

Date: 26<sup>th</sup> January 2014

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, 3<sup>rd</sup> February 2015 at 4.00 pm.

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

	Page Nos.
1. Apologies	
2. Minutes of the Planning Committee held on 6 <sup>th</sup> January 2015.	3 - 10
3. Minutes of the Special Planning Committee on 20 <sup>th</sup> January 2015	11 - 14
4. Declarations of Interest by Members and Officers	
5. Declaration of any Intentions to Record the Meeting	

**PART 1 - ITEMS FOR DECISION**

6. 55, 57, 59, 61 Portland Way, Clipstone, Nottinghamshire, NG21 9FE (14/01974/FUL) (Site Visit: 9.30am - 9.40am)	15 - 20
---	---------

7.	Rufford Forest Farm, Kirklington Road, Rufford, Nottinghamshire, NG22 8JF (14/02164/FULM) <b>(Site Visit: 9.50am – 10.00am)</b>	21 - 28
8.	8 Goodwin Lane, Fernwood, Newark (14/01957/FUL) <b>(Site Visit: 10.40am – 10.50am)</b>	29 - 34
9.	The Homestead, Barnby Road, Balderton (14/02076/FUL) <b>(Site Visit: 11.00am – 11.10am)</b>	35 - 44
10.	22 Harewood Avenue, Newark-on-Trent (14/02280/FUL) <b>(Site Visit: 11.20am – 11.30am)</b>	45 - 50
11.	Land at Wellow Road, Ollerton, Nottinghamshire (14/01533/RMAM)	51 - 86
12.	Land South of Newark, Bowbridge Lane, Balderton, Nottinghamshire (14/02039/OUTM)	87 - 106
13.	Land at Bilsthorpe Business Park, Bilsthorpe, Nottinghamshire (13/01767/CMW)	To Follow

#### **PART 2 – ITEMS FOR INFORMATION**

14(a)	Appeal Lodged	107 - 108
14(b)	Appeals Determined	109 - 110

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

None

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

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

NIL

#### **NOTES:-**

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 6<sup>th</sup> January 2015 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)  
Councillor B. Wells (Vice-Chairman)

Councillors: T.S. Bickley, R. V. Blaney, Mrs C. Brooks, Mrs G.E. Dawn, J.E. Hamilton, G.P. Handley, D. Jones, G.S. Merry, Mrs S.E. Saddington, M. Shaw and I. Walker.

ALSO IN ATTENDANCE: Councillors: M. Pringle and R. Shillito.

114. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bradbury and Mrs L.M.J. Tift.

115. MINUTES

AGREED that the Minutes of the meeting held on Tuesday, 15<sup>th</sup> December 2014 be approved as a correct record and signed by the Chairman.

116. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Members</u>	<u>Agenda Item</u>
Councillor J. Hamilton	Agenda Item No. 9 – Willow Hall Farm, Mansfield Road, Edingley (14/01848/FUL) - Personal Interest, known to the applicant.
Councillor D. Payne	Agenda Item No. 11 – Westfield Cottage, Gonalston Lane, Hoveringham (14/01850/FUL) – Personal Interest, known to the applicant by the same profession.
Councillor B. Wells	Agenda Item No. 5 – Land at Wellow Road, Ollerton (14/01533/RMAM) – Personal Interest as the Councillor lives opposite the proposed site. In the interest of transparency the Councillor took no part in this item and left the meeting.

117. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that an audio recording was being undertaken. A Member of the public also confirmed that he was also audio recording the meeting.

*(Having declared a Personal Interest on the following item, Councillor B. Wells did not take part in the debate or vote and left the meeting at this point).*

118. LAND AT WELLOW ROAD, OLLERTON (14/01533/RMAM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought approval for reserved matters for layout, appearance, scale, landscaping (access previously determined) in respect of details for residential development comprising 148 dwellings and associated ancillary works.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the following: Severn Trent Water; Ollerton and Boughton Town Council; a Neighbour; and a Local Resident – member of Ollerton Village Residents Association (OVRA).

Councillor M. Pringle, local Ward Member for Ollerton raised concerns about the screening and therefore loss of privacy for the Fairholmes mobile park and the occupiers of the new properties and suggested improved screening. The view from the road in the direction from Ollerton to Newark was also raised, as the first house on the development was large and a brick wall would be the first thing you would see as you drove out of Ollerton. Maltkiln House, which was opposite the site, would also have the same view; he suggested that the first property be replaced with a bungalow or a dormer bungalow in order to reduce the height of the property. The lack of planting/screening around the pumping station was also raised. The Committee was asked to consider deferring the application in order for the issues raised to be addressed by the developer.

The Chairman confirmed that all Members of the Planning Committee had read the letter from the occupier of Maltkiln House, Ollerton, which was appended to the schedule of communication, tabled at the meeting. A letter from the local Ward Member – Councillor Mrs A. Truswell, who was unable to attend the meeting, was also read out to the Committee.

The Committee considered the application and concern was raised regarding the lack of screening around the pumping station and that all the affordable homes had been grouped around that area. Affordable housing had also been located in the top left hand corner of the plan next to the caravan site, which had also very poor screening and would offer no privacy for either party. It was also commented that there were no bungalows on the site and it was suggested that at least plots 3 and 4 should be made into bungalows as a condition.

In answer to a Members question the Business Manager Development confirmed that there would be railings around the balancing pond. Appropriate landscaping conditions could be delegated to the Business Manager development in consultation with the Planning Committee Chairman, Vice-Chairman and local Members. A condition could not however be imposed requiring bungalows. The Business Manager Development informed the Committee that negotiations regarding bungalows had already taken place with the developer.

In answer to a number of questions raised by a Member the Business Manager

Development confirmed that the affordable housing provision was 15%, which was based on viability. In principle the Council's Strategic Housing Unit was happy that registered providers would take on the mix of units. The balancing pond, which would be under a maintenance agreement, would be the responsibility of the Council and may in time be transferred to the Town Council. Severn Trent Water would also enter into an agreement with the Council regarding the pumping station, which was a legal requirement under Section 106 of the Water Agency Act. The existing hedgerows would be retained where possible and maintained and enhanced through additional planting around the boundary.

A Member queried the public open space available, as the majority of the open space would be fenced off. The Business Manager Development confirmed that the balancing area had not been counted towards the open space provision. The footpaths and play area had been included in the calculations. Given the lack of on-site open space a commuted payment from the developers which had been negotiated would be used elsewhere in Ollerton.

It was proposed that due to the issues raised regarding the affordable housing being concentrated in one area rather than integrated within the overall development; adequacy of screening around the pumping station; landscaping concerns; and a wish to secure the provision of bungalows, it was proposed that the application be deferred pending further discussions with the applicant.

AGREED (unanimously) that the application be deferred to the 3<sup>rd</sup> February 2015 Planning Committee in order for the following areas to be discussed with the applicant:

- (i) improved disposition of affordable housing across the site;
- (ii) additional screening particularly to pumping station area and adjacent to park homes; and
- (iii) to look at plots 3 and 4 on the front corner of the development, to try to achieve bungalow homes at these locations.

119. NORTHGATE RETAIL PARK, NORTHGATE, NEWARK (14/01591/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of two retail units contained within a single building within the existing car park, to accommodate Costa Coffee and Subway.

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

Councillor B. Richardson, representing Newark Town Council spoke against the application, in accordance with the Town Council views, which were contained within the report, with the addition of a further objection, which was the destruction of the street scene.

The Committee considered the application and concern was raised regarding the loss

of car parking, 26 spaces in total, together with the addition of delivery vehicles to the proposed development. Comment was also raised regarding the car park being free of charge and that the public were using this car park when using the train station, instead of the pay and display station car park. It was also commented that if parking charges were introduced, that would put the retail park on a level playing field with the Town Centre shops. Access and egress to the car park was becoming a safety issue due to the amount of traffic at weekends. A Member referred to the design of the building as a contemporary shed and that its location would spoil the view of the brewery and would have a negative impact on the street scene.

A further Member commented that whilst the building had a small impact on the view of the listed brewery behind it, it also blocked out the retail building, which had no architectural merit at all. The Conservation Officer had no objection to the proposal.

The Senior Planning Officer confirmed that the building had a dual aspect and that the bin storage area would be dealt with by condition.

It was suggested that the application be deferred in order for the possibility of the positioning of the building to be altered, in order for the building to be located on the Trent Lane side of the car park, which would eradicate the impact on the listed brewery.

On being put to the vote that the application be deferred in order for an improved location to be negotiated and an in-depth study of the car parking to be undertaken, the motion fell by 6 votes for and 7 votes against.

AGREED (with 8 for, 4 against and 1 abstention) that, contrary to officer recommendation, planning permission be refused on the grounds of design and impact upon the conservation area/listed building grounds.

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>
T.S. Bickley	For
R.V. Blaney	Against
J. Bradbury	Absent
Mrs C. Brooks	Against
Mrs G.E. Dawn	For
J.E. Hamilton	For
G.P. Handley	Against
D. Jones	Abstention
G.S. Merry	For
D.R. Payne	For
Mrs S.E. Saddington	For
M. Shaw	For
Mrs L.M.J. Tift	Absent
I. Walker	For
B. Wells	Against

120. 1 TAYLORS PADDOCK, TOLNEY LANE, NEWARK (14/01691/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a detached brick building to provide an amenity block with the subsequent demolition of the existing smaller one. The building was located to the south of the application site.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Newark Town Council.

Councillor B. Richardson, representing Newark Town Council spoke against the application, in accordance with the Town Council views, which were contained within the report.

The Committee considered the application and concern was raised regarding whether the proposals complied with the site licence, as the good practice guide stated that the wc and hand basin should be separate to the shower room. The proposal was for them to be together. It was suggested that the internal arrangements for the proposal be delegated to the Business Manager Development.

The Chairman asked that a note to the applicant be included to make them aware, that the Council would strictly enforce the condition relating to the fact that the amenity block should not be used for overnight sleeping accommodation.

AGREED (with 8 votes for and 5 abstentions) that full planning permission be approved subject to the following:

- (i) conditions contained within the report;
- (ii) the amendment to the internal design arrangements; and
- (iii) the wording be made clear in a note to the applicant that the Council would strictly enforce the condition relating to overnight accommodation.

121. ROLLESTON MILL, STATION ROAD, ROLLESTON (11/01805/FUL), (11/01806/LBC) AND (11/01807/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the conversion and repair of the Mill and Granary to create a dwelling and the conversion and repair of stables to create a dwelling. Members of the Planning Committee had earlier viewed the site from the road.

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

Members considered the application and commented that the desired access through the racecourse had not been achieved. If the occupants were made fully aware of the safety implications regarding the railway crossing then they were satisfied that safety requirements were in place, condition 20 being a crucial requirement. It was suggested that additional warning signs be erected on the vehicle-crossing gate in consultation with Network Rail, in order for visitors to the properties to be fully aware

of the danger of the crossing. It was also noted that the Racecourse company were being flexible regarding the emergency access, due to the ponds being at risk of flooding 1 in 4 years. It was suggested that if the emergency access could be moved a few metres to the left of the proposals that would improve the emergency access further.

The Senior Development Control Officer sought clarification to amend Condition 2 if the Committee were minded to approve the application, to allow an alternative access should negotiations with the racecourse be successful.

A Member commented on the earthworks being carried out by the Racecourse company and that those works be regulated as soon as possible.

AGREED (unanimously) that listed building consent and both of the planning permissions be approved subject to the following:

- (i) conditions contained within the report;
- (ii) an additional condition to both full applications seeking to improve the warning signs on the railway crossing gate; and
- (iii) Business Manager Development be given delegated authority to amend Conditions 2 of the full applications should successful negotiations result in the alternative access being available.

122. WILLOW HALL FARM, MANSFIELD ROAD, EDINGLEY (14/01848/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the erection of a timber framed prefabricated two-bedroom bungalow.

The Chairman introduced Councillor Mrs D. Poole who had registered to speak on behalf of Edingley Parish Council, to the Committee, the Chairman informed the Committee that written representation had not been received by the Planning Authority from Edingley Parish Council.

Councillor Mrs D. Poole, representing Edingley Parish Council spoke in support of the application and thought there must have been some breakdown in communication regarding the Parish Council's written representation, as the Parish Council had considered this matter at their Planning meeting which had resulted in 6 votes in support of the application, with 1 vote against. The Parish Council did not consider this application to be a development in the open countryside as the previous occupant had lived there in a caravan for a number of years. The applicant had owned the property for 34 years and was seeking to put a bungalow along the side of Willow Hall Farm, which would fit in with the farmhouse and farm buildings. Pre-application enquiries had been made in 2012 and 2014; the latter advised the applicant that the application would only be considered as a new build in the open countryside. The Parish Council believed that the application should have been considered alongside Willow Hall Farm. The caravan had been occupied for approximately 20 years, planning permission being granted for that on the 6<sup>th</sup> October 1987. In the communication received after printing of the agenda, the Planning



Officer had acknowledged planning permission was granted on the site but stated that planning permission was no longer extant. The local Ward Member had advised the Parish Council that if the caravan was still in situ, it should have the benefit of extant planning permission. This conflicted with the advice received from the Planning Authority. The Parish Council believed that this new build should be considered along side Willow Hall Farm and not as a stand alone building in the open countryside and as such should be granted.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the applicant.

Members considered the application and commented that the Gypsy caravan site one field away from this site had only been granted temporary planning permission. The Business Manager Development confirmed that a decision was awaited from the Secretary of State regarding the Gypsy caravan site. Members therefore felt that as the previous consent for the caravan on this site was a personal consent to the previous applicant who had subsequently passed away, the caravan should have been removed at that time. The application site was in the open countryside and the proposals had no architectural merit. There were also properties available in Edingley on the open market.

AGREED (with 11 votes for and 2 votes against) that full planning permission be refused for the reasons contained within the report.

123. LILAC FARM COTTAGE, WATER LANE, OXTON (14/01910/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a UPVC conservatory, which was a resubmission of planning application 14/00943/FUL.

Members considered the application and commented that the additional footprint was 7 m<sup>2</sup>, which was not a large increase when 100% footprint had been allowed in the past. It was felt however that there was a tipping point when cumulatively there was an impact on the original dwelling in the green belt. Other Members felt that this completed the property, the conservatory was not large and bulky and would not be visible or cause harm to the village or greenbelt. It was suggested that any permitted development rights should be removed if the Committee were minded to approve the application.

On being put to the vote that the application be refused, the motion fell by 4 votes for and 9 votes against.

AGREED (by 9 votes for and 4 votes against) that, contrary to officer recommendation, full planning permission be approved subject to the removal of permitted development rights and any reasonable conditions delegated to the Business Manager Development in consultation with the Planning Chairman and Vice-Chairman.

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>
T.S. Bickley	For
R.V. Blaney	Against
J. Bradbury	Absent
Mrs C. Brooks	Against
Mrs G.E. Dawn	For
J.E. Hamilton	Against
G.P. Handley	For
D. Jones	For
G.S. Merry	For
D.R. Payne	For
Mrs S.E. Saddington	For
M. Shaw	For
Mrs L.M.J. Tift	Absent
I. Walker	For
B. Wells	Against

124. WESTFIELD COTTAGE, GONALSTON LANE, HOVERINGHAM (14/01850/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission for a single storey extension to form a kitchen/dining area.

Councillor R. Jackson, local Member for Lowdham District Ward spoke in support of the application. The applicants had lived in the village for over 30 years with their family and wanted to down size their property, but still remain in the village. This was a very small annex, which would be extended in order for the applicant's retirement and also poor health due to arthritis. The Parish Council were also in support of the application.

Members considered the application and commented that the proposed extension was visible and adjacent to the road. The property had already been extended by 70% floor space, was not in the village and was outside the village envelope in the green belt. The local Member had indicated that the applicant wanted to secure a property in the village; it was considered that there would be suitable properties in the village on the open market, which would be suitable for the applicants needs. The design was also considered not sympathetic to the surroundings. Some Members however supported the application on the grounds of the health need.

AGREED (by 9 votes for and 4 votes against) that planning permission be refused for the reasons contained within the report.

125a. APPEALS LODGED

NOTED: that the report be noted.

125b. APPEALS DETERMINED

NOTED: that the report be noted.

The meeting closed at 6.52pm

Chairman



NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **SPECIAL PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 20<sup>th</sup> January 2015 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)  
Councillor B. Wells (Vice-Chairman)

Councillors: T.S. Bickley, R. V. Blaney, J. Bradbury, Mrs C. Brooks,  
Mrs G.E. Dawn, J.E. Hamilton, G.P. Handley, D. Jones,  
G.S. Merry, Mrs S.E. Saddington, M. Shaw,  
Mrs L.M.J. Tift and I. Walker.

ALSO IN ATTENDANCE: Councillors: Mrs B. Brooks, G. Brooks and R. Shillito.

The Chairman asked on behalf of the Committee that their best wishes for a speedy recovery be forwarded to the Business Manager Development, who was currently ill. He also thanked the Deputy Chief Executive, Business Manager Planning Policy and the Senior Planning Officer for their hard work on the following application.

126. APOLOGIES FOR ABSENCE

There were none.

127. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

128. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that an audio recording was being undertaken.

129. LAND SOUTH OF NEWARK, BOWBRIDGE LANE, BALDERTON, NOTTINGHAMSHIRE (14/01978/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting and a planning pre-application presentation which was held on 14<sup>th</sup> January 2015. The application sought to vary conditions of outline planning permission 10/01586/OUTM with means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/crèches, multi-use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a crèche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated

engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the following: the Environment Agency; Nottinghamshire County Council – Rights of Way; the Applicant; Neighbouring land owner; Farndon Parish Council; Highway Authority; South Kesteven District Council; Newark Town Council; and Fernwood Parish Council.

Members noted the comments of the Town and Parish Councils which were contained within the report and in the schedule of communication. Clarification of plan references under Conditions 5 and 40 in the schedule of communication were referred to and an additional condition contained within the schedule of communication was also read out to the Committee as follows:

‘No development on the application site beyond 2,650 dwellings shall commence until a Transport Assessment has been undertaken to establish whether the road network has the capacity to accommodate any additional dwellings and to establish the need for and timing of the delivery of any works necessary to mitigate the impact of additional dwellings. The Transport Assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with the relevant Highway Authorities. Any mitigation works identified shall be implemented in accordance with the agreed details and timetable for delivery.’ The reason for the condition was also detailed in the schedule of communication.

The above condition would also require a consequential update to Condition 29 on the recommendation sheet along with the removal in the reason for this condition of old guidance. The amendment to this condition was also referred to and detailed in the schedule of communication.

The Senior Planning Officer verbally advised that Condition 41 on the recommendation sheet would need to be updated to include reference to consultation being required with the Highway Authority and also verbally reported a further condition to be attached to any consent as follows:

‘Prior to the commencement of development on Phase 1 of the Southern Link Road, a planning application shall be submitted and validated for an alternative crossing of the Southern Link Road for the Sustrans route to be a bridge for pedestrians, equestrians and cyclists.’

Reason: To ensure safe, convenient attractive access for all in accordance with the aims of Spatial Policy 7 of the Newark and Sherwood Core Strategy.’

The Senior Planning Officer provided verbal updates on all aspects of the proposed Deed of Variation following the completion of negotiations with the applicant, confirmed that proposed Condition 31 on the recommendation sheet was to be retained to ensure archaeology on the site was appropriately considered and that noise impact had been appropriately assessed and informed the design of the Southern Link Road. Any other noise impacts would be considered at the reserved matters stage.

Members considered the applications and it was commented that when the original application was granted planning permission in 2011 this was the largest application that the Planning Authority had received since their establishment in 1974. This was an important application for the district. The number of representations and objections received were relatively small. Under the recently agreed boundary review, the majority of the development would fall within Newark Town Council. The sports provision would bring in £2.5 million in investment for sports development, which would bring forward enormous benefits to the district. The affordable housing figures were confirmed which was the same percentage for the first 1,000 houses as that of the 2011 permission. This was a long term development which may change due to the economic market. The market should be closely watched in order to secure additional affordable housing within the scheme in the future. The scheme would be monitored by the Council's Local Development Framework Task Group.

AGREED (with 14 votes for and 1 abstention) that planning permission be granted for the proposed variations to the original planning permission subject to the conditions and reasons contained within the report, and subject to the following:

- (a) the proposed amendments to conditions tabled at the meeting;  
and
- (b) the completion of a Deed of Variation to the existing Section 106 Agreement dated 29<sup>th</sup> November 2011 to the satisfaction of the Deputy Chief Executive.

The meeting closed at 5.05pm

Chairman





<b>Application No:</b>	<b>14/01974/FUL</b>	
<b>Proposal:</b>	<b>Change of Use of Scrub Land to Residential Garden Land (retrospective).</b>	
<b>Location:</b>	<b>55 57 59 61 Portland Way, Clipstone, Nottinghamshire, NG21 9FE</b>	
<b>Applicant:</b>	<b>Ms Robinson Mr &amp; Mrs Lowe Mr &amp; Mrs Walker Mr &amp; Mrs Perrons</b>	
<b>Registered:</b>	<b>13.11.2014</b>	<b>Target Date: 08.01.2015</b>

The Site

The site is a long rectangular piece of land which lies within the Urban Boundary of Clipstone which is defined as a service centre in the Newark and Sherwood Core Strategy. The site is bound by residential properties on Portland Way. Number 55, 57, and 59 are to the north east of the site and number 61 bounds the north of the site. To the south east of the site lies Clipstone Allotments, a designated public open space around the edge of which is Footpath No 16, a public right of way. The land appears to contain a number of shrubs and trees which essentially divide the allotments with the housing development. The Supporting Statement submitted with the application states that the land 'had been used for illegal tipping and had become largely overgrown'.

Relevant Site History

06/00826/FULM Erection of 48 dwellings three & four bedroom detached / link detached two storey houses – permission 08.09.2006

The Proposal

Full planning permission is sought change of use of scrub land to residential garden land. The change of use occurred in 2012 and this application is therefore retrospective. The site has been separated into 4 plots (all bound by closed panel wooden fencing) extending the existing residential gardens of 4 residential properties (55, 57, 59 & 61) to facilitate the change of use to residential amenity space.

Public Advertisement Procedure

Occupiers of 5 neighbouring properties have been individually notified by letter and a site notice was posted on 02.12.14.

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  
Core Policy 9: Sustainable Design  
Core Policy 12: Biodiversity and Green Infrastructure

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

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM5: Design  
Policy DM7: Biodiversity and Green Infrastructure  
Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework Adopted (NPPF) March 2012  
Planning Practice Guidance March 2014

### **Consultations**

**This application has been referred to the Planning Committee by Cllr S Soar as it provides a natural and important break from the Cavendish development and is being used as a land grab area.**

**Clipstone Parish Council** – Object to the proposal as they regard this land to belong to the Allotment Association. The home owners knew what land they had bought when they purchased their homes. They wilfully broke down fences to get onto this wildlife habitat, which contain bats and other small animals. They should not be allowed to keep the land, and should make good any repairs and replace the fencing they destroyed at their cost.

**NCC Highways** – No Objection as this proposal does not impact on the public highway.

**Nottinghamshire Wildlife Trust** – Initial comment submitted was based on an inaccurate application description which did not include the fact that the proposal was retrospective. After emails and discussions with the Trust the case officer received informal confirmation that the trust could not seek an ecological survey but the trust was disappointed that the land had been cleared prior to a planning application and ecological survey as there is a lot of good habitat for a variety species within the local landscape.

**Nottingham County Council Archaeology** – No comment received at the time of writing this report.

## Representations

Two comments of objection have been received and are summarised as follows:

- Site was a wildlife corridor with ecological value providing a habitat for a variety of wildlife including mammals, reptiles, insects and birds.
- Site has archaeological value as previously used during WW1 by the Clipstone Army Training Camp.
- Public footpath (no16) runs adjacent to site and the removal of the fences has negatively impacted upon the amenity value of this path and setting.
- The change of use will have no environmental benefit.
- The ownership of the site is questionable and it is not owned by the householders who have extended their curtilages.

## Comments of Business Manager, Development

### The Principle

The site is located within Clipstone which is defined as a Service Centre with a wide range of services and facilities as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. The land is not allocated for any specific purpose or use within the DPD. As such, it is considered to be a sustainable location for residential uses in accordance with the aims of Policy DM1 of the DPD, subject to an assessment of site specific constraints as detailed below.

### Impact upon Visual Amenity

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.

The change of use has resulted in the garden areas being approximately 10 metres closer to the allotments than the approved housing layout (planning application 06/00826/FULM). This area contains a number of trees and shrubs, some of which appear to have been retained within the extended garden areas now defined by the close boarded fence. Due to the retrospective nature of the application, it is difficult to ascertain the extent of soft landscaping lost. In any event, the trees or shrubs within this strip of land are not protected by any formal designations. Views of the fencing from the allotments are also softened by existing shrubs and trees which fall outside of the application site.

The change of use has had a neutral impact with regard to the host properties and surrounding development. The closed panel wooded fencing is similar to the existing so is not out of character.

I note the comment regarding the impact of the proposal on a public footpath close to the site. Notts County Council Rights of Way officers have confirmed that Footpath No 16 runs around the edge of the Allotments. Between the footpath and the garden fences there is space accommodating trees and planting that remain. I am therefore satisfied that the change of use and fencing that have been erected would not have a detrimental impact on the amenity of this footpath or its setting.

Overall, it is not considered that the loss of this land to gardens has resulted in a detrimental visual impact upon the character of the area in accordance with Core Policy 9 and Policy DM5 of the Local Plan.

#### Impact upon Neighbours

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 change of use has not resulted in any adverse impact upon the amenity of the occupiers of neighbouring dwellings by virtue of any loss of privacy or overshadowing given that no significant operational development has occurred. The neighbouring allotments to the south east of the site would also be unaffected by the change of use. Although the boundaries of the host residential properties (55-59) are now closer to the allotment site, the impact of this is neutral given the low impact of both the allotment use and residential amenity space. Overall, the proposal would not have an adverse impact upon residential amenity in accordance with Policy DM5 of the DPD.

#### Ecology

Core Policy 12 of the Core Strategy and Policy DM7 of the Allocations and Development Management DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. I note the comments received during consultation regarding the ecological value of the site. Nottinghamshire Wildlife Trust has been consulted regarding this application and have not objected. The Trust expressed disappointment that the change of use had occurred without an ecological survey as there is a lot of good habitat for a variety species within the local landscape. Now that the change of use has occurred there is unfortunately no evidence (i.e. an ecological report conducted by an ecologist) of what ecological value the site held and therefore no grounds to refuse the planning application on ecology grounds.

#### Archaeology

I note the comments received during consultation regarding the archaeological value of the site. Nottinghamshire County Councils Archaeology team have been consulted but no comment had been received at the time of this report. In any event, I consider it very unlikely that the nature of the proposal has resulted in any adverse impact upon archaeological remains.

Other matters

The site's ownership has been raised in objections to the proposal. This has been considered to carry no weight in the determination of this application as land ownership is a private matter which is not a material planning consideration.

**RECOMMENDATION**

**That full planning permission is approved.**

BACKGROUND PAPERS

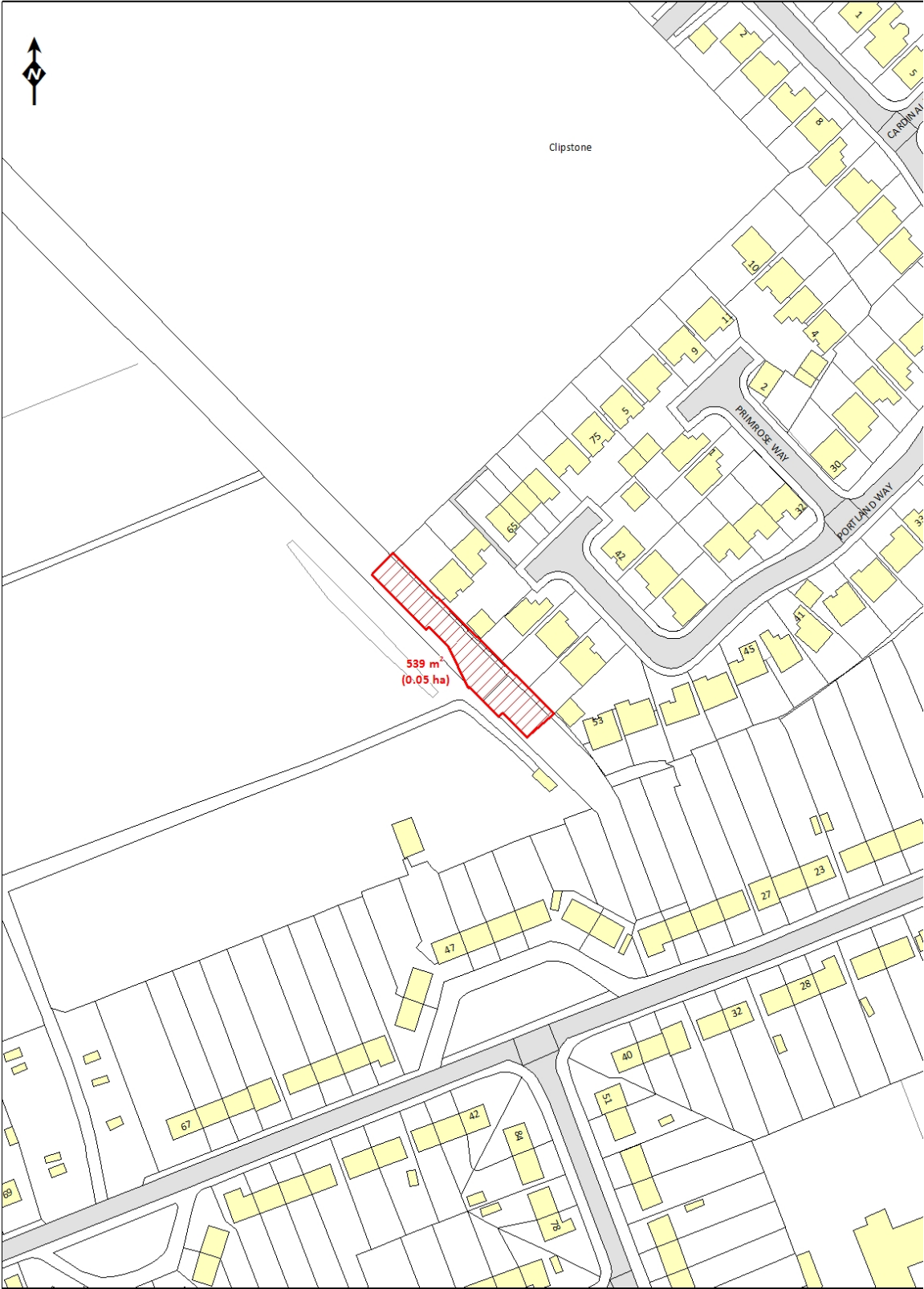
Application case file.

For further information, please contact Sukh Chohan on 01636 655828.

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).

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

Committee Plan - 14/01974/FUL



© Crown Copyright and database right 2014 Ordnance Survey. Licence 100022288. Scale: Not to scale

<b>Application No:</b>	<b>14/02164/FULM</b>	
<b>Proposal:</b>	<b>The Erection of a Log Cabin for Residential Use, Change of Use of Agricultural Land to Residential, the Demolition of an Agricultural Shed and the Erection of a Shed to House a Biomass Boiler, Fuel Store and General Agricultural Storage.</b>	
<b>Location:</b>	<b>Rufford Forest Farm, Kirklington Road, Rufford, Nottinghamshire, NG22 8JF</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Tom and Kathy King</b>	
<b>Registered:</b>	<b>09.12.2014</b>	<b>Target Date: 10.03.2015</b>

### The Site

The application site is a large plot approximately 5.5 hectares in area to the north of Kirklington Road (A617). The site forms part of the curtilage of the established agricultural unit and associated farm house for Rufford Forest Farm. According to the submitted Design and Access Statement, the farm itself comprises 650 acres of arable land. The site is within the open countryside with the nearest defined settlement being the village of Rainworth to the west.

The site as existing comprises two residential properties and a range of outbuildings in association with the agricultural holding, a landscaped bund and a pony paddock. Access to the site is via the A617 with an automated gate at the end of the access track to allow controlled access for the established TAG Farming Ltd. business.

### Relevant Planning History

The site has been subject to an extensive planning history including applications for wind turbines and agricultural prior notifications. The most relevant applications to the consideration of the current application are considered as follows:

09/00577/FUL - Residential development of 2no. semi-detached dwellings to replace existing semi-detached dwellings. *Application approved.*

12/00939/FUL - Residential development of 2no. semi-detached dwellings to replace existing semi-detached dwellings - extension of time of extant permission 09/00577/FUL. *Application approved. All pre-commencement conditions were formally discharged by letter dated 30<sup>th</sup> October 2014 and it is considered that the permission constitutes an extant permission by virtue of a lawful implementation.*

### The Proposal

The proposal seeks permission for a number of elements, some of which facilitate one another.

Firstly it is proposed to change the use of part of the land to residential curtilage and erect a single residential unit being a single storey log cabin with approximately 136m<sup>2</sup> of floor space. The maximum pitch height of the log cabin would be approximately 4.59m.

The second main element of the proposal is to erect a shed to house a biomass boiler, provide fuel storage for the boiler as well as general agricultural storage. The boiler will be used to provide heating and hot water for the three residential properties on the farm (including the proposed log cabin) as well as providing support for the existing agricultural activities within the site. The proposed dimensions of the shed are approximately 353m<sup>2</sup> in floor space and a maximum pitch height of approximately 8.39m.

#### Departure/Public Advertisement Procedure

One neighbour has been notified directly by letter with a site notice posted on 9<sup>th</sup> January 2015 and press notice published on 28<sup>th</sup> January 2015. The overall expiry date for comments is 18<sup>th</sup> February 2015.

#### Relevant Planning Policies

##### 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 9 – Sustainable Design

Core Policy 13 – Landscape Character

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

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

#### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

#### Consultations

**Rufford Parish Council** – Support the Proposal.

**NSDC Environmental Health** – *Original comments requesting further details in relation to the biomass boiler.* I can confirm that given the thermal capacity of the proposed biomass burner, an environmental permit is not needed, however the requirements of the clean air act still apply. I



also note that the proposed burner is classified as an exempt appliance by Defra and so is permitted to operate in smoke control zones (although the application site is just outside).

Given that the burn rate of the boiler will be greater than 45.4 kg/hr, the applicant is required to provide further information on how the chimney height was calculated and what the pollutant emission will be at ground level. *Later correspondence has confirmed that it would be appropriate for modelling and calculations to be carried out by condition if the application were to be approved.*

**NCC Highways** – This application is for the erection of a log cabin instead of the two semi-detached dwellings previously approved under refs. 09/00577/FUL and 12/00939/FUL, and the erection of a shed to house a biomass boiler and a general agricultural store.

The information submitted indicates that the proposed log cabin is to be used by family members associated with the farm and the biomass boiler is for use by the residential dwellings on the farm. There are no alterations proposed to the existing access onto the A617, which is to be used for both buildings.

In view of the above, there are no highway objections to this proposal.

**Natural England** – The proposal is unlikely to affect any statutorily protected sites or landscapes. Recommends the use of standing advice in relation to protected species.

**Nottinghamshire Wildlife Trust** - Thank you for consulting Nottinghamshire Wildlife Trust on the above application. We have reviewed the available documents and whilst we have no objection in principle, wish to make the following comments.

Four photographs are available to view – we assume that these are of the building which is due for demolition. Agricultural buildings can often provide features capable of supporting bat roosts, however from the images provided the building does not appear highly suitable. Large sections of the roof are missing, leaving the building open to the elements and thus less suitable for bats.

We would be grateful if you could make the applicant aware of their legal obligations regarding any bats that might be found during demolition. We request that roof work should be carried out carefully by hand. Should any bat/s be found under any aperture, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

**NSDC Access Officer** – Observations relating to Building Regulations.

### **Neighbours/Interested Parties**

No letters of representation have been received at the time of writing.

### **Comments of the Business Manager, Development**

#### Principal of Development

The Core Strategy outlines the spatial strategy for the District directing new development to the most sustainable settlements. Spatial Policy 3 states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. In accordance with the requirements of Spatial Policy 3, Policy DM8 lists the types of development which development in the open countryside will be limited to.

The proposed development can be broadly split into two main elements; the agricultural shed and the proposed log cabin. Dealing firstly with the former, whilst it is acknowledged that the biomass boiler would partly be used for the heating and services of the residential properties within the site, the boiler would also be used to facilitate the functioning of the agricultural business operating within the site. The principal of this element of the proposal is therefore deemed acceptable on the basis that it would support the agriculture use of the site.

The proposed log cabin would be occupied by the applicants who are currently in the process of handing over the running of the business to their children. It is not presented that the dwelling would be otherwise connected to the agricultural use within the site and therefore for all intents and purposes the log cabin would constitute an additional market dwelling in the open countryside.

Policy DM8 states that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standard of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. This is consistent with the stance of national planning policy.

The residential dwelling proposed, as discussed further in the remainder of the report, is not considered to meet any of the above exceptions and therefore would be resisted in principle.

I have noted the somewhat unusual planning history within the site whereby there is an extant permission for two residential units with no agricultural association. The applicant has confirmed that they would be willing to enter into an agreement to prevent the implementation of the extant permission if the current application were to be approved thus amounting to a net reduction of residential units within the site. However, it is my view, following the site specific assessment outlined below, that the impacts of the current proposal would be materially worse than the impacts established by the extant permission.

## Impact on Character

The application site accommodates an established agricultural business with numerous detached outbuildings of varying scale and condition. There are also residential units within the site, the most prominent of which being the Farmhouse towards the southern frontage of the site. There is a residential dwelling outside of the application site fronting Kirklington Road. The built form within the site as existing is relatively well contained broadly centrally within the site.

The applicant is relying on the extant permission within the site to justify the acceptability of the current proposal. The extant permission relates to the approval for two semi-detached units which were originally approved in 2009 and the permission renewed in 2012. The units were approved on the basis of policies relating to replacement dwellings. Although the dwellings have now been demolished and thus the area of the site is currently vacant, it is accepted that the 2012 remains extant and thus it is a reasonable fall-back position that the two additional units could be provided within the site.

Despite representing an additional net dwelling in the open countryside, it is my view that the extant scheme represents a more favourable scheme than that currently presented for Members consideration. The proposed residential unit is situated towards the eastern boundary of the site beyond the built form established by the existing residential units and agricultural buildings. The extant permission however is well within the confines of the built form at the end of the existing access road. As a consequence the extant permission if built would be a relatively discrete feature within the site. The proposed log cabin however would be a much more prominent feature of the site particularly when approached from the east due to open nature of the land. I appreciate that the log cabin would be adjacent to existing bunding and agricultural buildings of a significant scale however I do not consider that this would mitigate the impact on the openness as interpreted from the south and the east. If approved the log cabin would be a notable feature of the site and would appear at odds with the agricultural character of the remainder of the built form within the site.

Moreover, the proposed log cabin, although single storey in height, demonstrates a sprawling foot print which would exceed that allowed by the extant permission. The adverse impact on the character of the area would be further exasperated by the demarcation of the proposed residential curtilage which includes post and rail fencing and hedging along the boundary. This matter has been raised with the agent during the life of the application and an alternative scheme has been presented which demonstrates a slightly reduced curtilage space. Whilst it is not considered that this would overcome the objection to the application in principle, if Members were minded to approve the application then they may consider the reduced curtilage to be a more appropriate scheme.

The design of the proposed dwelling is presented as a relatively simple log cabin structure with pine laminations for the walls and a grey profiled sheet roof. Notwithstanding the aforementioned issues with the siting of the dwelling this is considered a less favourable option than the more traditional cottage style dwellings which the extant permission allows for.

In terms of the proposed shed to house the biomass boiler, despite a notable footprint, I do not consider that this element of the proposal would be materially harmful to the openness of the countryside. The shed is positioned within the confines of built form and displays a design and character which would readily be interpreted in the context of the existing built form. It is also acknowledged that it would replace existing dilapidated buildings within the site.

### Other Matters

The applicant has been in ongoing consultations with internal environmental health colleagues and it has been confirmed that the additional details in relation to the emissions of the biomass boiler could be secured by condition should the application be approved.

The provision of an additional dwelling in such close proximity to existing farming activities requires consideration of the amenity provision available for the occupiers. In this instance, the applicant has a close connection with the activities within the site and the siting of the dwelling has been specifically chosen to be situated separately from the agricultural activities within the site. The hedged boundary would provide adequate screening between the two conflicting uses and in any case given that any potential occupier would be well aware of the nature of the wider site I do not consider that an impact on amenity would justify a reason for a sole reason for refusal.

### Conclusion

Despite the unusual circumstances whereby there is an extant permission for two residential units within the open countryside, the current proposal is deemed unacceptable on the basis that the proposed residential unit, towards the eastern boundary of the site would have an adverse impact on the openness of the countryside and would conflict with the exceptions outlined in Policy DM8.

### Recommendation

**Refuse, for the following reasons:**

#### Reason

01

The proposal includes the provision of a residential dwelling and associated curtilage in the open countryside. Policy DM8 states that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standard of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.

The proposal fails to meet the requirements of Policy DM8 and would therefore represent unsustainable development which would be contrary to the Spatial Strategy of the development

plan. The proposal would also fail to accord with the National Planning Policy Framework, which forms a material consideration.

### **Informative**

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**

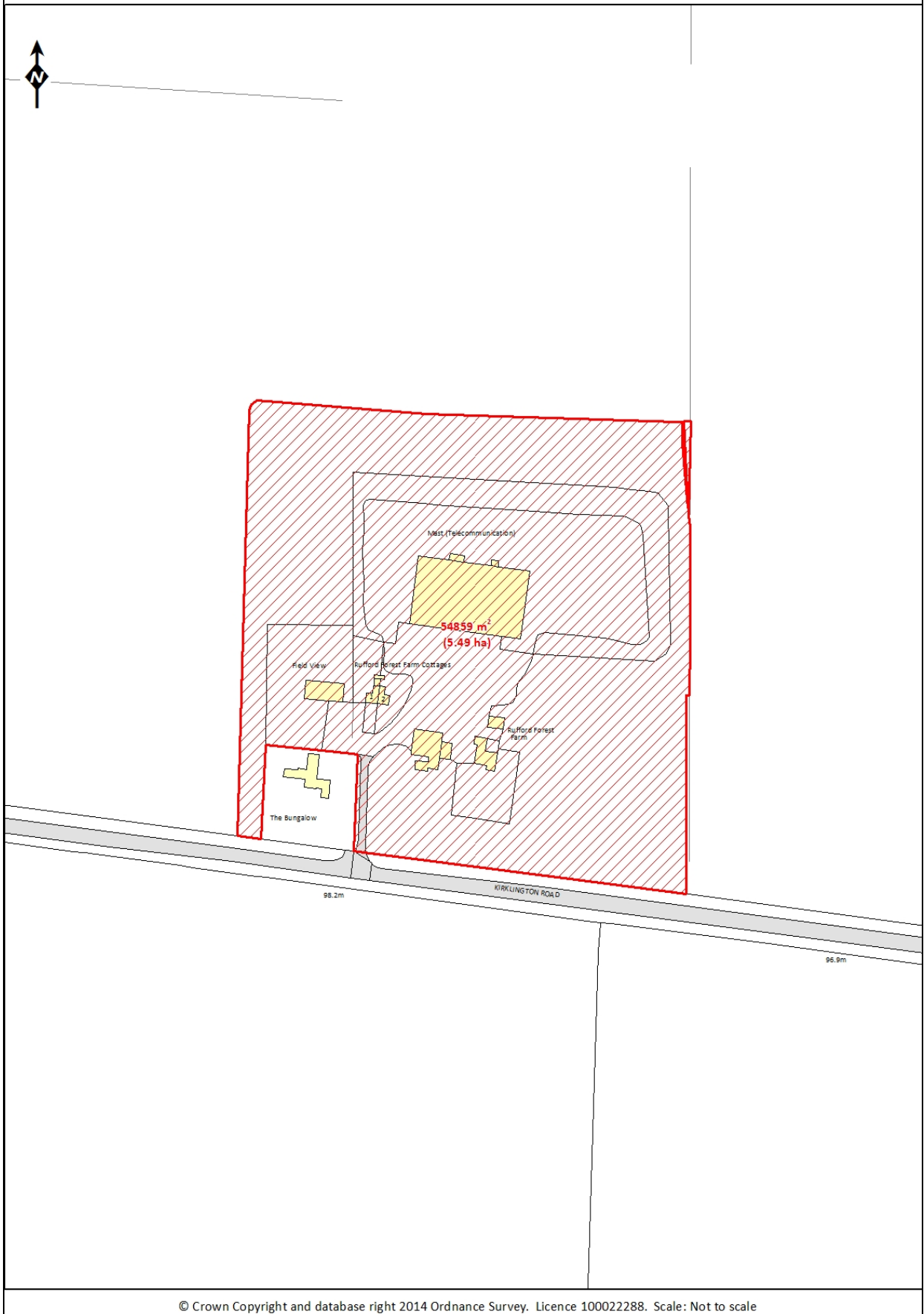
Application case file.

For further information, please contact Laura Gardner on 01636 655907.

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).

**K.H. Cole**  
**Deputy Chief Executive**

Committee Plan - 14/02164/FUL



<b>Application No:</b>	<b>14/01957/FUL</b>	
<b>Proposal:</b>	<b>Householder application for two storey rear extension</b>	
<b>Location:</b>	<b>8 Goodwin Lane, Fernwood Newark</b>	
<b>Applicant:</b>	<b>Mr T Dixon</b>	
<b>Registered:</b>	<b>07/11/14</b>	<b>Target Date: 31/12/14</b>

Description of Site and Surrounding Area

The property is a detached two storey red brick dwelling with associated garage block situated on the southern edge of Fernwood, to the south of Balderton. The properties to the north on Goodwin Lane are fairly uniform in their appearance to the roadside and are built on a consistent building line. A small garden area is provided to the front of the dwelling with the principle private amenity space situated to the rear.

The boundaries to the property are marked by C2m high close boarded fencing. The property to the north is aligned with the development site albeit with an extension projecting beyond the rear elevation at two storey height. The property to the south of the development site is set forward in its plot with the majority of its garden area aligned with the side elevation of the property which forms the basis of this application. The property to the east is aligned with its side elevation at the bottom of the garden of the development site; the degree of separation between these properties is approximately 13.75m gable to gable.

Relevant Planning History

There is no site history of direct relevance to this application.

Description of Proposal

The original proposal sought permission for the construction of a two storey extension to the front of the dwelling, in addition to a two storey extension to the rear and the conversion of the loft. In discussion with the applicant regarding concerns of overbearing and loss of light caused by the front extension this element of the proposal has been deleted. Furthermore, the proposed loft conversion resulted in solely internal alterations and no addition of roof lights or dormer windows and as such planning permission was not required thus leading to this element of the proposal description being omitted.

The current proposal seeks permission to construct a small two storey extension on the rear of the property. The extension would infill the gap to the south of the existing single storey element situated centrally on the rear elevation as well as include construction above this element.

In its entirety, the extension would project beyond the rear wall by 2.3m, be 7.3m wide and have a ridge height of approximately 7.35m which would be approximately 0.7m lower than the existing ridge of the house.

New fenestration is proposed on the rear (east) elevation at both ground floor and first floor level. The existing patio doors on the side (north) elevation would remain, however no new fenestration is proposed on either north or south elevations at first floor height.

#### Public Advertisement Procedure

Occupiers of 5 neighbouring properties have been individually notified by letter.

#### Planning Policy Framework

#### **The Development Plan**

##### **Core Strategy DPD 2011**

Core Policy 9 – Sustainable Design

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

Policy DM5 – Design

Policy DM6 - Householder Development

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

National Planning Policy Framework 2012 and its Technical Guidance

National Planning Policy Guidance Suite, on-line resource (March 2014)

Newark and Sherwood Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014

#### Consultations

**This application has been referred to the Planning Committee by Cllr I Walker due to potential adverse impacts on neighbours.**

**Fernwood Parish Council** – Support the proposal subject to their being no objections.

**Two neighbours have objected** in relation to the application, with multiple letters from one neighbour. A summary of their comments is provided below.

The first objector details concerns relating to the loss of light, loss of privacy and the potential for overbearing. These concerns all relate to the proposed front extension. Given that this element of the proposal has now been omitted these concerns are not considered to apply to the current proposal.

The second objector initially objected to the effect that they had not been consulted. A letter of consultation had been sent but appeared to have gone astray. They were re-consulted and the timeframe for responding extended accordingly.



A further letter of objection was received relating to the rear extension resulting in first floor windows being closer to an existing opaque glazed bathroom window in the side elevation of the objector's property and regardless of the opaque glazing that this closeness was unsatisfactory. A follow up letter was received objecting that a normal sized bedroom window would be within 10metres of the objector properties opaque glazed bathroom window and that the proposed extension would result in difficulties in selling his property due to the proximity of the new window.

### **Comments of Business Manager, Development**

#### **Principle of Development**

Policy DM6 accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

#### **Impact on Character of the Surrounding Area**

Policy DM6 of the DPD state that extensions should reflect the character of the area and existing dwelling in terms of design and materials. The proposed extension would be sited on the rear (east) of the property. The rear of the property is relatively well enclosed with limited views only possible from surrounding properties situated to the north, south and east.

The proposed extension would be sited on the rear (east) of the property. The rear of the property is relatively well enclosed with limited views, possible only from surrounding properties situated to the north, south and east.

The proposed extension would project 2.3m beyond the rear elevation and have a roof pitch of 35° to match that of the host dwelling. This projects the same depth as the existing central off-shoot. The ridge height would also be 0.7m lower than that of the main dwelling ensuring the extension appeared as a subservient addition. Furthermore, it is proposed that the extension would be finished in materials to match those of the host dwelling to ensure it assimilated into its surroundings.

Given the small scale nature of the proposed extension and the limited views into and out of the development site, the proposed development is not considered to detract from the character of the surrounding area in accordance with Policy DM6 of the DPD.

#### **Impact upon Amenity**

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. Careful consideration has been given to the potential impact on amenity of the neighbouring properties situated to the north, south and east of the development site.

The proposed extension would project 2.3m beyond the existing rear wall of the property and have a width of 7.3m. Two windows are proposed at first floor level on the rear (eastern) elevation which would look east directly onto the side elevation of the dwelling at 12 Gilmores Lane. Its side elevation contains a centrally located door at ground floor level and an opaque glazed window

serving a bathroom at first floor level. The resultant extension would project 2.3m beyond the rear wall of the dwelling, thus resulting in a degree of separation of approximately 11.4m.

The proposed extension would offer views of the side elevation of the property to the east (12 Gilmores Lane) which is a blank gable wall with the exception of a centrally located door at ground floor level and an opaque glazed window serving a bathroom at first floor level. The resultant extension would project 2.3m beyond the rear wall of the dwelling, thus resulting in a degree of separation of approximately 11.4m. This would bring the proposed bathroom and bedroom window 2.3m closer to the side elevation of 12 Gilmores Lane. Our Householder Development SPD does not define minimum separation distances although separation distances applied elsewhere in the country range between 10.5 to 12 metres from a blank two storey elevation to a main habitable room window in a two storey elevation. As the window in the side elevation of 12 Gilmores Lane is obscure glazed and does not serve a main habitable room window, it is not considered that a separation distance of 11.4 metres is unreasonable and is not therefore considered to result in such a loss of neighbouring amenity to warrant refusal of the application. I therefore consider that the development do not give rise to any direct overlooking.

No windows are proposed on the sides of the proposed extension. A condition (no.4) is proposed to ensure that no opening can be inserted into these side elevations in future to protect neighbours from overlooking

Consideration has also been given to the potential for overbearing and loss of light to the property to the south (9 Collinson Lane). Given the small scale nature of the proposed extension and the orientation of the properties the resultant extension is not considered to result in a significant loss of light or overbearing of the properties to the south.

Having carefully assessed the impact of the proposed extension upon neighbouring amenity, it is concluded that the proposal is acceptable in terms of perceived overlooking created by the development on the occupiers of 12 The Gilmores and that there would be no other adverse impacts that justify a reason for refusal in accordance with Policy DM6 of the DPD.

There are no further material considerations as to why planning permission should not be granted.

### **Recommendation**

**Approve, subject to the following conditions**

### **Conditions**

1. 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.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference
  - Proposed floor plans received 08/12/14
  - Proposed elevations received 08/12/14

- Proposed block plan received 05/01/15

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.

3. 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 and on the plans mentioned above unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the northern or southern elevations of the development hereby permitted.

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

### **Informatives**

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 not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

02

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

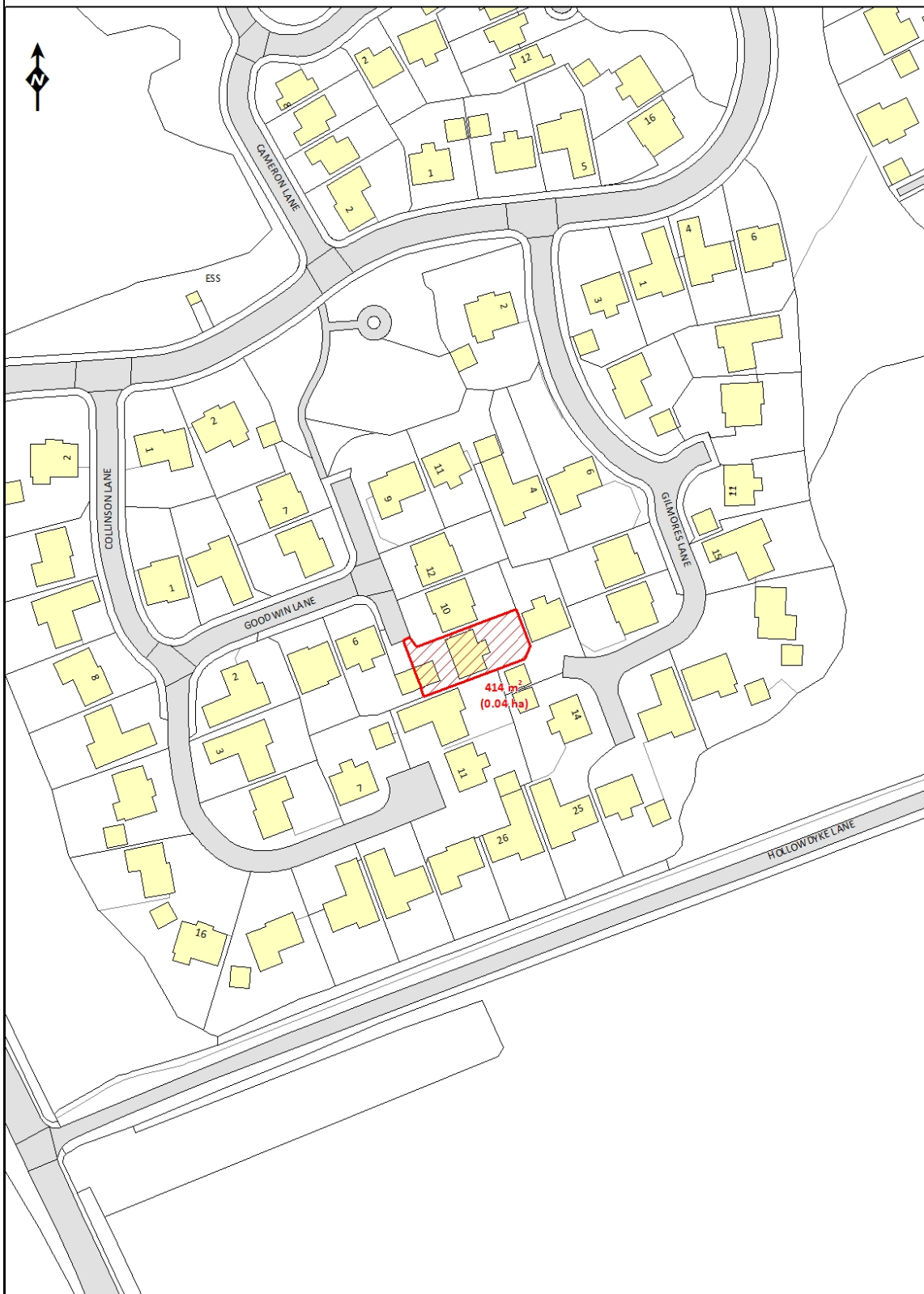
### **BACKGROUND PAPERS**

Application case file.

For further information, please contact James Mountain on Ext 5841

**K.H. Cole**  
**Deputy Chief Executive**

Committee Plan - 14/01957/FUL



© Crown Copyright and database right 2014 Ordnance Survey. Licence 100022288. Scale: Not to scale

<b>Application No:</b>	<b>14/02076/FUL</b>	
<b>Proposal:</b>	<b>Demolition of Existing Barn and Erection of Dwelling</b>	
<b>Location:</b>	<b>The Homestead, Barnby Road, Balderton</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Rob &amp; Sue Pettifor</b>	
<b>Registered:</b>	<b>24.11.2014</b>	<b>Target Date: 20.01.2015</b>

Description of Site and Surrounding Area

The application site is located within the open countryside. It is sited immediately to the south of an existing dwelling known as The Homestead, with access off Barnby Road. Within the application site is an existing brick built barn. The southern boundary of the application site has the remains of a fence and a number of trees and shrubs. There is currently no clear line marking the boundary between the application site and The Homestead.

The surrounding area is largely relatively flat agricultural land. The land on the opposite side of Barnby Road is allocated in the Core Strategy as an urban extension known as Land East of Newark, for approximately 1,600 dwellings. Barnby Road forms the southern boundary of this strategic site.

Barnby Road goes east out of Newark and in the vicinity of the application site has established hedgerows along the verges.

Site History

14/00375/FUL – a planning application was made for the proposed demolition of the existing outbuilding and replacement additional living accommodation at the application site - withdrawn 11.12.2014.

13/00494/FUL – planning permission was granted on 20.06.2013 for the proposed conversion of the barn to form additional living accommodation at the application site. A condition was imposed on this permission to ensure its use as an annexe to The Homestead to prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

04/00841/OUT – planning permission was refused on 24.05.2004 for residential development – 2 detached dwellings at land adjacent to The Homestead, Barnby Road, Balderton.

03900247 Conversion of barn to form dwelling and erect two double garages – refused 08.05.1990 because the proposal was to convert a building of little architectural value outside of the built-up area of Balderton contrary to policy.

### Description of Proposal

Planning permission is sought for the demolition of an existing barn and the erection of a dwelling on the same site. The existing barn lies to the rear of the dwelling known as The Homestead and is approximately 13.8 metres long by 7.6 metres wide at its widest. It is part single storey and part two storey, with the two storey element being that closest to the existing dwelling. At its highest point this building stands to approximately 5.2 metres in height. The Design and Access Statement describes the barn as being dilapidated.

The proposed replacement building would be a dwelling formed in an “L” shape. The main spine of the building would contain the living accommodation and would measure approximately 20.9 metres long by 5 metres wide. At the south east corner of this spine it is proposed to locate an adjoining double garage, approximately 5.4 metres long by 4.7 metres wide. The garage is proposed to be single storey with a mono-pitched roof and have an external decking area within the roof, at first floor level, the access from which would be gained via the proposed master bedroom. The northern elevation of the proposed property, which would face the existing dwelling is proposed to contain fewer windows than the southern elevation which faces away from the site.

The two storey element of the building is proposed to have a pitched roof to a maximum height of 6.2 metres. This roof is proposed to have solar panels to the southern elevation and six low profile roof lights to both the north and south elevations. The building is proposed to be constructed in red brickwork (reclaimed if possible) with a pantiled roof (again, reclaimed if possible). External decking is proposed adjacent to the east and west elevations. The Design and Access Statement refers to the proposed dwelling as a modern interpretation of a traditional barn structure.

A new access to the site is proposed to be created off Barnby Road, running immediately adjacent to the existing garden boundary of The Homestead and a refuse and bin storage area is proposed close to the junction of the proposed drive and Barnby Road.

### Planning Policy Framework

#### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

*Newark and Sherwood Allocations and Development Management DPD Adopted July 2013*

Policy DM5 Design

Policy DM7 Biodiversity and Green Infrastructure

Policy DM8 Development in the Open Countryside

Policy DM12 Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework
- National Planning Practice Guidance
- Newark and Sherwood Landscape Character Assessment SPD December 2013

### **Public Advertisement Procedure**

One site notice posted 09.12.2014

Five neighbours were notified on 02.12.2014

### **Consultations**

**Balderton Parish Council** – support application.

**Notts County Council Highways** – there have been two applications submitted in recent years for development of this site, with concerns raised about the lack of a pedestrian link to local amenities. Whilst the concerns are understood, this proposal relates to the erection of one dwelling only with a new access, and in this instance only, it is considered that it would be unreasonable to raise objections, subject to two conditions. One requiring the access to be constructed and surfaced in a bound material in accordance with the approved plan and the other relation to visibility splays.

**Environmental Services** – there lies the potential for the barn 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. 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 following advice should be attached to the planning consent as a minimum:

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 the Environmental Health Unit at Newark and Sherwood District Council.

**Internal Drainage Board** – consulted on 09.12.2014 but had not responded at the time of writing this report.

**Nottinghamshire Wildlife Trust** – initially stated that before the application is considered a bat survey should be undertaken. Following the submission of a bat survey, provided further comments stating that although the survey indicates that there was no evidence of roosting bats, bat activity was recorded within the building and that two full breeding seasons have lapsed since the date of the survey and no emergence surveys, as suggested in the report, have been carried out in the interim. In line with Natural England guidelines, request that the application is not determined until an updated Bat Survey is conducted during the active breeding season (May to September inclusive) together with any appropriate emergence surveys that the inspection dictates.

### **Comments of the Business Manager, Development**

The application site lies within the open countryside, as defined on the Newark and Sherwood Proposals Map. The proposed development seeks to demolish an existing brick built barn and replace it with a new two storey dwelling. The site lies immediately to the south of the residential property known as The Homestead on Barnby Road and the existing barn has planning permission to be used as living accommodation ancillary to The Homestead (this is the subject of planning permission reference 13/00494/FUL and is conditioned as such).

### **Principle of the Development**

As stated above, the application site lies within the open countryside. The NPPF states that *‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’* It goes on to state that *‘Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances’* and lists some examples.

Spatial Policy 1 clearly sets out the settlement hierarchy for the District and states where development should take place. In relation to development outside the towns and villages identified in the settlement hierarchy, Spatial Policy 1 states that such development will be considered against the sustainability criteria set out in Spatial Policy 3 – Rural Areas. Spatial Policy 3 clearly states that the countryside will be protected. Policy DM8 – Development in the Open Countryside builds on Spatial Policy 3 and sets out the types of development which may be appropriate and acceptable within the open countryside, stating that development will be strictly controlled and limited. In relation to new dwellings not connected to a countryside operation, such as an agricultural worker’s dwelling, Policy DM8 states that planning permission will only be granted where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area. The policy context is therefore based on the premise of protecting the countryside from new residential development and setting the standard very high for any new development, in order to achieve this.

The Design and Access Statement acknowledges that the application site lies within the open countryside but argues that the design and scale of the proposed new dwelling comply with the



requirements of Policy DM8 and that there are local services and facilities such as a primary school and shops within a mile of the site.

Although the Design and Access Statement states that the proposed design would constitute high quality design it also highlights the need for the design to be affordable to the applicant. Whilst it is accepted that the proposed dwelling may be considered to be a modern interpretation of a traditional barn, contrary to what is stated within the Design and Access Statement and the additional justification provided, it cannot be said to be of exceptional quality or innovative design as required by Policy DM8 for new dwellings in open countryside locations.

Overall, the erection of a new dwelling is unacceptable in principle as its open countryside location is considered to be an unsustainable location for a new dwelling, contrary to the aims of the NPPF and Policy DM8 of the Allocations and Development Management DPD.

### Impact on Visual Amenity

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. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located within the East Nottinghamshire Sandlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Winthorpe Village Farmlands (ES PZ 4) which is described as a flat with occasional undulating landform around villages. The landscape sensitivity and condition is defined as good and the proposed action for the area is to 'conserve and create' including conserving what remains of the rural landscape by concentrating new development around existing settlements.

The proposed dwelling by its very nature would be incongruous in an open countryside setting. Whilst it would be positioned within the residential curtilage of The Homestead, the red line boundary of the application site incorporates paddock land to the east of the site. The creation of additional domestic curtilage with its associated paraphernalia including parking and access would impact on the open character of the countryside. Even though the dwelling would be located to the rear of The Homestead and partially screened by existing levels of landscape screening, views of the proposed dwelling would still be achievable and encroachment into the open countryside would still result. It is not considered that the removal of the barn building which is more agricultural in appearance would outweigh the harm identified. Overall, the proposed development would have an adverse impact on the rural character of the landscape contrary to Spatial Policy 3 and Core Policies 9 and 13 of the Core Strategy and Policy DM8 of the Allocations and Development Management Development Plan Document (DPD).

### Highways and Access

Core Policy 9 and Policy DM5 seek to ensure that development proposals make provision for appropriate access arrangements and where practicable, can be accessed by as many alternative modes of transport as possible.

The proposed development is located off Barnby Road, which has no footpaths in the vicinity of the application site, and the primary mode of accessing the site would be by private motor vehicle. A new access to the site is proposed along the eastern boundary of the application site.

Nottinghamshire County Council Highways acknowledge concerns raised in relation to previous applications on this site regarding the lack of a pedestrian link to local amenities, however, given that this application relates to a single dwelling, they do not consider that it would be reasonable to raise an objection to the development in this case. The Highways Officer goes on to recommend two conditions to ensure that any such access to the site is acceptable, should planning permission be granted.

It is therefore considered that the proposed development would not have a detrimental impact on highway safety or capacity and subject to appropriately worded conditions, the access arrangements to the site would be acceptable.

#### Impact on Residential Amenity

Policy DM5 seeks to ensure that new development does not result in detrimental impacts on amenities of neighbouring residential properties. The proposed development lies in close proximity to the dwelling known as The Homestead.

The proposed dwelling would be larger than the existing barn in terms of floor area and would stand to approximately 0.5 metres taller than the highest part of the existing barn (as part of the proposed new dwelling would be set approximately 0.5 metres below the existing ground level), however, it would be set approximately 2.5 metres further south west than the existing barn, a distance of approximately 12.5 metres.

The elevation of the proposed dwelling which would face the existing dwelling at The Homestead would have a limited number of relatively small (0.5 metre by 0.5 metre) windows serving each of the proposed rooms and a larger (0.5 metre by 1.5 metre) window serving the first floor landing area. The main windows are proposed to be located on the southern elevation of the property, with further windows to the east and west elevations.

The southern elevation of The Homestead has French doors at ground floor level into a sitting room and a window at first floor level. The area between the dwelling and the existing barn is hardstanding and currently appears to be used for the parking of cars. The main garden area for the existing dwelling is located to the front (north) and west of the dwelling.

The proposed new building would not have a significant greater physical impact on the amenities of the existing dwelling due to loss of light or being overbearing. However, the proximity of the proposed dwelling to the existing dwelling gives rise to concerns regarding loss of privacy, particularly as a ground and a first floor window are proposed to be sited opposite the existing French doors and main rear garden area of The Homestead. I do however consider that it would be possible to mitigate this impact through the imposition of conditions to ensure that that the

first floor windows on the north elevation are obscure glazed and non-opening and to require an appropriate boundary treatment between the two properties. Subject to conditions, it is therefore concluded that the proposed development would not lead to a loss of privacy to the residents of The Homestead in accordance with Policy DM5 of the DPD.

### Impact on Ecology

The NPPF, Core Policy 12 – Biodiversity and Green Infrastructure and Policy DM5 – Design seek to protect biodiversity and Policy DM5 specifically states that where development proposals may have an impact on a protected species, they should be supported by an up-to-date ecological assessment. The development proposals include the demolition of an existing barn and as such Nottinghamshire Wildlife Trust recommended that a bat survey should be undertaken prior to the application being determined.

Whilst a bat survey has subsequently been submitted, which found some evidence of bats within the barn, Nottinghamshire Wildlife Trust have indicated that two full breeding seasons have passed since the survey was undertaken and that the survey does not therefore conform to Natural England's guidelines. They also raise the issue that no emergence surveys been undertaken, as suggested in the submitted bat survey. As a result, Nottinghamshire Wildlife Trust recommend that an updated bat survey, together with any appropriate emergence surveys required, is conducted and submitted prior to the application being determined. Whilst this recommendation has been forwarded to the applicant's agent, no additional information or a statement of intent to undertake the necessary survey work, has been received at the time of writing this report.

It therefore cannot be concluded that the proposed development would not have a detrimental impact on bats due to a lack of up to date information. Without such information, planning permission should not be granted.

### Other Issues

#### *Housing Need*

The Design and Access Statement and additional information submitted in support of this application seek to argue that there is a need for more housing and that there is a shortfall of three-bedroomed houses for the Newark area, including Balderton. Spatial Policy 1 – Settlement Hierarchy sets out where new development will be focussed and Spatial Policy 3 – Rural Areas clearly states that in the open countryside new development will be strictly controlled and restricted to uses which require a rural setting.

As set out in the development plan policies, housing should be provided within the settlements identified in Spatial Policy 1 and should only be considered in an open countryside location where it is necessary in such a location or is of exceptional quality or innovative design.

The application site lies outside the settlement boundary for the Newark area and so any shortfall of housing to meet a demand in the Newark area, including Balderton, would not be appropriate to be located on this site but instead should be met within the identified Newark Urban Area. It is not therefore considered that this provides justification to allow the proposed development in an otherwise unacceptable location.

### *Permitted Development*

In the additional justification submitted in support of this application, it is asserted that the proposal to demolish the existing barn and erect a new dwelling could be undertaken utilising the permitted development rights provided within Class MB of the Town and Country Planning (General Permitted Development) (England) Order, 1995 (as amended) (GPDO) for the change of use of an agricultural building to a dwelling. Notwithstanding whether or not such proposals would indeed fall within Class MB, which is subject to a number of restrictions, including relating to the extent of an demolition works, such permitted development rights are subject to a prior approval process and under Class MB2(1)(e) local planning authorities must consider whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling. Given that the location is considered unacceptable in relation to this application for express planning permission, it is unlikely to be considered any less unacceptable through an application for prior approval under the provisions of the GPDO. This is therefore not a reasoned justification to allow planning permission in this case.

### Overall Conclusion

Overall, it is concluded that the proposed development constitutes unacceptable development in an open countryside location, is not a type of development which requires such a location, would be out of character with the surrounding area. In addition, no up to date bat survey has been submitted and it cannot therefore be concluded that the proposed demolition of the existing barn would not have a detrimental impact on bats, a European protected species.

### Recommendation

**It is recommended that planning permission be refused for the following reasons:**

1. The site is located within the open countryside where special justification for new dwellings is required. Special justification has not been demonstrated in this instance. The proposed dwelling is not of exceptional quality or innovative in design, it does not reflect the highest standards of architecture or enhance its immediate setting or the defining characteristics of the area. The proposed dwelling would result in an incongruous feature and encroachment into the countryside, adversely impacting upon the setting of the surrounding rural landscape to the detriment of the visual amenity of the area. Development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area and undermine strategic objectives contrary to the aims of the National Planning Policy Framework (NPPF), Spatial Policy 3 and Core

Policies 9 and 13 of the adopted Core Strategy and Policy DM8 of the Allocations and Development Management Development Plan Document (DPD).

2. An up to date bat survey has not been submitted with the application. As such the potential ecological impacts of the development in relation to its impacts upon protected species are unknown. As such, it is considered that the Applicant has failed to demonstrate that that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Core Strategy and Policies DM5 and DM7 of the DPD.

**BACKGROUND PAPERS**

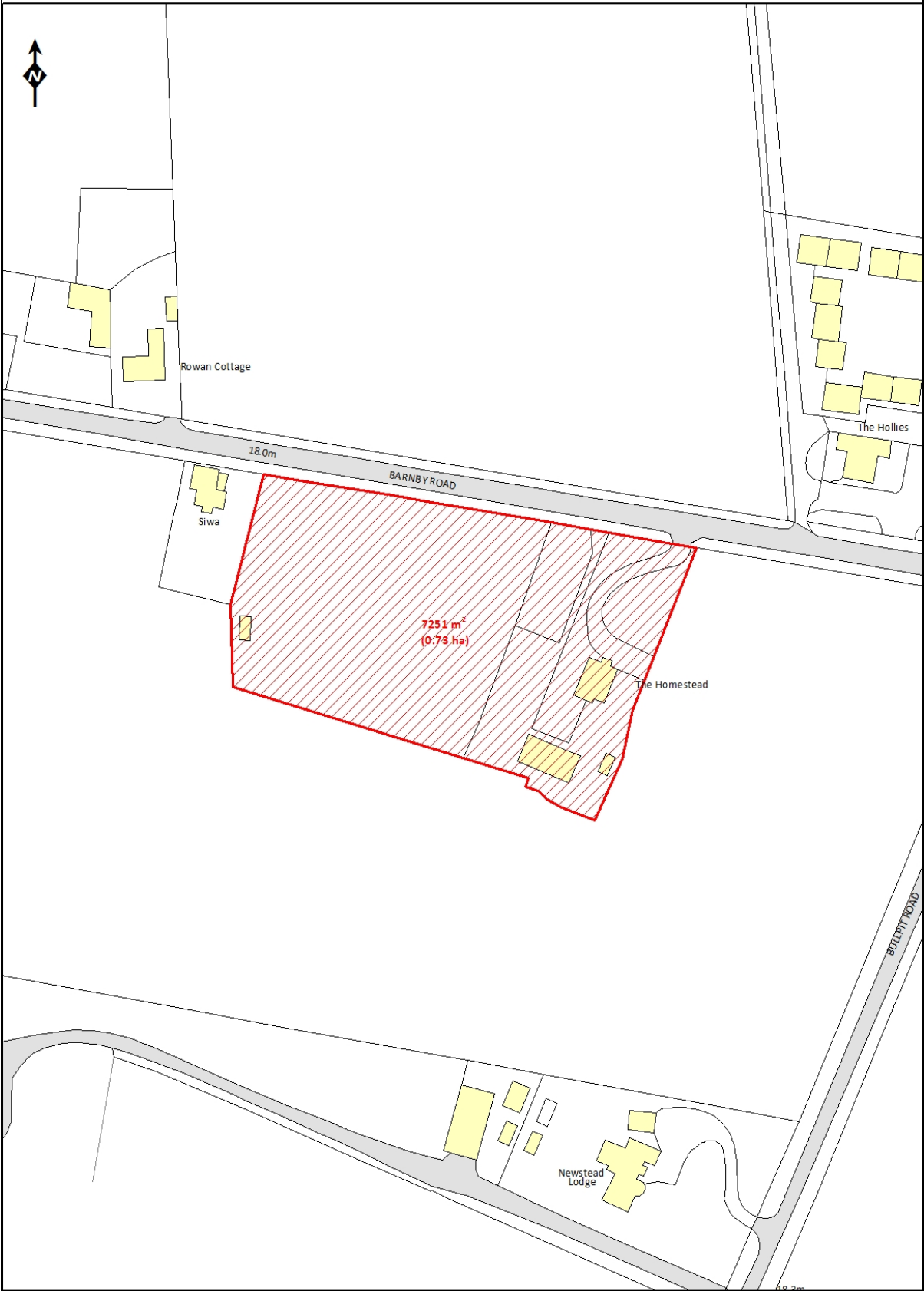
Application case file.

For further information, please contact Natalie Dear on 01636 650000.

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).

**K.H. Cole**  
**Deputy Chief Executive**

Committee Plan - 14/02076/FUL



© Crown Copyright and database right 2014 Ordnance Survey. Licence 100022288. Scale: Not to scale

<b>Application No:</b>	<b>14/02280/FUL</b>
<b>Proposal:</b>	<b>Householder application for demolition of garage and existing single storey rear outrigger and erection of two storey side extension and single storey rear extension.</b>
<b>Location:</b>	<b>22 Harewood Avenue, Newark on Trent</b>
<b>Applicant:</b>	<b>Mr M Lamb &amp; Miss C Walker</b>
<b>Registered:</b>	<b>2<sup>nd</sup> January 2015</b> <b>Target Date: 27<sup>th</sup> February 2015</b>

The Site

The application site is situated on the south side of Harewood Avenue, within the Newark Urban Area. It comprises one half of a pair of traditional brick and slate semi-detached houses together with a detached single garage and a number of garden sheds set within its associated curtilage. A low brick wall forms the boundary to the highway and the rear garden is enclosed by a timber fence approximately 1.5 metres high supplemented with garden planting. The garage, and attached wall form the western boundary. Dwellings of a similar nature lie to the east, south and west and there is a playing field to the north, on the opposite side of Harewood Avenue.

Relevant Planning History

None

The Proposal

The application proposes the demolition of the garage, garden shed and boundary wall and the erection of a two storey side extension up to, and including the re- building of the boundary wall. This element would match the depth of the existing house and have a width of 3.24 metres, with a hipped roof to reflect the existing. Both the ridge and eaves height are shown set slightly below the comparable levels on the host dwelling. The single storey rear extension would project 5.5 metres from the rear wall of the host dwelling and would have a width of 4.56 metres and maximum height of approximately 3 metres. All external materials are proposed to match the existing.

Departure/Public Advertisement Procedure

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

Relevant Planning Policies

**The Development Plan**

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

Policies relevant to this application:

Core Policy 9 Sustainable Design

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

Policies relevant to this application:

Policy DM5 Design

Policy DM6 Householder Development

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF) March 2012

Planning Policy Guidance (PPG) 2014

Householder Development Supplementary Planning Document, November 2014

Please Note: All policies listed above and any supplementary documents/guidance referred to can be viewed on the Council's website.

### Consultations

**Newark Town Council** – Not received at time of writing the report.

**Notts County Council, Highways Authority** – No highway objection.

The 6C's Design Guide recommends minimum internal dimensions of 3.0m x 6.0m. The drawing entitled "Existing Plans and Elevations" scale 1:100 shows that the external dimensions of the existing garage measure just less than 2.5m x 5.5m. It is therefore more likely that the garage is used for storage rather than the stationing of a vehicle. In this respect, it is not envisaged that the loss of the garage will change the existing situation.

**Notts Wildlife Trust** – The proposal is likely to impact on the existing roof structure and may therefore have an impact on roosting bats. It is suggested that you may wish to request a bat survey to be carried out prior to determination of the application. In cases where you feel that there does not appear to be sufficient grounds to specify a bat survey, a note should be applied informing the applicants of their legal obligation to stop work if bats are encountered.

**Neighbours/interested parties** – One communication received at time of writing stating no objection subject to use of good quality matching materials and workmanship and consideration of potential disruption through construction process.

### Comments of the Senior Planner – Planning Policy

The principle of householder development is facilitated by Policy DM6, which is consistent with national policy and guidance, and consequently the main issues to assess in determining this application are compliance with the relevant criteria of this policy, as expanded on by the Householder SPD, and any material considerations.

### Impact on the visual amenities of the area

As identified within the neighbour's correspondence, the surrounding dwellings display the distinctive style of the original house builder which very much defines the character of the area.



The proposed extensions respond to this through their design and materials and thereby preserve this character. The step down of the ridge height of the extension in particular shows the proposal as an honest latter addition. Neighbouring residents on Hardwick Avenue have commented on the potential impact arising from the new side elevation but consider that this would be mitigated by good quality matching bricks which are what the application proposes.

The host dwelling has a good sized rear garden (approx. 12m by 8m beyond the rear projection) and the extensions as a whole would not significantly reduce this. The footprint of the two storey extension is currently mainly occupied by a garage and shed and therefore provides little amenity space. The footprint of the proposed single storey extension is partly occupied by the existing single storey extension and so this would also result in minimal loss of amenity space.

#### Impact on residential amenity

Whilst the extensions as a whole are substantial and would present a visual change to neighbouring residents I do not consider this would result in any adverse impacts. Within the rear elevation new windows at first floor level would be in the same plane as existing windows and therefore would not result in any additional adverse overlooking over and above the existing situation. The new side elevation would have one first floor level heavily obscured patterned stained glass window that would serve an en-suite. This same window, is currently inserted in the existing side elevation and therefore would not create any additional overlooking either. The new side elevation would bring a two storey elevation closer to the rear gardens of dwellings on Hardwick Avenue, particularly No 38, however I consider that the separation distances (approx. 14m from the rear of the main two-storey element to the proposed extension) is sufficient to avoid any significant over-bearing impact. I do not consider it would result in any significant reduction of light or over-shadowing given the orientation and when compared to the existing two-storey relationships. The rear projection at No 38 is single storey and at its eastern end incorporates two garages, rather than living accommodation.

#### Highway Issues

The proposal will result in the loss of an on-site garage. However, the Highway Authority has stated that the existing single garage on the site is sub-standard in size and as such is probably used for storage purposes rather than parking. Given that the proposal would not result in any change to the existing on-site parking capacity, on the site, no objection is raised. I concur with this view.

#### Other issues

The comments of the Notts Wildlife Trust have been taken into consideration and given the urban context of this site, I consider it would be unreasonable for the Local Authority to insist on a bat survey to be carried out prior to the determination of this application. An informative note has been included within the decision, reminding the applicant to be aware of their legal duty if bats are encountered.

The comments relating to quality of workmanship and potential disturbance during the construction process do not form material planning considerations. The quality of construction work is controlled through the Building Regulations and the level of disturbance caused through domestic development is not usually of a scale significant to influence planning decisions. If significant issues do arise they can be dealt with through Environmental Health legislation.

In conclusion I consider that the proposal complies with the relevant policies of the development plan and that there are no material considerations that warrant determination otherwise.

### **RECOMMENDATION**

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

01

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

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

02

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

Block and site plan #5,

Proposed Plans Revised Scheme #3,

Proposed Elevations #4,

unnumbered side elevation & boundary treatments plan,

all received 31/12/14, 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 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the west elevation of the two-storey element of the development hereby permitted.

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

### **Informatives**

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 gross internal area of new build is less than 100 square metres.

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

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted on the following telephone number: 0300 060 3900).

04

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

In the opinion of the Local Planning Authority, the development hereby permitted accords with the policies listed below and there are no other material issues arising that would otherwise outweigh the provisions of the Development Plan.

Newark and Sherwood Core Strategy DPD (Adopted March 2011)  
Core Policy 9 Sustainable Design

Newark and Sherwood Allocations & Development Management DPD (Adopted July 2013)  
Policy DM5 Design  
Policy DM6 Householder Development

#### BACKGROUND PAPERS

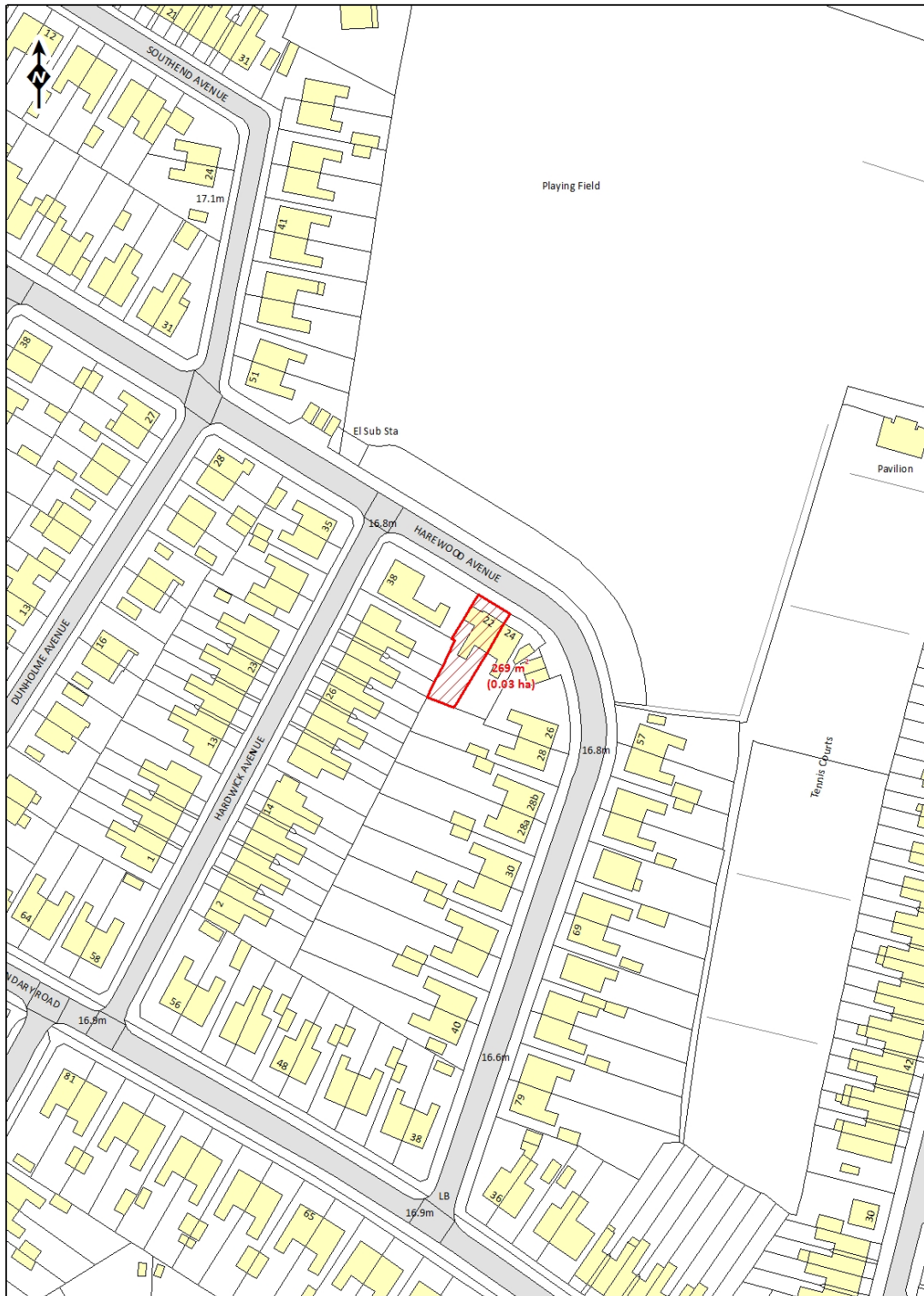
Application case file.

For further information, please contact Richard Exton Ext 5859

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).

**K.H. Cole**  
**Deputy Chief Executive**

Committee Plan - 14/02280/FUL



© Crown Copyright and database right 2014 Ordnance Survey. Licence 100022288. Scale: Not to scale

<b>Application No:</b>	<b>14/01533/RMAM</b>
<b>Proposal:</b>	<b>Approval of reserved matters for Layout, Appearance, Scale, Landscaping, (Access previously determined) in respect of details for residential development comprising of 147 dwellings and associated ancillary works.</b>
<b>Location:</b>	<b>Land At Wellow Road, Ollerton, Nottinghamshire</b>
<b>Applicant:</b>	<b>Ben Bailey Homes (Midlands)</b>
<b>Registered:</b>	<b>29.09.2014 Extension of Time Agreed Until 05.02.2015</b>
	<b>Original Target Date: 29.12.2014</b>

### Introduction

Members will recall that this item was deferred at the last Committee to allow further negotiations to improve:-

- 1) Better disposition of affordable housing across the site;
- 2) Additional screening particularly to pumping station area and adjacent to park homes; and
- 3) To look at Plots 3 and 4 on the south-west corner of the site and to try to achieve bungalows at this location.

This amended report will take each of the above points in turn, explain what amendments have been made and make an assessment of these amendments.

Since the previous Committee meeting, the Highway Authority has submitted further comments on the application stating that the plans considered at the previous Committee showed a narrow grass service margin outside plots 133-134 which they would prefer to see as a 2m wide footway as this would help with maintenance issues. This issue will also be discussed as part of this amended report.

Amended plans have been received and therefore the condition recommended on the previous planning report ensuring that the development is carried out in accordance with the approved plans has been altered to reflect the new plan numbers. For clarity, this has been amended on the original recommendation sheet in bold text.

For the avoidance of doubt the original Committee report has been re-provided below. The late items list from the previous Committee relating to this application is also appended at the end of this report.

### Disposition of Affordable Housing

The proposed affordable housing disposition remains unaltered from that previously considered by Members and the one request with which the applicant has not complied. However, in support of this stance, the applicant has submitted a written justification as to why the affordable housing disposition has not been amended.

The applicant has stated that the affordable units are located in 3 separate areas on the site comprising of 6, 2 and 14 units. Two of the units are located right in the centre of the site (plots 53 and 54) with the remainder of the affordable units located in two groups at each northern corner of the site. The largest parcel is separated by the presence of the main loop road which disperses them into 3 segments. The applicant considers this disposition to be in line with other developments within the District and that it should also be pointed out that the Housing Officer, in her initial consultation response, did not object to the disposition.

The applicant has also pointed out that from a management point of view, affordable housing providers prefer to see manageable parcels of affordable housing whereby the maintenance of the units as the site develops is feasible. The applicant's initial discussions with potential registered providers have not raised any concerns with regard to their location.

The officer recommendation offered to Members for the current disposition of affordable units on the site remains a positive one and would advise that this aspect is unlikely to be defensible as a reason for refusal at appeal. It should be noted that the other two Member requests have been complied with and these are discussed below.

#### Additional Screening

In line with Member comments additional screening is now proposed both around the pumping station and along the western boundary between the residential park home site and this proposed housing site. The reason for both of these requests was to soften views.

Plan 02 Rev D shows the additional screening between the residential park home site and this proposed housing site. This consists of a native shrub mix with trees. The trees selected are Field Maple and Rowan which are small trees which grow to a mature height of 8-10m with open canopies and delicate foliage. These have been carefully selected so that they do not cause significant overshadowing to existing residents of the park home at a later date when fully mature. Holly and Hawthorn are proposed at ground level to provide additional screening.

Separation distances as well as issues of overlooking, massing and overshadowing were previously considered acceptable by officers as detailed in the original report below. For the reasons stated above, it is now considered that the screening has been further improved (there is some existing screening) which will aid in softening the views of the development from the residential park homes.

Plan 04 Rev D shows the additional screening surrounding the pump station. The applicant is limited to the landscaping around the pump station due to the sewer easement and proximity of planting to the wet wells. However, further screening has been proposed consisting of predominantly shrub climbers on the fence surrounding the pump station. It is also worth noting the pumping station is wholly underground, the only above ground element is a small box (that resembles a BT box) that controls the pump itself. To aid the Committee with visualising this, the applicant has sent an in-situ picture from one of their other sites.

It is considered that the proposed screening will help to soften views of the pump station. However, as clarified by the applicant, the majority of the pump station is located underground.

### Bungalows to Plots 3 and 4

The application presented to Planning Committee in January showed a pair of two-storey semi-detached properties to the far south west corner of the site (previously plots 3 and 4). Members requested that they wished for these properties to be replaced with bungalows.

In line with these comments, the applicant has now replaced this pair of semi-detached properties with 1 no. 3-bedroom bungalow. This results in the total number of dwellings at the site being reduced from 148 to 147. The application description has been amended to reflect this.

The newly proposed bungalow is considered to have less of a visual impact on the street scene than the previously proposed semi-detached two-storey dwellings as it is lower in height. Due to its lowered height it is also considered to have less of an impact on the amenity of the occupiers of neighbouring properties.

### Service Margin outside plots 133-134

In line with Highway Authority comments the previously proposed narrow grass service margin outside plots previously numbered 133-134 (now 132-133) has now been altered to a 2 metre wide footway to help with maintenance issues. This is also acceptable from a visual point of view and is in keeping with the footpath on the adjacent side of the road.

### Conclusion

This item was deferred at the last Committee to allow further negotiations to improve:-

- 1) Better disposition of affordable housing across the site;
- 2) Additional screening particularly to pumping station area and adjacent to park homes; and
- 3) To look at Plots 3 and 4 on the south-west corner of the site and to try to achieve bungalows at this location.

Point 1 has not been altered but has been addressed through a written justification. Points 2 and 3 have been amended in line with Member comments. For the reasons stated above, the proposal is considered to be acceptable, and the recommendation from officers remains as one of approval, subject to the conditions set out at the end of this report.

### **Original Report to Planning Committee held on 6 January 2015**

#### The Site

The site comprises an agricultural field measuring approximately 5.80 hectares located to the north of Wellow Road. The site is allocated for residential development providing around 125 dwellings (Policy OB/Ho/1 of the Allocations and Development Management DPD 2013) and has more recently been granted outline planning permission for up to 150 dwellings (planning reference 13/00743/OUTM). The site is roughly rectangular in shape and lies to the southern end of Ollerton. Residential properties are located to the south of the site on the opposite side of Wellow Road in the form of a ribbon development, a community hall and residential park homes adjoin the site to the west and woodland at Ollerton Colliery BioSINC adjoins the site to the north on the former Ollerton Colliery spoil heap. The existing residential property at Copper Beeches and agricultural fields adjoin the site to the south eastern boundary. The site is bounded by

hedgerow to the boundary with Wellow Road. The site is located within the Urban Boundary of Ollerton and Boughton Service Centre. The Open Countryside lies to the north and north-east of the site.

### Relevant Planning History

**14/SCR/00014** Housing development at the site has been considered against The Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The proposed residential development meets the criteria and thresholds of Part (10)(b) of Schedule 2 of the 2011 Town and Country Environmental Impact Regulations insofar as it includes an urban development project on land exceeding 0.5 hectares. Therefore the Local Planning Authority (LPA) has applied the selection criteria set out by Schedule 3 of the Regulations and made reference to the guidance set out in Circular 02/99. Taking all matters into account, it is considered that the proposal is unlikely to have complex or significant environmental affects and thus a formal Environmental Statement is not required in this instance.

**13/00743/OUTM** Outline planning permission was granted in March this year for *“Residential Development of up to 150 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. All items, other than access, are to be reserved.”* Access was determined as part of the outline planning application but layout, appearance, scale and landscaping were not. A Section 106 Legal Agreement was signed as part of the outline planning application securing affordable housing, community facilities, on-site open space and on-site children’s play area, health care facilities and off-site sports contributions.

**14/01760/DISCON** Request for confirmation of discharge of conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 attached to planning permission 13/00743/OUTM. This application is pending consideration. As some of the conditions are tied closely into this Reserved Matters application, the two applications have been considered in conjunction with one another. A number of the conditions are proposed to be discharged as an informative attached to the decision notice for this Reserved Matters application, should permission be granted.

### The Proposal

The proposal is a reserved matters planning application for 148 dwellings and ancillary works. Access has already been determined as part of the outline planning permission. Matters for consideration as part of this current reserved matters application are therefore layout, appearance, scale and landscaping.

The dwellings are all two-storey comprising both detached and semi-detached properties. They are a mix of 1, 2, 3 and 4 bedrooms. 22 affordable units are proposed (in accordance with the percentage secured via the outline consent) and these are located in three different locations, the north-east corner, the north-west corner as well as some towards the centre of the site.

Towards the south-west corner of the site lies an area of public open. This includes a LEAP (Local Equipped Area of Play), open grass and footpaths. A balancing pond / basin is also proposed in this area with a pump station located further north. The applicants have agreed an amendment to the Section 106 legal agreement that was signed as part of the Outline Planning permission in order to provide a commuted sum for additional off-site children’s play space.



With regards to the existing hedgerow that forms the front boundary to the site, the part that lies in front of the public open space is to remain. The remainder is to be removed so that adequate visibility splays can be achieved from the previously approved accesses. However, new replacement hedgerow is proposed along this part of the site frontage, set back behind the visibility splays. A landscaping strip is proposed along the northern boundary, behind the rear boundaries of residential curtilages. This is to restrict access directly from the plots to the adjacent SINC to protect wildlife. A small post and rail fence is also proposed between the footpath to the rear and the remainder of the adjacent SINC to encourage people to remain on the designated footpaths and not wander further into the SINC, again in the interest of wildlife. The existing footpath to the west of the site is to remain.

Two phases of development are proposed. The first phase is the eastern part of the site with the second phase being the western portion of the site.

The site density is 25.5 dwellings per hectare. The scheme has been designed so that the western part of the site is of higher density than the eastern part. This is to provide a visual transition from the open countryside that lies to the east of the site (beyond Copper Beeches) and the built up area.

Other documents submitted in support of this Reserved Matters application include a Flood Risk Assessment, Ecology and Tree Survey, Landscape Management Plan, Transport Assessment, Travel Plan, Archaeological Assessment, Geo-Environmental Site Investigations, Geophysical Survey, Construction Method Statement, Design and Access Statement and Planning Statement.

#### Departure/Public Advertisement Procedure

78 neighbours have been notified directly by letter. A site notice has been posted and an advertisement placed in the local press.

#### Relevant Planning Policies

#### **The Development Plan**

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

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 6	Infrastructure for Growth
Spatial Policy 7	Sustainable Transport
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

##### **Allocations and Development Management Document DPD (adopted July 2013)**

Policy OB/Ho/1	Ollerton & Boughton - Housing Site 1
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

Please Note: All policies listed above can be found in full on the Council's website.

### **Other Material Considerations**

National Planning Policy Framework  
 Planning Practice Guidance  
 Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)  
 Draft Housing Market and Needs Assessment and Accompanying Sub Area Report

### Consultations

**Town Council** - Support the application in principle but make the following observations;- The indicative layout submitted at outline stage was more in keeping with surroundings, the scheme should include bungalows, there is a disparity in the proposed landscaping and screening, traffic issues, surface water issues, developer contributions must be sufficient.

**NSDC Access and Equalities Officer** - It is recommended that the developer be advised to provide inclusive access and facilities for all.

**NSDC Parks and Amenities Manager** - Initially raised concerns regarding the location of the children's playing space, to one corner of the site and located immediately next to a SuDS balancing area which at times may contain water. However, following further information provided by Ben Bailey Homes he is prepared to accept their arguments about the location and nature of the balancing facility.

However, concerns were then raised that the total area of children's playing space is not being provided due to the location of the equipped play area adjacent to the balancing area which means that the normal play space buffer zone surrounding the equipped area is not fully present. There is thus an argument that either the on-site area should be increased or an off-site commuted payment for the shortfall should be made. The applicants have now signed an additional Section 106 legal agreement to pay a commuted sum for off-site children's play space.

**NSDC Environmental Health** - State no comments.

**NSDC Environmental Health (Contamination)** - The on-site soils do not present a potential risk to human health for the proposed use as residential dwellings.

**NSDC Strategic Housing Officer** - Whilst Strategic Housing is disappointed with the reduction of affordable housing contributions set against the Council's policy, based on viability, the proposed location, tenure and design have been agreed and therefore Strategic Housing supports the affordable housing to be provided on site. They would however, recommend that the applicant engages with a Registered provider as soon as possible.

**The Highway Authority** - Following negotiations and the submission of an amended plan, there are now no objections subject to conditions.

**NCC Archaeology** - State no comments.

**NCC Policy** - Provide policy advice.

**NCC Conservation Project Support Officer** - Ask for a library contribution.

**NCC Rights of Way (ROW)** - No objection.

**NCC Flood Risk Manager** - State no comments.

**Highways Agency** - State no comments.

**The Environment Agency** - Their initial response asked the case officer to consider whether or not the proposed drainage scheme was sustainable. They raised some concerns with this as pumped systems require energy to function. They also raised concerns that pumped surface water systems have a risk of pump failure which could lead to localised flooding, although this was considered to be managed within the site.

Following this response, various discussions and a meeting were held between the EA, developer and the LPA.

The EA's comments following these discussions are;- The developer undertook a pump failure scenario and confirmed that although there is some flooding of the system, it is maintained and stored within the site boundary within the internal roads and Public Open Space. Whilst a gravity discharge would be their preferred drainage system (instead of a pumped system) they appreciate that raising levels substantially across the site may result in other planning issues. They note that a sizable above ground attenuation basin with additional permanent wetland 'reed bed' areas has been provided. The basin and wetland areas will improve and protect water quality whilst providing habitat and amenity benefits. They suggest conditions to be attached to the grant of any planning permission.

**Notts. Wildlife Trust** -

#### Timing of Works

Ground clearance works and the removal of vegetation should take place outside of the bird breeding season between March and September, to avoid disturbance or destruction to nests. If this is not possible, a competent ecologist should undertake a careful, detailed check for the potential of nesting birds and for active birds' nests immediately before the work is conducted.

#### Retention of Trees

Within the Ecological Appraisal and Tree Survey, dated 30 May 2013, Section 7 gives detailed recommendations on the retention and management of the on-site and adjacent trees. Consideration should be given to the Root Protection Areas (RPA) of the retained trees, with the installation of heras fencing around root areas to prevent accidental damage.

### Enhancement of SUDS

We welcome the proposed Sustainable Urban Drainage System (SUDS) within the landscape plan. However, there is the opportunity to enhance the proposed SUDS to benefit wildlife. This includes:

- Plant native aquatic species of local provenance (see attachment).
- Consider, instead of one large (drainage) pond, a bigger pond surrounded by smaller ponds, with a complexity of shallower and deeper ponds (this may require more management).
- Vary the (drainage) pond bank and underwater profile. Create an area where water is always present, with other shallower areas. Vary the bank to create hollows and a variety of ecological niches.
- Include underwater logs and stones (half in and half out) to provide niches for invertebrates.
- Allow sufficient access to the SUDS for maintenance.

### Native Planting

We welcome the proposed native hedgerow and hedgerow meadow mix. These species could complement the adjacent Local Wildlife Site (LWS) and would enhance the site for wildlife.

### **Natural England -**

#### Internationally and nationally designated sites – No Objection

The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh AND Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that the LPA should have regard for any potential impacts that a plan or project may have.

The application does not include a Habitats Regulations Assessment. In advising the authority on the requirements relating to Habitats Regulations Assessment (although this was carried out at Outline stage) Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

This application is in close proximity to Birklands and Bilhaugh AND Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. They therefore advise the authority that these SSSIs do not represent a constraint in determining this application.

They refer to their previous response dated 28 November 2013 and consider that the details submitted for the Reserved Matters application with respect to appearance, landscaping, layout and scale are sufficient to mitigate for potential impacts on the SSSIs as a result of the increased residential units.

## Other Advice

The LPA should assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

These remain material considerations in the determination of this planning application and further information should be sought from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

## Protected Species

Use standing advice

## Biodiversity Enhancements

The authority should consider securing measures to enhance the biodiversity of the site from the applicant.

**Nottinghamshire Ramblers** - No objection to this proposal as long as the integrity of Footpaths 5 and 6 is maintained.

**The Coal Authority** - Please include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant.

**Severn Trent** - No objection subject to a condition regarding details of the disposal of surface water and foul sewage have been submitted to and approved by the LPA. However, this condition was attached to the grant of outline planning consent. Severn Trent Water have since confirmed that they now have no objection to the discharge of this condition on the outline planning consent stating "*foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval. Surface water to connect into a Watercourse for which we have no comment.*"

## **Neighbours/Interested Parties:**

26 no. of written representations have been received as well as a letter from Ollerton Village Residents Association. Concerns are summarised below:-

## Principle

There are more suitable sites for housing development within Ollerton, there are existing properties for sale in Ollerton, there is no demand for these houses, building on agricultural land should only be considered if there are no alternative sites.

## Design / Layout / Mix

The design, layout and mix is out of keeping with the surrounding area, out of keeping with the older properties along Wellow Road, density is too high, density towards the western area of the site is too high, do not want 3-storey houses, there are no bungalows proposed, any solar panels

on the properties would be out of keeping with the area and would create glare, the proposed affordable housing units should be evenly distributed throughout the site, materials proposed should be in keeping with the surrounding area, the plans submitted at outline stage were better.

#### Landscaping

Lack of green space, lack of screening, loss of hedgerow to the front of the site, the applicant has vandalised a protected hedgerow and carried out works without consent.

#### Ecology

The proposal will impact on ecology in the area, the wildlife leaflets proposed to be given to new residents to educate them on ecology in the area will not be successful.

#### Highway Safety

Increase in traffic, road safety, concerns over access, occupiers of the new dwellings will be reliant on a private car, parking issues, access for fire engines, paths leading from the development onto the main public footpaths would be an ideal place for people racing back and forth – access to the footpath should be from the site entrance on the main road.

#### Impact on Local Amenities

Impact on local amenities (including doctors, dentists, opticians, schools, police, fire brigade, electricity, internet speeds).

#### Drainage

The proposed drainage may be inadequate, the area is likely to flood, issues with sewage, safety implications regarding a soak away / bund with a play area next to it.

#### Impact on Residential Amenity

Overlooking/loss of privacy to existing properties including properties on Wellow Road and Fairfield Park, overshadowing, light pollution, noise during and after construction, Ollerton is a quiet peaceful village with a lot of elderly people, the land may have a restrictive covenant attached to it.

#### Other Issues

Planning policies have been ignored, neighbours' concerns are being ignored, a recent meeting with the developers showed that they are only interested in making profits and are not concerned about local residents devaluation of properties.

#### **Comments of the Business Manager - Development**

Having regard to the provisions of all relevant planning policies, the nature of the proposed development and the consultation responses received, there are a range of issues which need to be considered in the determination of this application.

## Principle of Development

The principle of development at the site is already established.

Firstly, the site is allocated for housing development under Policy OB/Ho/1 of the Allocations and Development Management Development Plan Document (ADMDPD). This policy states that the site is allocated for residential development providing around 125 dwellings. It sets out a detailed approach for the bringing forward of the site. This approach requires;

- “• *The preparation of a Master Plan setting out the broad location for development on the site and phasing of new development. This should include appropriate design which addresses the site's gateway location and manages the transition into the main built up area. In order to assimilate the development into the surrounding countryside provision should be made, in accordance with the landscape character, for the retention and enhancement of the site's existing landscape screening;*
- *Assessment of the impact on transport infrastructure, including Ollerton roundabout, and the strategic sports infrastructure as part of any planning application(s);*
- *Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;*
- *The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;*
- *The incorporation of buffer landscaping as part of the design and layout of any planning application(s) to minimise the impact of development on the adjoining SINC; and*
- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured through conditions attached to any planning permission, including preservation in situ where required to reflect the high archaeological interest of the site.”*

Secondly, the site has an outline planning permission for residential development of up to 150 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. This was granted in March this year (reference 13/00743/OUTM).

Because of the site allocation and the extant outline planning permission, the principle of residential development at the site is established.

Details of access were granted as part of the outline planning permission and a Section 106 Legal Agreement was signed as part of the outline planning application securing affordable housing, community facilities, on-site open space and on-site children's play area, health care facilities and off-site sports contributions. These details are therefore already approved and cannot be considered as part of this current reserved matters planning application.

However, details of layout, appearance, scale and landscaping have not yet been determined and require careful consideration as part of this current planning application. These are discussed in details below.

## Layout, Appearance and Scale

The layout, appearance and scale of the proposed development are considered to be acceptable.

## Density

Turning first to density, the outline planning permission for the site granted permission for up to 150 dwellings. This represented a density of 26 dwellings per hectare which is slightly below the 30 dwellings per hectare anticipated in Core Policy 3. However, this figure exceeded the figure of around 125 dwellings anticipated in Policy OB/Ho/1. This was considered acceptable as the site included on site public open space, incorporation of public rights of way and accounted for the transition into the open countryside by reducing the density of the development to the eastern end of the site. These features helped to meet the requirements of the allocation policy.

The 148 dwellings proposed as part of this reserved matters planning application is very close to the upper limits granted by the outline planning application and represents a development of 25.5 dwellings per hectare. This is extremely close to the 26 dwellings per hectare that was considered acceptable at the outline stage.

The housing allocation policy (OB/Ho/1) 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'. It is considered that the layout proposed complies with this criterion of the policy. The south-east corner of the site is the part closest to the adjacent open countryside. This area of the site contains public open space which consists of a LEAP, a grassed area, a footpath and a balancing area. The existing hedgerow forming the front boundary is also proposed to remain in this area of the site. The western part of the site is adjacent to the existing built development in the Service Centre of Ollerton and Boughton. This part of the site consists of a higher density of built development with less open space. This is considered to provide a visual transition between the rural and urban area.

## Housing Type and Mix

The predominant house type along Wellow Road comprises two storey dwellinghouses. These are of varying ages and styles. Fairfield Park is a retirement park consisting of single-storey park homes. This is set back from Wellow Road, located to the rear of a public house and community hall.

All dwellings proposed as part of the reserved matters application are two-storey. Following negotiations with the applicant, as detailed below, the scheme now includes a mixture of detached and semi-detached properties of 1, 2, 3 and 4-bedrooms comprising both market and also affordable units. From a visual point of view, the type and mix of dwellings proposed is considered to be broadly in keeping with the surrounding area in accordance with policies CP3, CP9 and DM5.

Both the Town Council as well as a number of nearby residents have raised concerns that the scheme does not include any bungalows. Following these concerns, the planning officer liaised with the Council's Strategic Housing Officer. The Council's draft Housing Market and Needs Assessment identifies what housing type and size is most needed in the Sherwood Sub Area, which Ollerton is a part of. With regards to housing type bungalows were most in demand followed by detached then semi-detached houses. With regards to size, two-bedroom properties were most in demand followed by three-bedroom properties. The original scheme contained no bungalows nor did it contain any two-bedroom market properties. The only two-bedroom properties were the affordable units with all of the market housing being three or four bedrooms. The applicants were made aware of these concerns and were asked to consider amending the scheme.



In line with the above concerns, the scheme was amended to include some two-bedroom market houses. However, the amended scheme does not include any bungalows. The applicants have, however, submitted a written justification as to why bungalows have not been proposed. For the avoidance of doubt the mix and number of units promoted is as follows:

No of Beds	No of Units	%
1	6	4.05
2	18	12.16
3	49	33.11
4	75	50.68

The applicants state that had the authority wished to impose a specific emphasis upon the housing mix, that this should have been subject of a specific condition at outline stage. This is because this would have a direct bearing upon the value of the site and also the market attraction of the resultant dwellings. I attach very little weight to this argument as it is clear to any applicant that it is the reserved matters process that details with the number and type of units.

Notwithstanding this I do have some sympathy with the applicant's case that the mix that is put forward within the proposed layout has arisen as a consequence of a detailed market assessment undertaken on behalf of the company by TW Land Co, a specialist property market company. It has identified the anticipated catchment area, the market gap and the associated pricing. They state that experience elsewhere has shown the historic difficulties often encountered in trying to sell bungalows as those that may aspire for such dwelling are frequently unable to find the disproportionately higher price that such a dwelling type commands ahead of a commensurate house of the same floorspace.

The applicants also state that they do not consider bungalows are required to lessen the potential impact on the amenity of the occupiers of existing neighbouring properties in terms of massing / overshadowing or overlooking. I agree with this statement and this will be discussed in further detail later in this report.

I have taken the above information into account as well as the fact that the applicant has amended the scheme to include two-bedroom market houses. Moreover, it is important to note that the draft Housing Market Needs Assessment is still in its draft stage and has not formally been adopted by the Council. It therefore carries some but not full weight in the decision making process. Given this, and the applicants own market research, together with the knowledge that they will be selling to the market I do not consider that the lack of bungalow provision in itself would justify a reason for refusal. The scheme taken as a whole provides an appropriate and balanced mix of units.

The number of affordable housing units proposed is in line with the Section 106 legal agreement signed as part of the outline planning permission which secured 15% affordables. The affordable housing units are spread throughout the site in three separate locations; the north-east corner, the north-west corner as well as the centre. This integration of the affordable housing units within the scheme is considered acceptable.

## Design Details

Following amendments, the detailed design of the proposal is considered to be acceptable. The majority of properties front on to roadways, providing animated street scenes. Properties located on corner plots are double-frontage properties with side elevations containing main aspect windows, again providing interest to the street.

The elevations of the properties themselves contain a number of design details including string courses, corbelled eave details, window headers and cills of varying designs and canopies. Window and door details are in proportion to the properties which they serve.

Plot frontages have been broken up by the use of soft landscaping areas so that frontages are not dominated by block paving. From a visual point of view, the majority of parking spaces relate well to the property that they serve.

Properties are set back from Wellow Road to allow for further landscaping / screening to the front of the site. Landscaping is discussed in further detail later in this report.

As such the proposal is considered to comply with policies CP9 and DM5.

## **Phasing**

It is proposed to develop the site in two phases. The eastern part of the site is the first phase with the western part of the site being the second phase. Concerns with this approach were originally raised by the case officer on the basis that if building were to temporarily cease after phase 1 was completed, it would leave a large vacant space between the existing development and the new. The applicants responded by explaining that the balancing pond is positioned at the eastern end of the site which is lower than the western end. This minimises raising levels and subsequent abnormal foundations. This drainage solution is the most practical given the site is un-suitable for soakaways and it is essential to make the site viable as they are unable to connect into the combined sewer in Wellow Road (this is discussed in further detail in the drainage section of this report). Also the balancing area requires implementation at the outset as all surface water drains via this. It is therefore not practicable to start at the western side of the site as this will require a substantial amount of infrastructure to link to the lagoon/pump station at the opposite end of the site. Given this justification, I consider that the phasing proposed is acceptable. I equally have no reason to doubt that the latter phase will not come forward, particularly given that this will deliver a slightly higher density scheme for market.

## **Amenity**

A set back from the southern boundary with Wellow Road in addition to the intervening highway ensures an acceptable relationship with existing dwellings on the opposite side of Wellow Road. The shortest distance between an existing property on Wellow Road and a proposed new property is approx. 18 metres. This is considered to be a sufficient distance so as to not cause unacceptable issues of massing / overshadowing or overlooking, particularly taking onto account the intervening road and orientation of dwellings.

Adjacent to the south west corner of the site lies a community hall. Separation distances as well as existing high level planting along this part of the site boundary ensures that there is no overlooking or massing / overshadowing onto this property.

To the north west of the site lies a retirement park home. Properties on this park are single storey static caravans. Concerns have been raised by a number of residents regarding the impact of the two-storey dwellings in close proximity to the single-storey static caravans and the impact that these will have in terms of massing / overshadowing and overlooking. After careful assessment, it is considered that this relationship is acceptable. The shortest separation distance between one of the park homes and the nearest two-storey element of a new dwelling is approx. 19 metres, which, on balance, is considered sufficient. Furthermore, proposed properties are orientated at an angle to the park homes, further reducing any perceived direct overlooking. There is also a public footpath and some, albeit limited, screening between the existing and proposed properties. Following concerns raised by residents, the developer has proposed to implement further landscaping along this boundary.

There is a residential property adjacent to the south west corner of the site. This is in close proximity to the public open space and balancing area and is not immediately close to new dwellings. There is therefore no significant impact on this property in terms of massing / overshadowing or overlooking.

There are no residential properties to the north of the site.

Issues of massing / overshadowing and overlooking between proposed properties within the site also require consideration. Following concerns raised by the planning officer regarding separation distances and overlooking one dwelling has been removed from the scheme. Separation distances between proposed dwellings are now considered sufficient so as to not cause unacceptable overlooking or massing / overshadowing issues.

Neighbours have raised concerns regarding noise issues both during and after construction. A condition was put on the outline planning permission restricting hours of work so as to prevent any noise in the evenings and on Sundays and Bank Holidays. Noise during working hours is also controlled by measures outlined in the construction method statement including all plant used on site to be fitted with manufacturer's recommended noise reduction equipment. Whilst a new housing development once built will inevitably cause activity, I see no reason as to why this would be any noisier than any other residential area. I do not consider that noise after construction would cause a nuisance.

For the above reasons, I consider that the objectives of Policy DM5 are achieved.

### **Landscaping and Ecology**

As part of the application both an Ecology and Tree Survey and a Landscape Management Plan have been submitted. A Habitats Regulation Assessment was considered as part of the outline planning application.

Both Natural England (NE) and Notts Wildlife Trust (NWT) have been consulted on the application and neither have raised objections, although NWT have suggested that the balancing area could be improved to enhance ecology and have provided detailed comments regarding native planting.

### **Potential Special Protection Area**

NWT have drawn attention to the fact that in the context of the Public Inquiry into Veolia's application for planning permission for an Energy Recovery Facility at Rufford, an issue has arisen

as to whether the substantial population of Nightjar and Woodlark in the Sherwood Forest area justify its classification as an Special Protection Area ('SPA') under the EU Birds Directive, or at least its identification as a potential SPA ('pSPA'). If Sherwood is to be treated as a pSPA, then it is Government policy that the potential site should be treated as if it had already been classified. This would have the result, in the case of applications in the vicinity of the pSPA, including but not limited to Veolia's application, that the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc) Regulations 1994) would have to be applied.

In the case of the proposed Rufford ERF, the Inspector and Secretary of State have agreed that the principal criterion for SPA designation (that of population size in a national context) has been met, and that it is appropriate to treat the area as if it were a pSPA, until such time as JNCC publish the results of the current SPA review. Thus it is NWT's view that the Sherwood area is at least a pSPA, and they are therefore bound to advise any LPA to that effect. There is a 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which the Trust believe the possible adverse effects of any development should be properly considered. This application is situated within that area.

I am mindful that any site which is used by Annex 1 birds is protected under the Directive, whether or not it is inside or outside a protected area. The LPA must endeavour to "prevent pollution or deterioration of habitats" used by Annex 1 birds. Increasing the likelihood of birds being disturbed and/or predated therefore falls into this area of law.

Natural England noted that the proposed development is located in the Sherwood Forest area close to Ollerton Colliery SINC, which forms part of the pSPA and therefore it is appropriate to consider the potential effects of the proposed development on this important bird area and other identified habitats in the vicinity of the site.

Based on the evidence presented during the outline planning application, Ollerton Colliery SINC is not considered to support breeding nightjar and woodlark at the moment, however I note that Natural England acknowledged it may offer suitable habitat for nightjar and woodlark in the future and it is not possible to definitely say whether or not it would form part of a possible future designated site.

Development on this site at outline stage was considered acceptable for a number of reasons and the reasons are the same for this reserved matters application. These included that provision of adequate alternative greenspace is provided on site as well as a contribution to off-site facilities in the area.

Sympathetic design features are proposed to keep the development as far away as possible from the areas important for woodlark and nightjar. This includes the retention of existing footpaths as well as a landscape buffer to the northern boundary. This has been designed to restrict public access and cat access to the areas important for woodlark and nightjar. A hedgerow is proposed to the rear of residential boundaries along the northern boundary of the site. Having spoken to the Parks and Amenities Manager, this is likely to be maintained by the Local Authority or a Management Company but not by individual occupiers. This hedge is to stop residents erecting a direct gateway from their rear gardens onto the SINC to the rear and also to try and discourage cats from using the area to the rear. A small post and rail fence is also proposed to keep people to the public footpath and try to stop them wandering further into the SINC. Whilst such measures do not provide guaranteed certainty of full effectiveness to cover every eventuality there is some

merit in adding such measures to a mitigation package for biodiversity not associated with designated sites. A condition was included on the outline planning application for the provision of information to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Details of this leaflet have now been submitted and are considered to be acceptable by both NE and NWT.

In my opinion the proposals will not result in a direct unacceptable impact on the pSPA and any impact would be indirect from recreational pressure. I consider that on balance the mitigation measures set out above will mean that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

#### Internationally and Nationally Designated Sites

With regards to internationally and nationally designated sites, NE has raised no objection to the proposal. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs). NE has advised that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

This application is in close proximity to Birklands and Bilhaugh and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. NE therefore advises that these SSSIs do not represent a constraint in determining this application.

#### Protected Species

An ecological survey has been submitted as part of this reserved matters application which concludes that no evidence of protected species or habitats that may support significant populations of protected species was identified on the site itself. Using NE standing advice and taking into account advice from NWT on both the previous outline application and this application, I see no reason to disagree with this.

A condition was attached to the outline planning consent requiring the addition of bat boxes and bird nest boxes on site, in order to enhance habitats at the site. The applicants have submitted details of these and this is being finalised with NWT through the discharge of condition application.

#### Nesting Birds

A condition was attached to the outline planning permission ensuring that ground clearance works and the removal of vegetation should take place outside of the bird breeding season between March and September, to avoid disturbance or destruction to nests. If this is not possible, a competent ecologist should undertake a careful, detailed check for the potential of nesting birds and for active birds' nests immediately before the work is conducted. All conditions on the outline planning permission will still remain and will be required to be complied with.

### Existing Trees and New Planting

The submitted Tree Survey gives detailed recommendations on the retention and management of the on-site and adjacent trees. A condition should be attached to the grant of any planning permission ensuring that any retained trees are protected during the construction phase.

With regards to the existing hedge at the front of the site, policy OB/H0/1 of the ADMDPD states that:-

*“in order to assimilate the development into the surrounding countryside provision should be made ... for the retention and enhancement of the site’s existing landscape screening.”*

There is a mature hedgerow to the front of the site. The accesses to the site have already been approved and large areas of the hedgerow do have to be removed to achieve the required visibility splays. However, the hedgerow to the front of the public open space, which is located away from the existing accesses, is to remain. Where the hedgerow is to be removed, new hedgerow is proposed to the rear of the visibility splays. This hedgerow will either be managed by the Local Authority or a management company and not by individual occupiers. As such, the hedgerow will be managed in a consistent manner.

The buffer along the northern boundary of the site has already been assessed earlier in this report.

New planting is proposed within the site and to the site boundaries which incorporate some native species. This should enhance the site for wildlife.

### Ecology and Drainage Area

NWT welcomes the proposed Sustainable Urban Drainage System (SUDS) within the landscape plan. However, I consider that there is the opportunity to enhance the proposed SUDS to benefit wildlife. A number of measures have been suggested including, the creation of a larger pond surrounded by smaller ponds, varying the drainage pond bank and underwater profile, plant native aquatic species, include underwater logs and stones and allow sufficient access to SUDS for maintenance.

The applicant has incorporated some of these measures into the drainage basin including reed beds. The applicants have explained that for the majority of the year the balancing area will not contain any water at all.

### Public Open Space

An area of public open space is proposed to the south east corner of the site. This includes a LEAP, grass area, footpaths and a balancing area for drainage as well as some planting. The Parks and Amenities Manager initially raised concerns regarding the location of the children’s playing space, to one corner of the site and located immediately next to a SuDS balancing area which at times may contain deep water. In response to this concern, the applicant submitted further information regarding the location of the play space and the need for the balancing area. The location of the play space was in response to policy OB/H0/1 requiring a rural to urban visual transition. The need for a balancing area is because the applicants consider that this would be the only successful method of draining the site. This is discussed in further detail in the drainage section of this report. More significantly, from a Public Open Space point of view, the applicants explained how for the

vast majority of the year the basin will be dry with a dry weather channel. During the 1 in 1 year storm event it is designed to contain just 200mm of water, during the 1 in 30 year storm event it is designed to hold 700mm of water and during the 1 in 100 year (+30% climate change) it is designed to hold 920mm of water. Furthermore, the balancing area would be fenced off from the children's play area. The Parks and Amenities Manager has accepted these arguments about the location and nature of the balancing facility.

However, he still raised concerns that the total area of children's playing space is not being provided due to the location of the equipped play area adjacent to the balancing area which means that the normal play space buffer zone surrounding the equipped area is not fully present. There is thus an argument that either the on-site area should be increased or an off-site commuted payment for the shortfall should be made.

Again, the applicants were made aware of these comments and have now signed a Section 106 legal agreement to pay a commuted sum for off-site children's play space.

As part of the legal agreement connected to the outline planning consent, it has already been agreed that the LPA will maintain the POS on site.

For the reasons stated above, it is considered that the proposal complies with CP12 and DM7.

### **Highway Issues**

Access points to the site have already been permitted through the granting of outline planning consent. However, the internal highway layout, car parking layout and the impact of the proposal on the existing public footpaths all require assessing.

Policy OB/Ho/1 requires that the proposal includes an assessment of the impact on transport infrastructure, including the Ollerton roundabout. Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

The Highways Agency has stated that they have no comments to make on this application. The Highway Authority initially raised some concerns with the scheme including the width of some of the private driveways, space behind parking areas and details of bin collection points. No objections were raised with the level of off-street parking spaces proposed. Following negotiations and minor alterations to the scheme, all of the concerns raised by the Highway Authority have now been addressed and no objection is raised to the application by NCC colleagues subject to conditions set out at the end of this report.

The NCC ROW officer has also raised no objections to the proposal following some clarification from the applications that the existing public rights of way within the site will not be affected by the development.

Following concerns raised by residents, one of the proposed internal footpath links has been removed from the site altogether. One internal footpath link remains but this has adequate natural surveillance from nearby houses, in terms of being designed to minimise crime and anti-social behaviour.

Policy OB/Ho/1 states that development on this site will be subject to an assessment of the impact on transport infrastructure, including Ollerton roundabout. The submitted Transport Assessment has assessed the impact of the proposal on all major nearby off-site junctions. It concludes that the development should not materially affect the operation of the local highway network. Both the Highway Authority and the Highways Agency have assessed the application and have raised no concerns in this respect.

One of the conditions attached to the outline planning consent was for the location of new bus stops along Wellow Road to be agreed and implemented. This has now been agreed by Nottinghamshire County Council and will encourage sustainable modes of transport to potential occupiers of the site.

For the reasons stated above, the proposal is considered to comply with SP7 and OB/Ho/1.

Neighbours have raised concerns regarding light pollution and have enquired as to what street lighting will be used. Precise details of street lighting formed part of a condition on the outline planning consent, and indeed via any adoption agreement with the Highways Authority. Such details have not yet been finalised.

### **Drainage**

In order to meet the requirements of Policy OB/Ho/1 Ollerton & Boughton - Housing Site 1, the application also needs to address the following:

- The positive management of surface water through the design and layout of the development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.
- 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. Core Policy 9 states that, where feasible, new development should use Sustainable Drainage Systems.

Turning first to foul sewage, S106 of the Water Industry Act 1991 enables a developer to require a connection to public sewers, notwithstanding any capacity issues. It is incumbent on the provider to ensure that the public mains sewerage system is able to accommodate the additional demand including additional demand in periods of heavy rainfall from surface water run-off which are not dealt with otherwise by, for example soakaways. As part of the discharge of condition application for the outline planning permission Severn Trent Water have confirmed that they have no objection to drainage at the site stating “foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval.”

The issue of surface water run off at the site has been the subject of detailed discussions and meetings with the both the developer and the Environment Agency. (Both Severn Trent and the



NCC Flood Risk Manager have raised no objections to drainage at the site.) Surface water runoff generated at the development site will be managed via a system of surface water gravity drains, which will route runoff to inlet structures at an attenuation pond / basin located at the lowest area of the site (the South East of the site). The proposed site storage attenuation pond will attenuate surface runoff from the residential development. The off-site drainage from the attenuation pond will ultimately be provided by an engineered pump system, which under proposals will pump water from the attenuation pond into the drainage ditch running parallel to the northern boundary of the site. The supporting Flood Risk Assessment states that the existing off site drainage system has sufficient capacity to accommodate the site discharge and the adjacent land reforming runoff.

The EA initially raised concerns with the surface water drainage proposed. They stated that they do not consider pumped surface water systems to be sustainable. This is because they rely on electricity to function. The EA also raised concerns that pump systems do have a likelihood of failure (for example when there is a power cut). This is likely to result in localised flooding.

As such, the EA requested that the developers demonstrate that there are no other technically feasible options to drain surface water from the site via gravity, rather than using a surface water pump. They also asked for a demonstration of the impacts of a pump failure and resulting flooding to the site.

The developer has provided a written demonstration that there are no other technically feasible options to drain surface water from the site. These were discussed in detail at a meeting between the developers, the LPA and the EA. The EA also studied the site and came up with some possible solutions of their own which they also asked the developers to look into. Both the Planning Officers and the EA are satisfied that there are no other technically feasible options to drain surface water from the site.

Other options explored included:-

Infiltration - This option has been discounted due to the infiltration testing undertaken at the site, which confirmed the underlying soils were unsuitable for soakage type systems.

Consideration to additional SUDs features or locating ponds in other areas of the site where a pumped system would not be required – All of these options involved crossing third party land, which the developers do not have consent to do but more significantly involved raising levels at the site by up to 5 metres. The case officer raised major concerns with the raising of the site by such levels for a number of reasons including, the impact on neighbouring amenity, visual amenity and noise and disturbance during construction. Raising of ground levels is also an unsustainable method to achieve a sustainable drainage system.

Gravity outfall to sewer - Consideration has also been given to connecting to the public sewer network. However, this is not feasible due to the levels of the existing network; they are not suitable to achieve the correct design gradients. This option has been discounted because it is neither feasible nor sustainable. The EA were not overly happy with the principle of surface water running into the public sewer in any case.

The EA did, however, ask the developers to tweak the proposed pond by including some areas of different level ponds (rather than one large pond of the same level) and also by including some

planting. This is also broadly in line with NWT comments and does mean that the drainage incorporates some sustainable elements.

Core Policy 9 states that where feasible proposals should use Sustainable Drainage Systems. In this case, I consider parts of the drainage method to be sustainable. However, more significantly, I am satisfied that there are no feasible alternative methods to drain the site via gravity, rather than using a surface water pump. As such I do not consider the proposal to be contrary to Core Policy 9.

The developers were also asked to demonstrate the extent of flooding in the case of a flood failure. The areas shown as flooding were contained to the on-site public open space and the internal highways only. No flooding was shown outside of the site boundary or to properties or gardens inside the site boundary. The flood levels were shown for a period of 3 days following a pump failure. There is a letter from Severn Trent Water confirming that they will maintain the pump system. There is therefore an ongoing intervention mechanism in place to manage any pump failure. It is considered reasonable that in the event of a pump failure, Severn Trent would be able to attend the pump within 3 days and therefore the flood levels shown were worst case scenario.

Taking into account the limited extent of flooding (contained within the site only and not affecting individual properties or curtilages), the fact that there are no other technically feasible drainage methods, the fact that parts of the drainage system are sustainable, the fact that the site already has a planning consent and the fact that there are now no objections from the EA, Severn Trent or NCC Flood Risk, I am satisfied with the method of drainage proposed.

### **Archaeology**

Issues or archaeology were dealt with at the outline planning application stage. A condition was attached to the grant of outline planning permission requiring the submission of a scheme for archaeological mitigation. This has been submitted as part of the discharge of condition application and the Archaeology Officer has raised no objection.

### **Land Contamination**

Issues or land contamination were dealt with at the outline planning application stage. A condition was attached to the grant of outline planning permission requiring the submission contamination survey. This has been submitted as part of the discharge of condition application and the EHO has raised no objection.

### **Coal Mining**

The Coal Authority has raised no objections to the proposal but has asked that their standing advice be included as an informative on the decision notice.

### **Written Representations**

The majority of issues raised are considered in the appraisal above.

Concerns have been raised regarding the fact that there may be restrictive covenant at the site. This is a legal issue that is separate from the planning system. Planning permission does not

override any legal issues associated with the site and this advice can be included as an informative on the decision notice.

Concerns have also been raised that new properties may erect solar panels on their roofs which could cause glare. However, I see no reason as to why standard solar panels that are found on a number of properties throughout the district would cause unacceptable issues of glare.

Concerns have been raised regarding the impact of the proposal on local amenities. A section 106 agreement was signed as part of the outline planning consent securing contributions to some local facilities including health care facilities contributions.

Devaluation of properties is not a material planning consideration.

### **Developer Contributions**

These were dealt with at the outline planning stage and secured by a Section 106 Legal Agreement. I note that NCC have asked for a library contribution but this should have been requested at the outline planning application stage and cannot be sought as part of the determination of this application.

### **CIL**

The site is situated within the Ollerton Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

### **RECOMMENDATION**

**That planning permission is granted subject to the following conditions:**

#### Conditions

01

The development hereby permitted shall begin no later than two years from the date of this decision notice.

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

02

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

Site Location Plan

**Amended planning layout, drawing no. 101 Rev K, received 21/01/15**

Amended landscaping layouts, drawing nos. L535/01 Rev C, L535/03 Rev B received 27/11/14, drawing no. L535/05 Rev D, received 16/12/14 and **drawing nos. L535/02 Rev D, L535/04 Rev D, L535/06 Rev E, L535/07 Rev E, L535/08 Rev E, L535/09 Rev E, L535/10 Rev E, received 20/01/15**

Phasing plan, drawing no. WELL PP01, showing phasing only

House type floor plans and elevations, received 01/09/14 except for Kilmington, Hartlebury and Hartlebury alt elevations (superseded by amended plans received 12/12/14).

Coleford semi elevations and floor plans, received 21/11/14

**Bishopton elevations and floor plans, received 16/01/15**

unless otherwise agree 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.

Bricks

Roofing tiles

Reason: In the interests of visual amenity.

04

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants 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 existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and nature conservation.

05

No development shall be commenced until the trees and hedges shown to be retained in the submitted arboricultural survey and shown on drawing no. **BB.212314.101 Rev K** have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at the outer extremity of the root protection area or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crown spread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

06

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 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 the interest of residential amenity.

07

The existing hedge along the southern boundary shown to be retained on drawing no. L5235/05 Rev D shall be retained at a minimum height of 1 metre for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs 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 replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of visual amenity

08

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.

09

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

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

010

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drive and any parking or turning area 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).

011

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway / parking / turning area is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area to the public highway. 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.

012

Notwithstanding the provisions of Condition 4 above, the additional hedgerow planting to the front southern boundary, as shown on **plan 101 Rev K, L5235/06 Rev E, L5235/07 Rev E, L5235/08 Rev E** shall be retained for the lifetime of the development. Any trees/shrubs within the hedgerow which, at any time, 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.

Reason: In the interests of visual amenity and landscape character to ensure that appropriate screening is maintained.

013

With regards to the proposed drainage scheme;-

- The surface water discharge rate must be limited to no greater than 8.5l/s.
- Finished floor levels are set a minimum 130mm above the local surface water drainage level in a 1% plus climate change pluvial storm pump failure scenario.
- All the surface water generated up to a 1% plus climate change pluvial storm must be stored on site.
- All surface water must be treated by the surface water pond before discharging from the site.

The pond should allow for some infiltration to enable cleaning of first flush.

Reason: To ensure satisfactory drainage at the site.

### **Informatives**

01

The grant of planning permission does not override any legal issues that there may be at the site, including any restrictive covenants.

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.

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 application is accompanied by a Section 106 Planning Obligation to provide a financial contribution towards the provision of open space off-site. This decision should therefore be read in conjunction with that agreement.

05

A letter regarding the discharge of conditions for the outline planning consent 13 /00743/OUTM is attached below.

**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 no later than two years from the date of approval of the last of the reserved matters to be approved.**

This decision notice constitutes the reserved matters approval. The development hereby permitted shall begin not later than two years from the date of this decision notice.

**02 Details submitted pursuant to the first application for approval of reserved matters consent shall include a phasing plan for the development. Once approved in writing by the local planning authority, the development shall be phased in accordance with the approved phasing plan unless changes to the phasing plan are prior agreed in writing with the local planning authority. The relevant phase of development shall be completed in accordance with the details approved under the relevant conditions of this planning consent.**

I can confirm that the following details are acceptable;-

Drawing No. WELL-PP-01, Phasing Plan, submitted as part of the reserved matters application 14/01533/RMAM.

This plan is acceptable in that it shows the phasing only. Other details shown on this plan (such as layout) have since been amended and are not approved.

Subject to the strict compliance with the above details, condition 2 of planning permission 13/00743/OUTM is discharged.

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

I can confirm that the following details are acceptable;-

Site Location Plan

Amended planning layout, drawing no. 101 Rev I, received 12/12/14

Amended landscaping layouts, drawing nos. L535/01 Rev C, L535/03 Rev B, L535/04 Rev B, L535/06 Rev B, L535/07 Rev B, L535/08 Rev B received 27/11/14 and drawing nos. L5235/02 Rev C, L5235/05 Rev D, received 16/12/14

Phasing plan, drawing no. WELL PP01, showing phasing only

House type floor plans and elevations, received 01/09/14 except for Kilmington, Hartlebury and Hartlebury alt elevations (superseded by amended plans received 12/12/14).

Coleford semi elevations and floor plans, received 21/11/14

Subject to the strict compliance with the above details, condition 3 of planning permission 13/00743/OUTM is discharged.

**04 Any details submitted in relation to reserved matters for landscaping 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 and shall include details of a management plan.**

I can confirm that the following details are acceptable;-

Amended landscaping layouts, drawing nos. L535/01 Rev C, L535/03 Rev B, L535/04 Rev B, L535/06 Rev B, L535/07 Rev B, L535/08 Rev B received 27/11/14 and drawing nos. L5235/02 Rev C, L5235/05 Rev D, received 16/12/14, Plant Schedule L5235/09 Rev D, received 16/12/14

Subject to the strict compliance with these details, condition 4 of planning permission 13/00743/OUTM is discharged

**05 The development hereby permitted authorises the erection of no more than 150 dwellings.**



The reserved matters approval, 14/01533/RMAM complies with this.

**06 No phase of the development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) in that phase 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.**

The submitted plan 14/615/6973 Rev C does not show the revised layout. Furthermore, the plan only shows proposed floor levels. Both existing and proposed ground levels are also required. Please could you submitted an amended plan to address this. As such, condition 6 of planning permission 13/00743/OUTM cannot, as yet, be discharged.

**07 No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme for the provision of mains foul sewage infrastructure for the phase of development in which the building is located have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme for the phase in which the dwelling is located.**

I can confirm that the following details are acceptable;-

Engineering layout 14/615/6973, S104 plan 14/615/6979, foul water pumping station details 14/615/6992 and 14/615/6994

Subject to the strict compliance with these details, condition 7 of planning permission 13/00743/OUTM is discharged

**08 No phase of the 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;**
- **Appropriate percolation test results that have been undertaken in accordance with BRE 365;**
- **Responsibility for the future maintenance of drainage features.**
- **A timescale for implementation of the scheme.**

The submitted information will require amending in line with the advice from the EA contained in condition 13, in relation to the amended drainage scheme. As such, condition 8 of planning permission 13/00743/OUTM cannot, as yet, be discharged.

**09 The surface water drainage scheme must ensure that all finished floor levels are set at least 300mm above the local surface water drainage system level or 300mm above the maximum surface water flood level, or 150mm above adjacent ground levels, whichever is greater.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

This is tied into condition 6 and as such, cannot as yet, be discharged.

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

#### **Part A: Site Characterisation**

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

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

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

#### **Part B: Submission of Remediation Scheme**

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

#### **Part C: Implementation of Approved Remediation Scheme**

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

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

#### **Part D: Reporting of Unexpected Contamination**

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

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

I can confirm that the following details are acceptable;-

Phase 1 and 2 Geotechnical and Geo-Environmental Site Investigation prepared by Eastwood and Partners, April 2014.

Subject to the strict compliance with the approved details, condition 10 of planning permission 13/00743/OUTM is discharged.

**011 No phase of the development hereby approved shall commence until the required access(es) for that phase, as firstly agreed in writing by the LPA onto Wellow Road are provided with visibility splays of 4.5m x 90m, as shown on site layout dwg no. 09/1776/02 Rev B, and all land within the visibility splays shall be dedicated to the Highway Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.**

This condition should be noted and complied with.

**012 The formal written approval of the Local Planning Authority is required prior to commencement of development in any phase with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage in that phase. All details shall be implemented as approved.**

Further details are still required in relation to this condition including details of gradients, surfacing, street lighting and structures. As such, condition 12 of planning permission 13/00743/OUTM cannot, as yet, be discharged.

**013 No part of the development hereby permitted shall be occupied until a full residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel**

**Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.**

The applicant has already been made aware that the Highway Authority has raised concerns with the submitted Travel Plan in an email dated 27/11/14. These concerns require addressing prior to this condition being discharged.

**014 No part of the development hereby permitted shall be occupied unless or until a scheme for 4 bus stops (2 each side of Wellow Road) has been provided to the satisfaction of the Local Planning Authority.**

I can confirm that the following details are acceptable;-

Plan showing location of bus stops shown by blue stars on plan received by LPA 27/11/14

Subject to the strict compliance with the above details, condition 14 of planning permission 13/00743/OUTM is discharged.

**015 Prior to the commencement of the development in any phase, an Arboricultural Method Statement in respect of that phase including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerow to the south western/front boundary other than that required to be removed to facilitate provision of the visibility splay to serve the vehicular access points unless otherwise agreed at reserved matters stage. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development in the phase to which it relates. The development of any phase shall then be carried out in accordance with the approved details for that particular phase. Any trees, hedging, or boundary planting I 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.**

I can confirm that the following details are acceptable;-

Arboricultural Statement, received 01/09/14

Subject to the strict compliance with the above details, condition 15 of planning permission 13/00743/OUTM is discharged.

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

The applicant has already been made aware that NWT require further details regarding this Discharge of Condition. This information is required prior to this condition being discharged.

**017 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.**

This condition should be noted and complied with.

**018 Before the development is commenced in any phase details of a scheme for archaeological mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the relevant phase shall be implemented in full accordance with the approved details.**

I can confirm that the following details are acceptable;-

Archaeological Evaluation Report prepared by Pre-Consult Archaeological Services Ltd, July 2014  
Geophysical Survey prepared by Archaeological Project Services, September 2013

Subject to the strict compliance with the above details, condition 18 of planning permission 13/00743/OUTM is discharged.

**019 No development shall be commenced in any phase until a Construction Method Statement in respect of that phase 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**

As previously advised, the submitted Construction Method Statement requires amending to include the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate and also to confirm that there will be no loading / unloading of machinery taking place on the public highway.

**020 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.**

This condition should be noted and complied with.

**021 Details submitted pursuant to the first application for approval of reserved matters consent shall include a draft information leaflet to be distributed to all new residents within the**

**development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority in consultation with the Nottinghamshire Wildlife Trust, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion.**

I can confirm that the following details are acceptable;-

Amended leaflet, received 17/11/14

Subject to the strict compliance with the above details, condition 21 of planning permission 13/00743/OUTM is discharged.

**022 Details submitted pursuant to the first application for approval of reserved matters consent shall include details of a soft landscaped buffer to the north eastern/ rear boundary of the site. The soft landscaped buffer shall have a minimum depth of 3.0m unless otherwise agreed at reserved matters stage.**

I can confirm that the following details are acceptable;-

Landscape Layout – North Boundary PRow 35235/01 Rev C

Subject to the strict compliance with the above details, condition 22 of planning permission 13/00743/OUTM is discharged.

#### Background Papers

Application case file.

For further information, please contact Claire Turton on 01636 655893

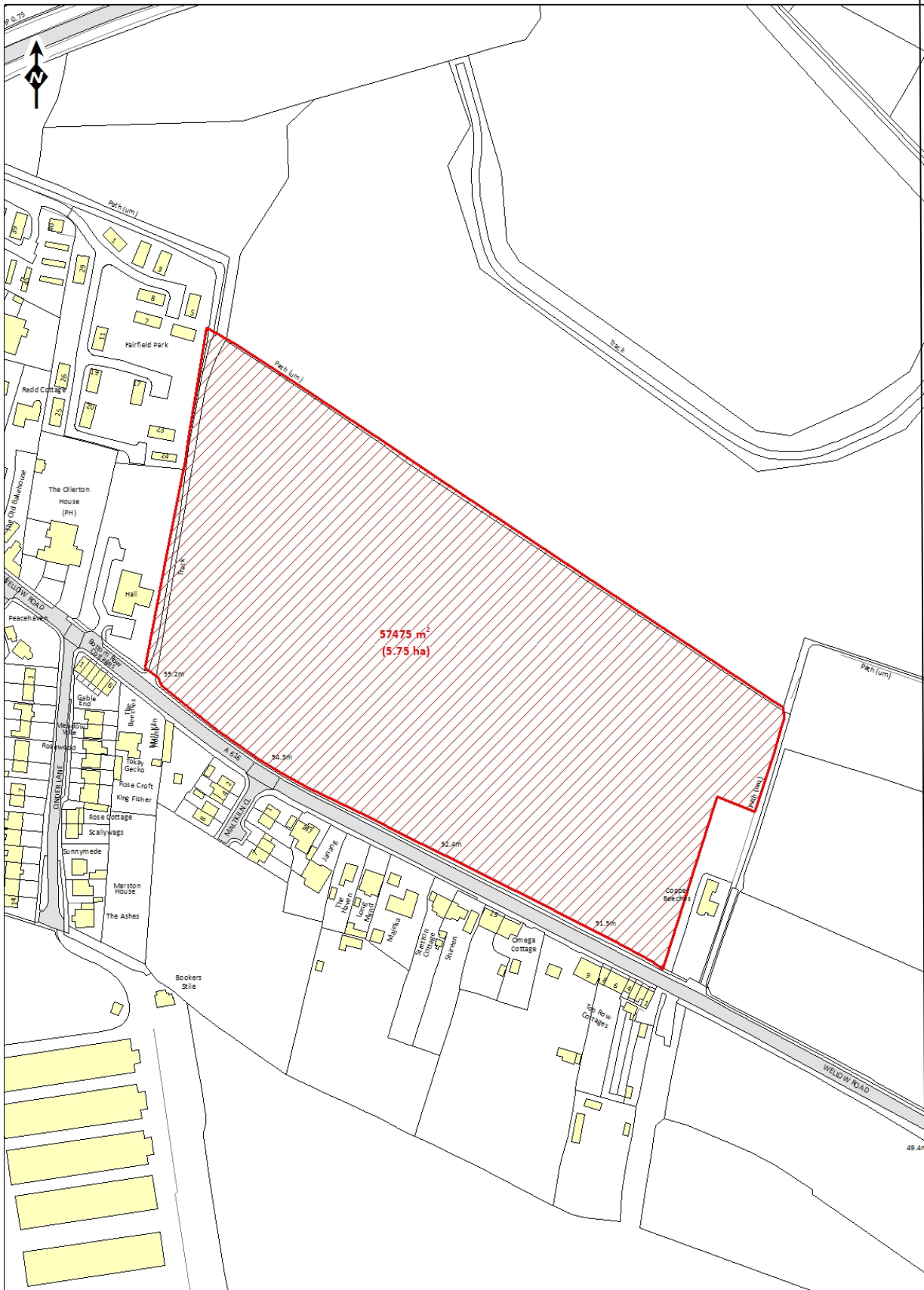
All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**K.H. Cole**  
**Deputy Chief Executive**

**Table of late items relating to this application from January 6<sup>th</sup> Planning Committee**

<b>Ctte item</b>	<b>Correspondent</b>	<b>Date</b>	<b>Points Raised (Summary)</b>	<b>Officer's Response</b>
5	Severn Trent Water	31/12/2014	No objection subject to the inclusion of standard condition to control surface water drainage and foul sewage disposal.	This is a repeat response – noted.
5	Town Council	24/12/2014	Whilst members originally agreed to support the application in principle, they feel that their conditions and observations have still not been considered. These are;- 1. Layout and mix including lack of bungalows or a reduction in height on plots 3 and 4. 2. Screening and layout particularly surrounding plots 15 – 24 and 92 – 97.	Noted.
5	Neighbour	21/12/2014	The amended plans benefit some residents only. Some residents have not objected through the correct procedure. Preferences are given to some neighbours over others. The developer is only interested in profit. Re-iterates previous concerns. Concerns that the developer may apply to reduce their S106 payments at a later date.	Noted.
5	Local Resident (member of Ollerton Village Residents Association, OVRA)	05.01.2015	Email addressed to Cllr Payne cc'd to planning department. This asks for email to be read out at Committee.  Attached as an Appendix	Noted.

Committee Plan - 14/01533/RMAM



© Crown Copyright and database right 2014 Ordnance Survey. Licence 100022288. Scale: Not to scale



<b>Application No:</b>	<b>14/02039/OUTM</b>		
<b>Proposal:</b>	<b>Outline Planning Application for the development of additional Class B2 and/or Class B8 use floorspace of up to 43,401 sqm, creation of landscaped areas, new access points, associated engineering operations and all enabling and ancillary works</b>		
<b>Location</b>	<b>Land South Of Newark, Bowbridge Lane, Balderton, Nottinghamshire.</b>		
<b>Applicant:</b>	<b>Catesby Estates (Residential) Ltd</b>		
<b>Registered:</b>	<b>17.11.2014</b>	<b>Target Date:</b>	<b>09.03.2015</b>

**The Site**

The application site relates to the arm of the wider Land South of Newark Sustainable Urban Extension comprising the employment element of the site. The site extends in a southerly direction below the existing Jericho Gypsum works. The employment land covers approximately 48.7 hectares in total and this application involves approximately 13.20 hectares of land to the southernmost part of this area.

**Relevant Planning History**

- 10/01586/OUTM      Outline planning permission was granted in November 2011 for means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/creches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a creche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.
  
- 10/01621/FULM      Planning permission was granted for a new roundabout on the dualled A46 Farndon Bypass to provide a link with the Southern Link Road (SLR).
  
- 14/01978/OUTM      Planning permission was granted on 22<sup>nd</sup> January 2015 to vary conditions of Outline planning permission 10/01586/OUTM with means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including

retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/crèches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a crèche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.

Whilst there are planning permissions relating to various other parcels of land within the wider site for Land South of Newark, none of these are relevant to this current application.

**The Proposal**

The outline planning permission for Land South of Newark varied under planning application no.14/01978/OUTM includes an area of employment land comprising approximately 48.7 hectares and will provide a variety of employment uses including B1(b) Research & Development; B1(c) Light Industrial; B2 General Industrial; and B8 Storage & Distribution. The previously approved employment floorspace totals 145,000m<sup>2</sup> and can be broken down as follows:

Use Class	Proposed Use	Maximum Gross Area (Sqm)
Class B1 (b), B1 (c), B2 or Class B8	General Industrial or Storage and Distribution	35,000m <sup>2</sup>
Class B8	Trade Counter or Storage and Distribution	4,000m <sup>2</sup>
	Storage and Distribution	106,000m <sup>2</sup>

This application proposes an additional 43,401m<sup>2</sup> of employment space within the existing area defined for employment uses. The ‘Newark Employment Design and Access Statement Key Principles – November 2014’ document submitted in support of this application confirms this space would be for B2 and/or Class B8 uses and includes an illustrative layout showing how this additional floorspace could be accommodated. The illustrative plan shows how the previously consented 145,000m<sup>2</sup> could be rationalized to make more efficient use of the land available. The applicant considers this would ‘bolster the employment potential of the site’.

The outline planning permission varied under no.14/01978/OUTM indicated maximum heights for all buildings across the employment land of 19 metres to ridge line above the finished contour. The varied outline consent also indicated the maximum dimensions of B8 use buildings would be 500 metres length and 200 metres depth and for B1 (b), (c) and B2 units maximum dimensions of 200m length and 150metres depth. The site levels parameters plan indicates a 30 metre wide, 4 metre high bund planted with indigenous woodland screen planting to the southern and western boundaries of the employment site. These parameters for building size and landscaping are carried forward in the plans and the ‘Newark Employment Design and Access Statement Key Principles – November 2014’ document submitted in support of this application.

These alterations to the employment land to provide greater flexibility for the proposed units are

aimed at attracting new employment opportunities to the site.

### **Environmental Statement (ES)**

The proposals for the wider Strategic Site 'Land South of Newark' (for which the application site in this application comprised a portion within the Employment Land) constituted an Urban Development Project with a site area in excess of 0.5 ha and therefore it fell within Schedule 2 Part 10(b) of the Environmental Impact Assessment Regulations 1999 and due to the scale, nature and location of the development, in the context of Schedule 3 of the same regulations, it was considered to be EIA development. Following a scoping opinion designed to focus the study on those issues of greatest potential significance, an Environmental Statement was submitted as part of the original Outline Planning Application. Covering the following environmental issues associated with the proposed development:

- Development Programme and Construction;
- Socio Economics and Community;
- Landscape and Visual;
- Ecology and Nature Conservation;
- Archaeology and Cultural Heritage;
- Transport and Access;
- Air Quality;
- Noise and Vibration;
- Hydrology and Water Supply and Disposal Resource;
- Ground Conditions; and
- Agriculture and Soil Resource.

To reflect the proposed changes resulting from this application (for an additional 43,401m<sup>2</sup> of employment floorspace) and the Section 73 application (ref.14/01978/OUTM) a November 2014 Environmental Statement Addendum (including Addendum Technical Appendix where required) has been submitted which also updates the ES to reflect the changes resulting from the passage of time including:

- Changes in the construction phasing and programme;
- Changes to baseline conditions;
- Alterations to the cumulative schemes to be assessed; and
- Introduction of new planning policy guidance and practice.

### **Departure/Public Advertisement Procedure**

A formal period of publicity and consultation has been undertaken by Newark & Sherwood District Council following the submission of this application alongside the Section 73 application to vary the original outline consent (planning ref.14/01978/OUTM). Nearly 700 neighbours and interested parties from the outline application have been individually notified by letter. Site notices have been displayed at 5 locations around the site and an advert placed in the local press. The original neighbour letters were sent out on 18<sup>th</sup> November 2014 and the press notice expired on 18<sup>th</sup> December 2014 giving a total consultation period of one-month. The second round of consultation following the receipt of amended plans and additional information were sent out on 23<sup>rd</sup> December 2014 expiring on 14<sup>th</sup> January 2015. Any consultation responses received following the publication of this report, which raise new issues, will be reported to Committee as late items.

## **Relevant Planning Policies**

### **National Planning Policy**

National Planning Policy Framework (2012)  
Planning Policy Guidance (on line resource)

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

Policies relevant to this application:

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 5 – Delivering Strategic Sites
- Spatial Policy 6 - Infrastructure for Growth
- 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
- Core Policy 14 – Historic Environment
- Area Policy NAP 1 – Newark Urban Area
- Area Policy NAP 2A – Land South of Newark
- Area Policy NAP 4 – Newark Southern Link Road

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

Policies relevant to this application:

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

## **Other Material Planning Considerations**

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)

## **Consultations (as carried out by Newark & Sherwood District Council)**

The following statutory consultees/stakeholder representations were received (the most recent correspondence is cited in all cases unless it explicitly refers to or adds to a previous response). Given consultation was undertaken in tandem with the Section 73 application recently determined many comments received were not relevant to the proposed additional employment floorspace.

For the purposes of this report, only those comments which made specific reference to this application have been included:-

**Coddington Parish Council:** Comments received specifically related to the variations proposed under planning ref.14/01978/OUTM but objected to the variation of condition 7 of the original outline consent - Commencement of Phase 1 from the east would result in all traffic from that Phase, (including the proposed employment application) wishing to access Newark, being obliged to use either Bowbridge Road or London Road, or the A1 northbound and thence by the A1/A46 junction which is under-designed and the source of constant accidents. Generally concerned about Newark's road infrastructure and its ability to cope with traffic generated by the development.

**Balderton Parish Council:** Support the proposals.

**Hawton Parish Council:** No comments received

**East Stoke with Thorpe Parish Council:** No comments received

**Newark Town Council:** No comments received

**Farndon Parish Council:** No observations

**Fernwood Parish Council:** No comments in respect of this application.

**North Kesteven District Council:** No objections

**South Kesteven District Council:** No objections

**Nottinghamshire County Council - Highways** – I confirm that the principle of this development is acceptable and the traffic impact has already been assessed as part of the recently approved application 14/01978/OUTM for development on Land South of Newark. Any mitigation measures will be accounted for in the design and delivery of that approved application.

**Nottinghamshire County Council – Rights of Way:** Comments received related to 14/01978/OUTM. There are no public rights of way through the employment site.

**Nottinghamshire County Council – Nature Conservation:** 'In previous consultations, I previously identified that the western field boundary of the land covered by this application is of botanical interest, including grass vetchling *Lathyrus nissolia* (a Rare Plant register species on Nottinghamshire). Since then, the presence of a Section 41 species of butterfly, grizzled skipper, has been confirmed on the adjacent disused railway, but also in this field margin; this is acknowledged in the updated Ecological Appraisal.

The grizzled skipper is a national conservation priority species, which NSDC must have regard to by virtue of Section 40 of the Natural Environment and Rural Communities Act 2006. In Nottinghamshire, this species has its stronghold in this part of the county; and furthermore, this location is also on the northern edge of this species natural range in Britain, and as such this location is extremely important in terms of allowing the species to expand its range in response to climate change.

The updated Ecology chapter (Chapter 90 of the ES) recognises that the works may affect grizzled skipper, resulting in a permanent significant adverse impact as a County level, equivalent to a permanent moderate adverse impact (section 9.161). However, I am concerned that the proposed general mitigation, outlined in section 9.212 (involving the creation of habitat in the Ecology Park, some way to the west), is not sufficient for the specific impacts which will occur, and I do not agree with the assessment of residual impacts provided in section 9.235a.

To address this, it vital that development proceeds in a manner that is sensitive to the presence of grizzled skippers. Whilst an area of greenspace is shown along the western boundary of the industrial development, I am concerned that the labelling of this as 'structural planting' means that it may be intended to plant this area with trees and shrubs, which would not be acceptable; this area would need to be maintained as open, species-rich grassland, between the disused railway and the development (accepting that some structural planting along the immediate boundary of the development would no doubt be required).

In addition, Bantycok Quarry, to the east, is intended to be restored in part to benefit grizzled skippers. To enable the species to colonise the site from the disused railway to the west, it would be extremely desirable to have a corridor of favourable habitat running along the southern boundary of the application of the applications site.

I therefore request that the details submitted in support of this application are **amended** to address these concerns, and that these principles are established on the relevant plans (e.g., the Open Space Network Plan).'

**Nottinghamshire County Council – Waste:** No comments received.

**Nottinghamshire County Council - Education:** Comments not relevant to this application.

**Nottinghamshire County Council – Libraries:** No comments received

**Nottinghamshire County Council – Archaeology/Heritage:** The Archaeologists comments in respect of application ref.14/01978/OUTM were reported as follows:

In situ Palaeolithic finds have been made in the area of the proposed junction of the Southern link road with the A46 which are regarded by the specialists in this field as being of international importance. The finds involve a spread of Palaeolithic material over an area amounting to multiple football pitches, making it one of - if not THE- largest such site in the UK. Some of the material has been disturbed and is in the plough soil, but there are flints, and flint tools, which are literally just as they were left by people round 12000 years ago. The Archaeologist had concerns about the proximity of the proposed junction to this material at the time consent was granted, but the work which has been undertaken since, funded by HLF and supported by a number of Palaeolithic specialists, has greatly extended the knowledge and understanding of the Palaeolithic material, while providing significant evidence to support those previous concerns. The Archaeologist considers that the assessment report needs to revisit this issue and bring it up to date; which will also necessitate, they suspect, revision of the mitigation work which needs to be undertaken in this area.

With regards to the wording of the condition; the Archaeologist would be happy for phasing to be incorporated to allow flexibility and also, the Archaeologist would argue, changes in information to ensure that potential harm to archaeological assets is avoided or appropriately mitigated.

**Following these comments the applicant's Archaeologist had a discussion with the County Council's Archaeologist and agreed the following:**

- Finalise an Archaeological Management Plan for the whole site, outlining suitable mitigation measures for each phase, incorporating results of previous investigations and the conclusions of the ES.
- Discuss the Palaeolithic archaeology on the site and incorporate the information into the AMP, to tailor appropriate strategies (including fieldwalking, geophys and trenching as appropriate)
- Produce a WSI to cover the Phase 1 area of development (Infrastructure in the North East area of the Site), including mapping of the extent of former gypsum extraction.
- These two documents would then be submitted to allow a general approach to be agreed and the work in the phase 1 area to be implemented during February.

It was also confirmed that the roundabout and infrastructure to the north west of the Site is not part of phase 1 and will be undertaken at a later date. This gives more time to tailor an appropriate strategy for dealing with the Palaeolithic archaeology.'

A condition was subsequently applied to planning application no.14/01978/OUTM to cover the entire site including the land under consideration as part of this application.

**Nottinghamshire County Council - Flood Team:** No comments received

**SUSTRANS:** No comments received

**Newark Civic Trust:** No comments received

**Newark Civic Trust (Archaeology):** No comments received

**Nottinghamshire Wildlife Trust:** Comments were more specifically related to planning application no.14/01978/OUTM but included that each phase of development must be preceded by updated surveys for all relevant species, to ensure legal compliance and to allow the development and implementation of mitigation strategies. They were pleased to see that an updated walkover survey has been carried out (Waterman, 2014) and stated they would wish to see the results of the further surveys as recommended in Section 5.6 used to inform the detailed design (The Trust requested that badger surveys be added to this table). They noted the report notes the presence of barbastelle bat records close to the site – these records make it vital that bat activity surveys across the whole site are carried out prior to any works commencing, and indeed prior to any detailed designs being drawn up. They advised there are very few records of barbastelle bats in Nottinghamshire and the surrounding counties – should they be recorded on the development site, they considered that this would be of regional importance and not local (as stated in Section 4.58).

The Trust remained of the opinion that each phase of development must be preceded by updated surveys for all relevant species, to ensure legal compliance and to allow the development and implementation of mitigation strategies and asked to be reassured that landscape corridors and provision of wildlife habitat within each phase of development remained important factors remain central to the design of the development.

**Natural England:** Does not consider this application poses any likely or significant risk to those features of the natural environment for which they would otherwise provide a more detailed consultation response and so do not wish to make specific comment on the details of this consultation.

Request that the Council consider the possible impacts resulting from this proposal on Protected species, Local Wildlife Sites and whether the application provides opportunities to incorporate biodiversity and or landscape enhancements into the design.

**Environment Agency:** No comments specific to this application but requested that the original conditions for the wider site relating to Land South of Newark 10/01583/OUTM (no.22 – 28) which related to drainage and flood mitigation through the use of SuDS, and the proportionate provision of floodplain compensation across all phases of the work were reapplied to any new consent. These conditions were subsequently reapplied to Planning application no.14/01978/OUTM as conditions nos. 18 – 24.

**Trent Valley Internal Drainage Board:** No objection subject to the applicant satisfying the following requirements -

The site is located within the Board's district and is served by the Board maintained Bowbridge Feeder Drain, an open watercourse which is located along part of the western site boundary.

The Board note the proposed earth bunding and tree planting along the western boundary. The positioning of the bunding and tree planting must be agreed with the Board as a 9 metre wide unobstructed access alongside the Bowbridge Feeder Drain to facilitate heavy plant machinery access for maintenance purposes.

The Board have held initial discussions with the developer in relation to the wider site and look forward to further discussions as to how the site layout can incorporate the Board's requirements.

**Severn Trent Water:** No specific comments for this application but raised no objection to application no.14/01978/OUTM for the wider site subject to the standard drainage condition.

**English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

**Ancient Monuments Society:** No comments received

**Sport England:** Comments not relevant to this application.

**Fisher German on behalf of Government Pipelines and Storage System:** The Government Pipelines and Storage System (GPSS), may be affected by the proposals and they should be contacted within 28 days to arrange a site visit. Current legislation prohibits any development and most intrusive activities within a Government Pipelines and Storage System (GPSS) wayleave which are generally 6 metres wide and bestride the pipeline 3 metres on either side and can incorporate other associated GPSS facilities. No works should be undertaken until the GPSS Operator has first been contacted for advice and, if required, Section 16 Consent which can take between 4 and 6 weeks.

**Western Power Distribution:** No comments received



**Highways Agency:** Commented on the modelling data under application no.14/01978/OUTM. The modelling data factored in the additional employment space proposed :

‘The Highways Agency has received further information regarding the proposed roundabout at the SLR East/ B6326 and WSP have revised the modelling assessment contained in WSP’s Technical Note 001 based on updated roundabout layout SK101Revision A and revised traffic flow data. With these updated flows and a redesign of the roundabout, the Highways Agency holds no objection to these proposals, as the traffic no longer blocks back to the A1.’

**Ministry of Defence:** No safeguarding objections

**Anglian Water:** No comments received

**British Gas:** No comments received

**Council for British Archaeology:** No comments received

**DEFRA:** No comments received

**East Midlands Electricity:** No comments received

**Nottinghamshire Fire Service:** No comments received

**Georgian Group:** No comments received

**Strategic Housing:** No comments received

**Millgate Conservation Society:** No comments received

**Network Rail:** No comments received

**Police Architectural Liaison Officer:** No comments received

**Ramblers Association:** Comments on revised parameter plans submitted as part of application no.14/01978/OUTM not relevant to this application.

**Society for Protection of Birds:** No comments received

**Society Protection of Ancient Buildings:** No comments received

**Tree Officer:** No comments received

**20<sup>th</sup> Century Society:** No comments received

**NHS:** No comments received

**National Grid:** No comments received

**HSE:** Does not advise, on safety grounds, against the granting of planning permission in this case.

**British Horse Society:** No comments received

**National Planning Casework Unit:** No comments to make

**Newark and Sherwood District Council – Internal Consultations**

Emergency Planner: As the proposed development is not located within a flood zone does not have any comments to make.

Environmental Health (Land Contamination): In response to 14/01978/OUTM confirmed they have reviewed the most recent information regarding contaminated land, a Phase 1 Desk Study report carried out by Rogers Leask Environmental (ref: E12-130 dated Oct 2013) and an update to the previously submitted Ground Conditions section of the Environmental Statement for Newark Future (ref: 21795/A5/ES Addendum dated Nov 2014).

These preliminary investigations consider a large area, summarising earlier investigation works and identifying the numerous sources of potential contamination. Many of these are situated on land adjacent to the development site but will need to be considered due to their proximity to proposed residential areas. There are recommendations for additional exploration across site, based upon a phased approach.

The Environmental Health Officer would expect further consultation as more detailed proposals in specific areas come forward. In the meantime, they recommend continued use of the full phased contamination condition on the proposal.

Environmental Health (Air Quality): In response to 14/01978/OUTM confirmed they had reviewed the most recent information regarding air quality. Generally satisfied with the approach to this assessment, however it does fail to consider the recently developed Short Term Operating Reserve at Quarry Farm (Planning refs: 12/00770/FUL & 14/01795/FUL). Should this feature remain present as the development proceeds, the potential impact that the STOR could have on new receptors will need to be assessed. Would expect the air quality assessment be revised to take this into consideration.

Following the additional information submitted in December 2014 the Environmental Health Officer provided the following further comments:

‘I have received additional information from WSP dated 18<sup>th</sup> December which considers the air quality effects of short term operating reserve on the proposed development at Land South of Newark.

Given this further information, I confirm that I am satisfied with the conclusions of this assessment, which has addressed the points raised in my previous memo.’

In addition the Environmental Health Officer requested that the following condition is used to control dust emissions during the construction phase:

Prior to the commencement of development, details of best practicable measures to be employed for the suppression of dust on site during the period of construction shall be submitted to and approved by the local planning authority in writing. The agreed measures shall be employed throughout the period of construction.

Environmental Health (Noise): 'If I understand it correctly deals with an extension of the proposed employment are to the south. The extension has the effect of bringing the development much nearer Balderton Grange. What I could not see was any assessment of the potentially increased impacts on Balderton Grange. It would be wise to be sure that any impacts from noise would be acceptable and therefore some assessment should be made.'

The agent has responded as follows:

*'The application for the additional employment floorspace is entirely within the original redline of the Outline Planning Permission. Therefore the proposed development would not bring development any nearer Balderton Grange than already approved. The ES Addendum submitted with both the Section 73 Application and the Outline Planning Application for additional employment floorspace considers the additional employment floorspace, and include a chapter regarding Noise and Vibration.*

*We therefore consider that the effects of noise has been considered for the additional employment floorspace application. We also clarify that the application does not seek an 'extension of the proposed employment area to the south', it seeks additional employment floorspace within the approved red line area that benefits from Outline Planning Permission.'*

Parks and Amenities: Comments not relevant to this application.

Communities Sports and Arts Development: No comments received

Community Safety: No comments received

Access and Equalities Officer: As part of the developer's consideration of access to and use of the proposals, with particular reference to inclusive access and facilities for all, including disabled people, it is recommended that pedestrian pavements be incorporated throughout to ensure safe access around the development. Any danger of pedestrians, particularly children, elderly or visual impaired people, being required to walk along vehicular access routes should be minimised by providing safe separated 'vehicular free' pedestrian pavements throughout of suitable width and clear of obstructions. Shared Surfaces are a danger in this regard. Similarly, any use of barriers to prohibit motorcycles or similar can also be a barrier to wheelchair users, double baby buggies etc. As a consequence, careful consideration should be given to this matter. Inclusive access to facilities around the development, such as public open spaces, plays areas, etc. should be considered together with carefully designed accessible pathways to features on the development.

### **Neighbours/interested parties**

A total of 4 written representations have been received in respect of this application as a result of the two rounds of consultation carried out. Some included comments specific to the issues under consideration in planning application no.14/01978/OUTM but the comments made with reference to this application can be summarised as follows:

- Consideration to be given to the Southern Link Road being a dual carriageway.
- The Southern Link Road to be used as the feeder road for all vehicles need in the construction of the whole site to alleviate internal traffic in the town.
- The volume of traffic from the overall development of Land South of Newark will have a considerable impact.
- Risk of flooding from the overall development.

- Effect on the landscape and character of the area from the overall development.
- The timing of various road projects and development should be prioritized.
- A neighbouring brownfield site has not been included within the development.

#### Comments of the Business Manager – Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

#### Newark and Sherwood LDF - Core Strategy

The Core Strategy sets out the Council’s strategic objectives for managing growth and change to ensure that sustainable development is achieved and promoted and the quality of life for all improved. The Core Strategy recognises Newark as a sub-regional centre and seeks to reinforce and promote this role by ensuring that the town is the main focus for new housing, employment and other appropriate development within the District.

Spatial Policy 1 – identifies a settlement hierarchy. Newark Urban Area (comprising Newark, Balderton and Fernwood) is identified as the sub-regional centre and where the main focus for growth will be in order to support this role.

Spatial Policy 2 – refers to the spatial distribution of growth and identifies 70% of the future housing growth for the District taking place within the Newark Urban Area. Similarly the majority of new employment land being provided within the Newark Urban Area.

Spatial Policy 5 – identifies three strategic sites within the Newark Urban Area (including Land South of Newark the subject of this planning application) to ensure that the housing and employment needs of the District are delivered over the plan period and beyond.

Spatial Policy 6 – refers to the delivery of strategic infrastructure in the District and the Council’s intention to introduce a Community Infrastructure Levy (CIL). Amongst other pieces of infrastructure the delivery of the SLR is referred to. The Community Infrastructure Levy has been introduced since outline planning permission was granted on Land South of Newark. This application as this application seeks to simply remove or vary conditions on the existing consent.

Spatial Policy 7 – refers to promoting an improved and integrated transport network with the emphasis on non-car modes. As part of the outline application new bus routes linking the new housing, commercial and employment areas were approved on the parameter plans together with a network of new footpaths, cycle and bridle paths together with a Greenway through the centre of the site and a promenade along the southern edge of the housing development. The parameter plans submitted with the recently approved S73 application included these features and the traffic modelling undertaken included a scenario with the additional employment space.

Core Policy 6 – refers to strengthening and broadening the economy of the District to provide a diverse range of employment opportunities. This refers to providing most growth at the sub-regional centre Newark and promoting major new economic development as part of the strategic sites with particular reference to Land South of Newark. The employment element of the outline planning permission amounts to some 48.7 ha of land and is proposed to include Use Classes B1, B2 and B8 (Light, General Industry and Warehouse and Distribution together with Trade Counter

Uses). This application seeks additional floorspace for employment uses within this area.

Core Policy 9 – refers to sustainable design. The outline permission conditions the provision of a Sustainable Urban Drainage System (SUDS), and for non-residential buildings to achieve the BREEAM Very Good standard as a minimum.

Core Policy 10 – refers to climate change and to delivering a reduction in CO<sub>2</sub> emissions. The factors referred to in the preceding paragraph will assist in this aim, together with the design of the Illustrative Master Plan submitted with the outline application for the wider site.

Core Policy 12 – refers to conserving and enhancing the biodiversity and geological diversity of the District. In their outline planning submission, the applicants took the key principles of the Council's Green Infrastructure Strategy as a basis for developing their Illustrative Master Plan and developed the theme further into a landscape strategy and associated ecology strategy that not only added recreational and aesthetic value but provided a structured element to the site, circulation and processing of surface water runoff through the SUDs and mitigating flood risk.

Core Policy 13 – refers to landscape character. The open space network plan submitted with this application includes indicative locations for structural planting/landscape buffer, similar to those indicated on the parameter plans submitted as part of the outline planning consent ref.14/01978/OUTM.

Core Policy 14 – refers to the historic environment and the continued preservation and enhancement of the character and setting of the District's heritage assets. The main heritage assets identified as part of the outline application for the wider site ref.14/01978/OUTM relate to the scheduled ancient monument – moated site and Grade I listed church, both situated in Hawton; and the Grade II listed former gypsum grinding mill on Bowbridge Lane. None of these assets are within the application site, and as with the Outline consent it remains to consider the impact of the proposals on the setting of these assets once detailed design is submitted under reserved matters applications.

Newark Area Policy (NAP) 1 – refers to promoting Newark Urban Area as the main focus for residential, commercial and leisure activity within the District.

Newark Area Policy (NAP) 2 – is specific to Land South of Newark and with regards to employment states:

#### Employment

- Phase 1 to take place on the site of the former gypsum workings.
- Access via a direct route to the A1 and the SLR. Traffic management for HGVs.

And with regards to general requirements refers to:

- the submission of various documents as part of a planning application;
- the provision of transportation measures including passenger transport and pedestrian/cycle routes;
- provision of green infrastructure; provision of on-site renewable energy schemes;
- provision of flood mitigation;
- investigation and mitigation of any contamination within the site;

- provision of necessary infrastructure;
- provision of contributions for local infrastructure.

The principle of an employment site within the wider development and its compliance with the Policies within the Core Strategy was established through the granting of outline planning permission for the development. Consideration needs to be given as to whether the additional employment floorspace proposed would have a significant impact on the proposals compliance with these policies and if so whether that impact is acceptable in this instance.

#### Newark and Sherwood LDF – Allocations and Development Management Document

The following Development Management policies are also a material consideration in the determination of this application.

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy: Supports proposals for housing, employment, community, retail, cultural, leisure and tourism development in accordance with the Core Strategy and other relevant Development Plan Documents.

Policy DM2 – Development on Allocated Sites: Supports proposals for the intended use that comply with the relevant Core and Development Management Policies, the site specific issues set out in this case in NAP 2A and make appropriate contributions to infrastructure provision in accordance with the Developer Contributions SPD. Proposals should be accompanied by transport, flood risk and other appropriate assessments to address site specific issues.

Policy DM3 – Developer Contributions: The delivery of the planned growth is dependent upon the availability of infrastructure to support it. In this instance the applicant is hoping to secure a loan from the HCA to facilitate provision of the SLR. This Policy also refers to infrastructure being provided through Planning Obligations and where appropriate funding assistance from the Council. Planning applications are expected to include appropriate infrastructure provision and the Section 106 Agreement and Deed of Variation associated with planning application no.14/01978/OUTM will ensure an appropriate level of developer contributions are made in respect of the strategic site allocation.

Policy DM4 – Renewable and Low Carbon Energy Generation: Expands on Core Policy 10 and states planning permission will be granted for renewable and low carbon energy generation development, as both stand alone projects and part of other development where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process.

Policy DM5 – Design: Sets out the design criteria for assessing proposals for new development.

Policy DM7 – Biodiversity and Green Infrastructure: In line with the requirements of Core Policy 12 sets out that new development should protect, promote and enhance green infrastructure to deliver multi functional benefits and contribute to the ecological network both as part of on site development proposals and through off site provision. The Outline consent included significant areas of land (49.07 Ha) within the wider site for nature conservation. The landscaped buffers within the employment land will provide additional ecological benefits.

Policy DM9 – Protecting and Enhancing the Historic Environment: In accordance with Core Policy 14 seeks protection or enhancement of heritage assets contributing to the wider vitality, viability

and regeneration of the areas in which they are located and reinforce a strong sense of place. As stated above this site is not in the immediate vicinity of any heritage assets and the impact on assets further afield can be assessed at the reserved matters stage once the detail.

Policy DM12 – Presumption in Favour of Sustainable Development: reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework and seeks to secure development that improves the economic, social and environmental conditions within the district. Planning applications that accord with the policies in the Development Plan for Newark and Sherwood will be approved without delay, unless material considerations indicate otherwise.

There are a number of more detailed aspects contained within the various policies of the Core Strategy and Development Management DPD that are discussed below as are the other material considerations relevant to this proposal.

#### National Policy

National Planning Policy Framework (2012)  
Planning Policy Guidance 2014

#### **Principle of Development**

The policy framework set out above includes that employment will be delivered as part of phase 1 of the development on the site of the former gypsum workings with access taken via a direct route to the A1 and the new Southern Link Road. The previously approved outline consent (14/01978/OUTM) established that employment floorspace would be delivered on this site and that Phase 1 of the road infrastructure would provide access to the A1. A limit on the amount of employment floorspace within this employment land is not set within the Core Strategy and additional employment floorspace would comply with National Policy which is committed to securing sustainable economic growth and Core Policy 6 which aims to seek to promote major new economic development as part of the Strategic Sites planned for the Newark Urban Area. Therefore the considerations as to the acceptability of an additional 43,401 sq m are based upon whether the site can accommodate this floorspace whilst still delivering a scheme which addresses the issues set out below:

#### **Design and Layout**

The Design and Access Statement and parameter plans submitted as part of this application shows that the previously approved employment floorspace could be accommodated within the northern portion of the employment land with room to accommodate a network of balancing ponds integrated within a landscaped edge to the northern and eastern boundaries. The landscaping would taper to the south where the proposed additional floorspace is provided, however the illustrative layout indicated a landscaped buff could still be retained to all boundaries. The detailed design of the employment units is a reserved matter however, the Design and Access statement confirms that the main building structures will contain office and warehouse type accommodation. Parking areas are indicated to the eastern side of the site close to the access from Grange Lane and set behind the landscape buffer. The illustrative layout also shows how the building to the southern portion of the application site subject to this application could have an alternative orientation to break up the north-south emphasis of buildings on the northern portion of the site.

The maximum building sizes accord with the parameters set within planning application no.14/01978 and the illustrative layout indicates that the landscaping to the perimeter of the site would be similar to that previously indicated on the outline approval for the wider site.

## **Highway Issues**

I note the comments of the Parish Council and other written representations received relating to the highway implications of the proposals and the adequacy of the Southern Link Road, the detailed design of which was most recently approved under planning application 14/01978/OUTM.

As confirmed by the County Council's Highway Officers, the traffic modelling carried out for to inform planning application no.14/01978/OUTM looked at a range of scenarios including a scenario where the additional employment floorspace proposed under this application was delivered. The Highways Agency have also confirmed that the modelling undertaken and the design of the Southern Link Road ensures no significant highway implications from their perspective. As stated by the County's Highway Officers, any mitigation measures have been accounted for in the design and delivery of the approved application which requires commencement of Phase 1 of the Southern Link Road (SLR) by the 350<sup>th</sup> dwelling and completion by the 600<sup>th</sup> dwelling. The full implementation of the Southern Link Road is by 1,250 dwellings. Whilst implementation of the Southern Link Road is not directly linked to the level of employment space, these trigger points and a loan from the Homes and Community Agency's to facilitate delivery of the Phase 1 infrastructure will ensure the delivery of the road is accelerated.

For the above reasons I am satisfied that the proposals comply with Spatial Policy 7 which seeks to ensure that proposals are appropriate for the highway network in terms of the volume and nature of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.

## **Ecology**

I note the comments of the County Council's ecologist and that they note the updated Ecological Appraisal for the site identifies that grizzled skipper butterfly (a national conservation priority species) has been confirmed on the adjacent disused railway and the field margin to the west of the site. The ecologist is concerned that the proposed general mitigation, involving the creation of habitat in the Ecology Park, some way to the west of the wider site for Land South of Newark would not mitigate this impact and the 'structural planting' indicated to the west of the employment site would not offer appropriate habitat. However, I note the ecologist also acknowledges that Bantycok Quarry, to the east, is intended to be restored in part to benefit grizzled skippers and that more appropriate habitat could be accommodated to the west of the employment site. Any reserved matters applications could explore whether a corridor of favourable habitat could be provided through the employment site to link in to the west of the site and Bantycok Quarry beyond.

The previous outline consent for the wider site established that new habitats would be created within Land South of Newark as part of the wider strategy for the site and appropriate conditions were attached to the consent to ensure ecology is appropriately considered. Furthermore reserved matters applications will need to address ecology as part of the usual validation requirements. The landscaped buffers and balancing ponds shown on the previous outline application are retained on the plans and design and access statement submitted with this



application and will in themselves create new habitats. Much of the landscaped buffer is retained within the northern portion of the employment site and conditions attached to the existing outline consent (14/01978/OUTM) require the detail of this landscaping to be provided and considered as part of reserved matters applications for the site. Subject to these requirements still applying to the southern portion of the site under consideration in this application, I am satisfied that the proposals can maximize opportunities to conserve, enhance and restore biodiversity in accordance with Core Policy 12.

### **Noise, Air Quality and Contamination**

The initial comments received from the Environmental Health Officer imply that this is an extension to the employment land previously approved under the outline permission for the wider site. The application is in fact contained within the previously approved employment land and seeks permission for additional floorspace within this area. As confirmed by the agent for this application, the ES Addendum submitted with both the previously determined Section 73 Application for the wider site and this Outline Planning Application for additional employment floorspace considers the additional employment floorspace, and includes a chapter regarding Noise and Vibration. Subject to the Environmental Health Officer confirming that they are satisfied with the information submitted on noise and vibration I am satisfied that the conditions already placed on the wider site as part of application no.14/01978/OUTM will ensure that the employment site is developed with acceptable noise levels.

I note that the Environmental Health Officers have confirmed that the information submitted in respect of air quality and land contamination is sufficient and recommend continued use of the full phased contamination condition on the proposal and that prior to the commencement of development, details of best practicable measures to be employed for the suppression of dust on site during the period of construction shall be submitted and approved. Conditions have been attached to the outline consent for the wider site to cover these issues. Consideration needs to be given as to whether these conditions need to be reapplied to this application or whether the consent for the wider site appropriately covers these issues.

Subject to the above issues being suitably controlled by conditions attached to this application or the conditions on the original consent, I am satisfied that the proposals can be implemented without any significant impacts on the amenity of the area and would therefore comply with Policy DM5 of the Allocations and Development Management DPD.

### **Drainage and Flooding**

The employment land is not situated within the Flood Zone and I note that the Environment Agency have not raised any concerns and the conditions on the outline consent for the wider site address flood risk compensation. A note can be attached to any consent to draw the applicants attention to the requirements of the Internal Drainage Board. With regards to Severn Trent Waters request for their standard drainage condition to be attached to any consent, drainage will need to be appropriately controlled by a condition attached to this application should it not be appropriately controlled through conditions for the wider employment land attached to planning consent ref.14/01978/OUTM.

### **Heritage Impact**

The outline consent for the wider site includes a condition to ensure archaeology is appropriately

considered through the provision of an Archaeological Management Plan. No impact on other heritage assets in the area has been identified, however this can be given further consideration as part of any reserved matters applications for the detailed design of the employment site.

### **Other matters**

I note the comments received in respect of neighbouring brownfield land and that this should be incorporated into the site. The site under consideration in this application is situated within the boundaries of the employment land and application site boundaries established and approved under the existing outline consent for Land South of Newark.

The comments received on behalf of Government Pipelines and Storage System and the Access and Equalities Officer can be attached as an informative note to any consent.

### **Conclusion**

The principle of employment land in the context of the development plan was established as part of the original outline planning consent. The additional floorspace can be accommodated without having any consequential impact on the ability to deliver a site which appropriately addresses the design, ecology, drainage, highway and environmental considerations set out in this report.

I am satisfied that there are no material considerations that have been raised that would outweigh the significant weight attaching to the aforementioned development plan policies and accordingly the following recommendation is offered.

### **RECOMMENDATION**

**That the Deputy Chief Executive be given authority to grant planning permission subject to:**

**The application being appropriately conditioned or another appropriate mechanism to ensure the detailed design and construction of the additional employment floorspace has the same requirements as the wider employment land approved under planning application no.14/01978/OUTM.**

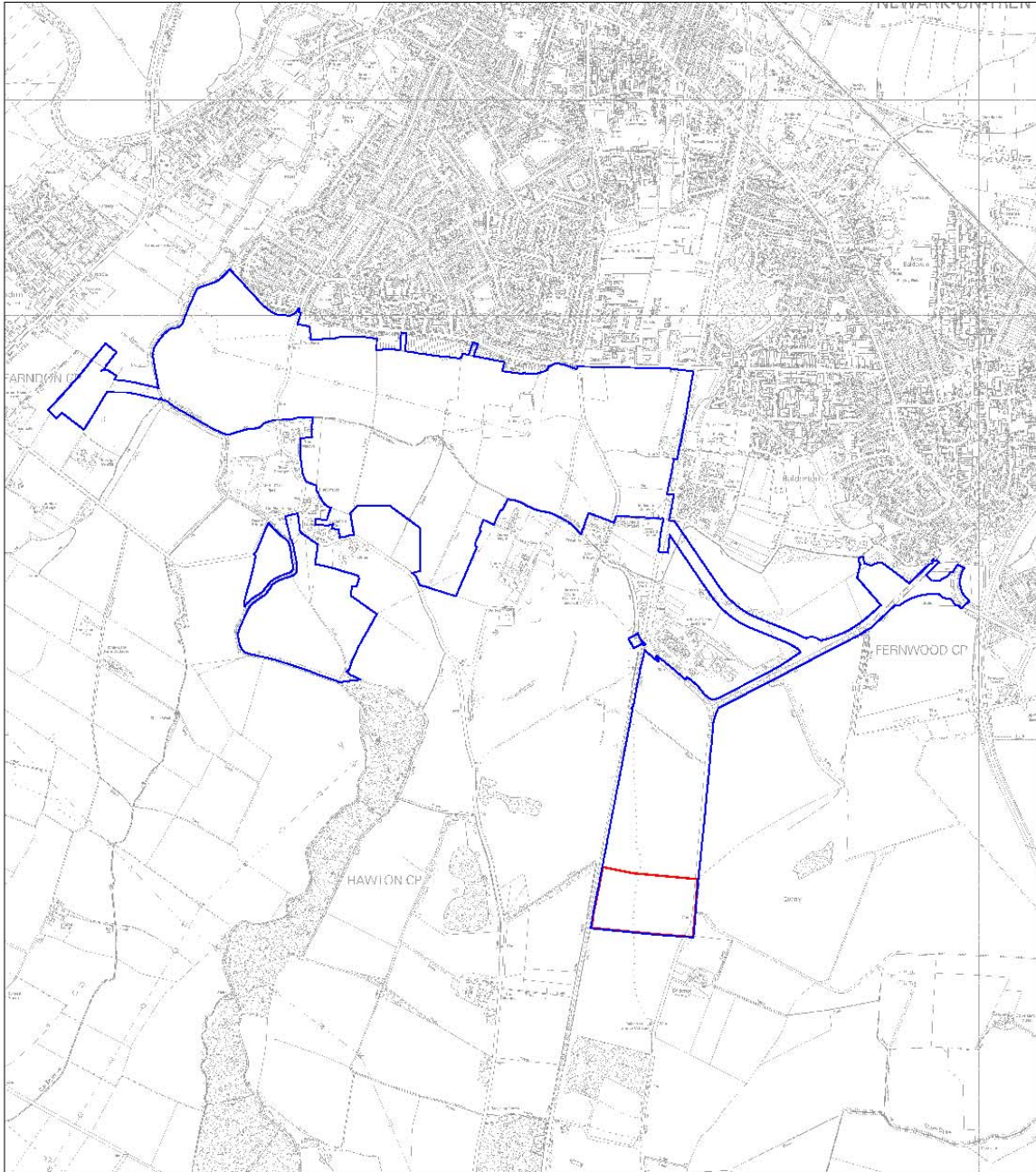
### **BACKGROUND PAPERS**

Application case file.

For further information, please contact M Russell on (01636) 655837.

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).

**K. H. Cole**  
**Deputy Chief Executive**



**Legend**

- Outline application boundary
- Employment application site boundary

Project: Newark Future Employment  
 Drawing Title: PARAMETERS PLANS Application Boundary Plan  
 Date: 11.11.14 Scale: 1:12,500@A2 Drawn by: ALC Check by: JG  
 Project No: 21530 Drawing No: RG-M-10 Revision: -

**BARTON WILLMORE**  
 Planning • Master Planning & Urban Design  
 Architecture • Landscape Planning & Design • Project Services  
 Environmental & Sustainability Assessment • Graphic Design  
 bartonwillmore.co.uk

Reproduced from the Ordnance Survey Map with the permission of the Controller of HMSO. Crown Copyright Reserved. Licence No. 100019279.

210200 - 219992000 - 219992100 - Newark Employment Plan - Design & Regeneration Planning/21530 - RG-M-10 - Newark 3 Emap - Application Boundary Plan/Design - For Applicant/1-0000042

Offices at: Reading London Bristol Cambridge Edinburgh Leeds Suffolk West-Devon (Ward)



APPEALS A

**1.0 APPEALS LODGED (received between 17 December 2014 to 19 January 2015)**

- 1.1 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 on Technical Support (Growth) Ext 5554 or [planning@nsdc.info](mailto:planning@nsdc.info).

Matt Lamb Business Manager Development

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/D/14/2229197	14/01471/FUL	15 Red Lane Lowdham Nottingham NG14 7AU	Householder Application for Construction of Two Storey Side and Rear Extensions to the main dwelling	Householder Appeal
APP/B3030/W/14/3001081	14/01843/CPRIOR	Former Poultry Farm Rufford Lane Ollerton Nottinghamshire	Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3)	Written Representation

**APPENDIX B: APPEALS DETERMINED (APPEALS B)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
13/01460/FUL	Barclays Bank Plc 41 Market Place Newark Nottinghamshire NG24 1EJ	Proposed change of use of ground floor from Class A2 Financial and Professional Services to Class A3 Restaurant	ALLOW	18.12.2014
13/01623/FUL	Land Adjacent To 4 Yew Tree Way Coddington Newark On Trent Nottinghamshire NG24 2RZ	Erection of 2 houses	DISMISSED	23.12.2014

**RECOMMENDATION**

That the report be noted.

**BACKGROUND PAPERS**

Application case files.

For further information please contact Technical Support (Growth) on Ext 5554 or [planning@nsdc.info](mailto:planning@nsdc.info).

Matt Lamb  
Business Manager Development

