conservation Area, which will remain important throughout the year. As such they are a significant aspect of the rural character and appearance of the Conservation Area. This is particularly the case close to the appeal site, where the trees soften and screen, as well as providing an attractive foil, to no 2 Brownlows Hill which is a relatively modern detached property which straddles the corner of Balderton Lane and Brownlows Hill.
  9. I took the opportunity to look across the appeal site in the direction of Brownlows Hill, down from Main Street and across from Balderton Lane, and concluded that the bands of trees which are relevant to my consideration of the appeal fall outside the boundary of the appeal site.
  10. At the time of my site visit, the hawthorn trees at the front of the property screened part of the site. However, they are much smaller than the trees on either side of the appeal site. Consequently, if they were lost there would be no significant impact on the wider views from within the village, albeit the loss of the greenery would have a local limited immediate impact. Concerns have been raised with respect to the larger trees on and adjacent to the site. In particular, trees T1, T4 and T7. T7 has already been felled following approval<sup>1</sup>. Trees T1 and T4, an ash and a lime, are both located outside of the appeal site. However, in order to ensure that they are safeguarded from indirect impacts and to ensure that the long term health of the trees is maintained, I have imposed conditions to strictly control construction and any associated works to all potentially affected trees, both on and off the site.
  11. Moreover, the soft and hard landscaping, as well as the boundary treatment required to ensure the security of neighbouring properties, is to be controlled by condition. This will ensure that the character and appearance of the Conservation Area is preserved or enhanced.
  12. The design and detailing of the two cottages reflects the wider vernacular. As such, given my conclusions about the trees above, I conclude that whilst there clearly will be a change at the appeal site as it is to be built upon, the proposal would preserve the character and appearance of the Conservation Area and would be consistent with Policy CP 14 of the Newark and Sherwood Core Strategy adopted 2011 (CS) and Policies DM5 and DM9 of the Newark &

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<sup>1</sup> 16/02143/TPO



Sherwood Allocations & Development Management Development Plan Document, adopted 2013 (DPD).

*Highway matters*

13. At the time of my site visit I was able to observe children walking, cycling and skateboarding to school, as well as cars being parked on the pavements as children were dropped off by car. Whilst I appreciate the frustration and inconvenience that ensues for other road users, as traffic slows down and roads are temporarily blocked to two way traffic, such scenes are replicated across the country in residential areas close to schools. Moreover, there may be strategies available to reduce these problems. However, such matters are not before me. Nonetheless, I noted that even though I had arrived early to witness the school run, I found it difficult to find an on-street parking spot. This was due to a combination of the wide drives of the properties opposite the school, the long bus stop adjacent to the school, and the no stopping zig zag lines in front of the school.
14. I was aware that there were a number of cars parked on the street even during the day outside of the peak school drop off and pick up times and that on street parking is at a premium. However, the proposed access would not make any difference to the existing situation. This is because the access joins the road at a point where no cars can park legally. Indeed, I did not witness any cars temporarily stopping in the bus stop.
15. In addition, the proposed development would provide off street parking at the rear of the two houses, which I have ensured through the imposition of a condition, are to remain available throughout the lifetime of the development.
16. I note the concerns which have been raised relating to the potential conflict between buses which regularly stop at the bus stop and cars being driven in and out of the drive. However, in the absence of any technical evidence to support this, including the lack of an objection to the scheme by the Highway Authority, who I understand do object to developments close to schools where it is considered necessary, and from what I observed on site, I conclude that the proposed development would have no impact on highway safety and would not inconvenience or confuse other road users. As such, I conclude that the proposed development would accord with Policy DM5 of the DPD and Policy SP7 of the CS; would not create new, or exacerbate existing on street parking problems and would provide a safe access onto Brownlows Hill.

*Development Strategy*

17. S38 (6) of the Planning and Compulsory Purchase Act and Paragraph 2 of the Framework is clear that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Newark and Sherwood consists of the CS and the DPD. I understand that a review of the development plan is taking place. However, I have been given little information as to the stage it has reached.
18. Coddington is defined as an 'other village' within Policy SP1 of the CS, and as such any development is considered on the basis of Policy SP3 of the CS which sets out five criteria for development in the rural areas. These relate to location, scale, need, impact and character. Given my conclusions above, the

relevant matter relates to proven need for new housing. In the absence of a dedicated report demonstrating such need the proposed development would be contrary to Policy SP3 of the CS. However, in common, with the Inspector who determined the appeal (APP/B3030/W/16/3151592) on Main Street, I consider that such a requirement is not consistent with the provisions of the Framework and as such, I consider this aspect of the policy which was adopted prior to the publication of the Framework, to be out-of- date, and I therefore accord limited weight to the conflict with this particular provision of this policy.

19. The Council considers that it is able to demonstrate a five year supply of deliverable housing sites. However, I note within its Statement of Case that it reiterates that until the Council's Objectively Assessed Need and housing target has been taken to adoption that it will, '*continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost the housing supply in the short term*<sup>2</sup>'. Whilst I am unaware of whether this statement of intent carries any formal policy status, I consider this to add weight in favour of the proposed development, as I have found no technical or environmental harms associated with the proposal.
20. Therefore, I conclude that the proposed development would be contrary to Policy SP3 of the CS. However, whilst a breach of policy is just that, for the reasons outlined above I accord little weight to this conflict.

#### *Other matters*

21. Concerns have been raised that the privacy of those living opposite would be affected by the proposed development. However, it is commonplace for the front of houses to be separated by a road's width without adverse impacts on occupants' privacy. Moreover, the existing houses are set back off the road. Consequently, I am content that such fears would not be realised.
22. I have been referred by the Parish Council to the number of new dwellings which have recently been allowed in the village. However, this has not impacted on my consideration of the appeal, which I must undertake on the basis of its individual merits.

#### **Planning balance and conclusion**

23. I have found that the proposed development would be contrary to Policy SP3 of the CS. However, as I have concluded that the requirement to demonstrate proven local need renders this aspect of the Plan out of date I accord limited weight to this conflict. Paragraph 49 of the Framework states that housing applications should be considered in the context of sustainable development. Paragraph 14, states that, for decision-taking, this means, where relevant policies are out- of- date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or specific policies in the Framework indicated development should be restricted.
24. I have not found that level of harm to outweigh the benefits of two dwellings to the housing supply, nor have I found harm to the Conservation Area. The proposed development can therefore be considered to be sustainable development for which the Framework presumes in favour. Taken as a whole,

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<sup>2</sup> Paragraph 2.13 of Council's Statement of Case

this is a material consideration such that determination may be made other than in accordance with the development plan.

### **Conditions**

25. A schedule of conditions, with attached reasons was submitted with the Council's Statement of Case for consideration if I were minded to allow the appeal. I have considered those conditions, having regard to the six tests set out in the Planning Practice Guidance and have introduced some rewording and re-ordering in the interests of clarity and precision.
26. In the interests of certainty and proper planning I have imposed a condition requiring that the development be carried out in accordance with the relevant plans. In order to preserve the character and appearance of the Conservation Area I have attached a number of conditions controlling the appearance of the materials to be used in the proposed development, and the construction methods undertaken, including details of soft and hard landscaping. In the interests of highway safety I have imposed conditions relating to the access to the site.
27. In line with the Planning Practice Guidance I have not imposed a condition removing specific permitted development rights associated with the dwelling. This is because this would not meet the tests of reasonableness and necessity. Moreover, the Council has the powers under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order to enable them to withdraw permitted development rights across a defined area<sup>3</sup>.
28. Nor have I imposed a condition to avoid the disturbance of nesting birds as that is a matter for other legislation. However, in the interests of biodiversity I have required that provision be made for bats and the nesting of birds. I have also imposed a condition relating to surface water drainage to minimise the risk of surface water flooding.
29. I have provided both the appellant and the Council the opportunity to comment, as I have imposed controls over construction works, including the timing of deliveries and collections, and also required that the off street parking spaces which are to be provided should be kept available, so that additional on street parking is avoided, given the residential nature of the area, and the proximity of the school.

### **Conclusion**

30. For the reasons given above I conclude the appeal should be allowed.

*L. Nurser*

INSPECTOR

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<sup>3</sup> Planning Practice Guidance ID:21a-017-20140306

**Schedule of conditions.**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: no. 2B/17/2016 revision B and no. 5B/17/2016.
- 3) Notwithstanding condition 2, development shall not otherwise commence until details of the vehicular access serving the development and the junction between the proposed access road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 4) Notwithstanding condition 3, no development shall commence until a detailed scheme for the internal access has been submitted to and approved in writing by the local planning authority, and no dwelling shall be occupied until the works have been constructed in accordance with the approved details. The scheme shall include full design details, specifications, and road markings, road surfacing, the provision of a dropped vehicular footway crossing and prevention of the unregulated discharge of surface water to the public highway.
- 5) No development shall take place until details of the treatment of windows including details of glazing and glazing bars (and clarification on the finish), door heads and cills, doors and their immediate surroundings, verges and eaves, rainwater goods, coping, extractor vents, flues, meter boxes, airbricks, soil and vent pipes, chimney and porch details including drawings at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development of buildings shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) existing and proposed finished levels or contours;
  - ii) means of enclosure;
  - iii) boundary treatments
  - iv) vehicle parking layouts;
  - v) hard surfacing materials;

- vi) proposed and existing functional services above and below ground, to include drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points;
- vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 8) The details submitted in accordance with condition 7 above shall include:
- i) a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
  - ii) a schedule in relation to every tree identified listing:
    - information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
    - any proposed pruning, felling or other work;
  - iii) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
    - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
    - all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
  - iv) areas of existing landscaping to be protected from construction operations and the method of protection.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 9) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the 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.

- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved 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 materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from construction works;
  - viii) delivery, and construction working hours.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 12) No building on the site shall be occupied until details of the provision of one bird and bat habitat is submitted and approved, in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with an agreed timetable and thereafter retained.
- 13) The car spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.