

Date: 23<sup>rd</sup> February 2015

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> March 2015 at 4.00 pm.

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

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#### **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 F20 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, 3<sup>rd</sup> February 2015 at 4.00pm.

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

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

ALSO IN

ATTENDANCE: Councillors: R. Shillito and Mrs S. Soar.

130. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R. V. Blaney and D. Jones.

131. MINUTES – 6<sup>TH</sup> JANUARY 2015

AGREED that the Minutes of the meeting held on Tuesday, 6<sup>th</sup> January 2015 be approved as a correct record and signed by the Chairman.

132. MINUTES – 20<sup>TH</sup> JANUARY 2015

AGREED that the Minutes of the meeting held on Tuesday, 20<sup>th</sup> January 2015 be approved as a correct record and signed by the Chairman.

133. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Members</u>	<u>Agenda Item</u>
Councillor J. Bradbury	Agenda Item No. 7 – Rufford Forest Farm, Kirklington Road, Rufford, Nottinghamshire (14/02164/FUL/FULM) – Personal Interest as the applicant was known to him.
Councillor Mrs S. Saddington	Agenda Item No. 13 – Land at Bilsthorpe Business Park, Bilsthorpe, Nottinghamshire (13/01767/CMW) - Personal Interest – Member of Nottinghamshire County Council.
Councillor Mrs L.M.J. Tift	Agenda Item No. 7 – Rufford Forest Farm, Kirklington Road, Rufford, Nottinghamshire (14/02164/FUL/FULM) – Personal Interest as the applicant was known to her.

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.

134. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that an audio recording was being undertaken by the Council and two members of the public.

*(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).*

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

The Committee considered the report of the Deputy Chief Executive, which sought approval of reserved matters for layout, appearance, scale, landscaping, (access previously determined) in respect of details for residential development comprising 147 dwellings and associated ancillary works.

The application had been deferred at the last Planning Committee to allow further negotiations to achieve a better disposition of affordable housing across the site; additional screening particularly to pumping station area and adjacent to park homes; and to look at Plots 3 and 4 on the south-west corner of the site and to try to achieve bungalows at this location. The report set out the amendments which had been made and considered those amendments. The Committee was also informed that Ollerton and Boughton Town Council supported the development as amended.

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

A Member commented on the dispersal of the affordable housing on the development and felt that the developer had not done enough to address that issue. He commented that the majority of affordable housing was around the pumping station which was a less attractive part of the development and the affordable housing should have been dispersed around the development more evenly. The replacement of two houses (semi-detached) with a bungalow was however welcomed.

A Member sought clarification as to who would be responsible for the maintenance of the boundary shrubbery. It was confirmed that the planting would be maintained by a management company, secured through a variation to the Section 106 agreement attached to the outline planning permission.

AGREED (by 10 votes for and 2 votes against) that planning permission be granted subject to the conditions contained within the report.

136. 55, 57, 59, 61 PORTLAND WAY, CLIPSTONE, NOTTINGHAMSHIRE, NG21 9FE (14/01974/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 change of use of scrub land to residential garden land. The change of use had already occurred and the application was therefore retrospective.

Councillor Mrs S. Soar, representing Clipstone Parish Council spoke against the application, in accordance with the Parish Council's views, which were contained within the report.

Members commented that retrospective planning applications were unacceptable but at present Local Planning Authorities must consider them as they would any new application.

The Senior Planning Officer advised Committee that a Certificate D had been signed by the applicants as the owner of the land was unknown. An advert had also been placed in the local Chronical Advertiser.

Members were advised that the fact that this application had been made retrospectively, and the fact that ownership of the application site was unknown, were both immaterial to their consideration of the planning merits of the application.

AGREED (unanimously) that the application be deferred for a period of 3 months to allow the Parish Council to investigate ownership of the land.

*(Having declared a Personal Interest on the following item, Councillors J. Bradbury and Mrs L.M.J. Tift did not take part in the debate or vote and left the meeting at this point).*

137. RUFFORD FOREST FARM, KIRKLINGTON ROAD, RUFFORD, NOTTINGHAMSHIRE, NG22 8JF (14/02164/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought 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.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the local ward Member for Rainworth (North Ward) & (South Ward) Rufford.

Members considered the application and it was commented that planning permission had already been granted for two semi-detached dwellings and it was felt that those houses could accommodate the people who wanted to reside in the log cabin.

AGREED (unanimously) that planning permission be refused.

138. 8 GOODWIN LANE, FERNWOOD, NEWARK (14/01957/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought permission for a two storey rear extension.

Members considered the application and it was commented that condition 4 would address the objections from two neighbours.

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

139. THE HOMESTEAD, BARNBY ROAD, BALDERTON (14/02076/FUL)

The item was withdrawn from the Agenda.

140. 22 HAREWOOD AVENUE, NEWARK-ON-TRENT (14/02280/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought the demolition of the garage, garden shed and boundary wall and the erection of a two storey side extension up to and including re-building of the boundary wall.

The application had been brought for consideration by the Planning Committee due to the applicant being a senior member of staff.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Newark Town Council who had submitted no objections.

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

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

141. LAND AT BILSTHOPRE BUSINESS PARK, BILSTHOPRE, NOTTINGHAMSHIRE (13/01767/CMW)

The Committee considered the report of the Deputy Chief Executive, which recommended that the Planning Committee withdraw their objection in respect of planning application 13/01767/CMW and also sought authority to withdraw as a Rule 6 party to the forthcoming local inquiry.

AGREED (unanimously) that the Report be deferred for consideration at a Special Planning Committee, to be held on 10<sup>th</sup> February 2015 at 3pm.

142. LAND SOUTH OF NEWARK, BOWBRIDGE LANE, BALDERTON, NOTTINGHAMSHIRE (14/02039/OUTM)

The Committee considered the report of the Deputy Chief Executive, which sought outline planning permission 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.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Highway Authority and Newark and Sherwood District's Council Environmental Health Officer.

AGREED (unanimously) that planning permission be granted subject to the conditions set out on the Late Item Recommendation Sheet which comprised a list of 23 conditions that reflected the same requirements as the wider employment land approved under planning application 14/01978/OUTM.

143a. APPEALS LODGED

NOTED: that the report be noted.

143b. APPEALS DETERMINED

NOTED: that the report be noted.

The meeting closed at 5.12pm

Chairman





NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 10<sup>th</sup> February 2015 at 3.00pm.

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, G.P. Handley, G.S. Merry, M. Shaw,  
Mrs L.M.J. Tift and I. Walker.

ALSO IN

ATTENDANCE: Councillors: R. Jackson, Mrs S. Soar and F. Taylor.

144. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J.E. Hamilton and Mrs S.E. Saddington.

145. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

146. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman asked if any members of the public or Members were intending to record the meeting. No one indicated that they were intending to record. The Chairman then informed those present that an audio recording of the meeting would be made by the Council.

147. LAND AT BILSTHOPRE BUSINESS PARK, BILSTHOPRE, NOTTINGHAMSHIRE (13/01767/CMW)

The Committee considered the report of the Deputy Chief Executive, which recommended that the Planning Committee withdraw their objection in respect of planning application 13/01767/CMW and also sought authority to withdraw as a Rule 6 party to the forthcoming local inquiry. A supplementary report had also been forwarded to the Committee which set out how the County Planning Committee had addressed the grounds of objection raised by Newark and Sherwood District Council in respect of application 13/01767/CMW and provided an estimate of the costs of maintaining rule 6 status at the local inquiry.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the following: UKWIN; RAGE (local action group); Clerk to Kersall, Kneesal and Ompton Parish Council; Member of the Public; the Local Ward Member for Southwell (East Ward) Upton; and Centre Parcs. Two emails were also attached to the schedule of communications as appendices from Shlomo Downen – National Coordinator, United Kingdom Without Incineration Network (UKWIN), dated 7<sup>th</sup> and 9<sup>th</sup> February 2015. Members were given time to read the schedule of communications prior to the presentation of the report.

The Council's legal advisor presented the report and advised the Committee that each ground of objection was considered in the Supplemental report. Members were reminded that they were required to reach a decision on the planning merits and whilst the report set out the potential financial consequences to the Council if it maintained Rule 6 status, the issue of costs was not material to the consideration of the planning merits.

As the matter had now been called in by the Secretary of State, Members had an opportunity to decide whether to withdraw all or some of the objections in light of the further information which had become available since October 2014.

Members were also asked to consider, in light of the reports and supplemental information; including third party representations, whether to maintain Rule 6 Status in respect of the forthcoming inquiry.

A Member proposed that the objection not be withdrawn and that it should remain on record for the inspector to consider at the public inquiry but that the District Council withdraw as a Rule 6 party.

AGREED (with 9 votes for and 3 votes against) that:

- (a) the Council withdraws as a Rule 6 party to the local inquiry;
- (b) the Deputy Chief Executive is authorised to write to the Secretary of State, the Applicants and Nottinghamshire County Council confirming the same; and
- (c) the formal objection to planning application 13/01767/CMW be left on record to enable the inspector to consider the Council's objections at the inquiry.

The meeting closed at 3.50pm

Chairman

<b>Application No:</b>	<b>14/02180/FUL</b>	
<b>Proposal:</b>	<b>Installation of 10Kw ground mounted solar PV array in the rear garden of the property</b>	
<b>Location:</b>	<b>Greet House, Upton Road, Southwell, Nottinghamshire, NG25 0QB</b>	
<b>Applicant:</b>	<b>Mrs Higgins</b>	
<b>Registered:</b>	<b>19<sup>th</sup> December 2014</b>	<b>Target Date: 13<sup>th</sup> February 2015</b>

The application has been referred to Planning Committee as the recommendation for this application is contrary to the recommendation offered by Upton Parish Council.

#### The Site

The application site lies within land within the ownership of Greet House, which is a large plot in the open countryside south of the A612 between the main built up areas of Southwell and Upton, although the site falls within the administration of Upton Parish Council. The southern boundary of the site broadly follows the River Greet and as a consequence the majority of the site falls within Flood Zones 2 and 3 as identified by the Environment Agency maps. There are a number of trees subject to a Tree Preservation Order along the southern boundary of the site although these are a significant distance from the proposal within this application.

The site is set back approximately 60m from the highway, with Greet House and its associated outbuilding located to the NW of the proposed site. The boundaries of the site comprise high hedges and brick entrance pillars with automated gates.

Neighbouring development is sparse owing to the open countryside location of the site but does include Sherwood Restorations to the north. The Grade II\* Listed 'The Workhouse' is north west of the site on the opposite side of Upton Road.

It should be noted that description of development refers to the land as 'rear garden' however a history search of the site has revealed that the planning permission granted for the replacement dwelling in 2007 did not include the proposed site as part of the curtilage for the dwelling. As such, the land is not considered to be 'garden' and the assessment and recommendation of this application does not accept, nor grant consent for, the use of this land to be garden land.

#### Relevant Planning History

The site has been subject to a number of approvals and refusals for a nursing home and hotel but the most relevant site history is the application under which the existing dwelling was granted approval as a replacement dwelling. Application 06/01751/FUL was granted conditionally in March 2007. Further to this, consent was grant in March 2013 for the erection of a conservatory and detached carport under planning reference 13/00035/FUL.

## The Proposal

Full planning permission is sought for the installation of a 10Kw mounted solar PV array comprising 20 ground mounted photovoltaic panels and associated equipment which in total will measure 22m in length and 1.9m in height. The electricity produced would be used by the dwelling with surplus exported to the National Grid.

## Public Advertisement Procedure

Two neighbours were notified directly by letter which expired on 19<sup>th</sup> January 2015 and a site notice was posted in the vicinity of the site that expired on 29<sup>th</sup> January 2015.

## Planning Policy Framework

### The Development Plan

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

Spatial Policy 3: Rural Areas  
Spatial Policy 7: Sustainable Transport  
Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 13: Landscape Character

#### **Newark and Sherwood Publication Allocations & Development Management DPD**

Policy DM4: Renewable and Low Carbon Energy Generation  
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 Considerations

National Planning Policy Framework (NPPF) - March 2012  
National Planning Practice Guidance (NPPG) - February 2014

## Consultations

**Upton Parish Council** – Support the application

**Nottinghamshire County Council (Highways Authority)** – No highway objections.

**The Environment Agency** – There would appear to be areas of land within the land ownership that would be better suited to this proposal and the applicant may wish to consider an alternative location for the array but if this is not an option then the applicant should be aware that the panels may be damaged or even destroyed in a flood event. The LPA will need to be satisfied that this is classed as essential infrastructure in order to negate the need for the Sequential Test.

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

### **Principle of Development**

The NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of new and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Core Policy 10 of the Core Strategy states that ‘the District Council is committed to tackling the causes and effects of climate change and to delivering a reduction in the District’s overall CO2 emissions.’ In addition to this, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is located within areas of risk, the LPA must apply a sequential test to steer new development to areas with the lowest probability of flooding.

Policy DM4 of the DPD states that ‘planning permission will be granted for renewable and low carbon energy generation development...where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon landscape character...heritage assets and/or their setting, amenity, highway safety, ecology and aviation interests.’

In determining this application, it is considered necessary to balance the strong policy presumption in favour for applications for renewable technologies against the site specific impacts. These matters are addressed below.

### **Flood Risk Matters**

The application site lies within Flood Zones 1, 2 and 3 according to the Environment Agency Flood Maps. The northern-most part of the site lies within Zone 1 at lowest flood risk. Approximately half of the site (southern part) lies within Zone 2 with approximately a third of the site (at the most southern part) is within Zone 3, at a high risk of flooding. Core Policy 10, in line with the NPPF, states that through its approach to development, the Local Development Framework will seek to, amongst other criteria, locate development in order to avoid both present and future flood risk.

Whilst the NPPF seeks to promote the use of renewable energy, paragraph 100 also sets out how the LPA should assess development when it is located in areas at risk of flooding. It requires the LPA to apply the Sequential Test in order to steer new development away from areas with a high probability of flooding; development should not be permitted if there are ‘*reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding*’ (paragraph 101).

Approximately half of the proposed solar panels are located within Zone 3 with the remaining half being in Zone 2. The applicant is aware of the requirements of the NPPF and the Sequential Test and have stated that the current location was chosen based upon a) the best orientation to maximise the solar efficiency of the panels; b) to minimise the visual impact and c) to minimum distance from the dwelling. They are of the view that an alternative location would have an adverse effect on these requirements and consequently have chosen not to amend the scheme.

Having applied the Sequential Test, it is considered the proposal does not pass the Sequential Test for 2 reasons;

1. There is land within the ownership of the applicant which falls within flood zone 1, which therefore has a lower probability of flooding;
2. The proposed size of the solar array would generate electricity which would go over and above what is required for the dwelling and its associated outbuildings, therefore surplus energy would be fed into the National Grid. In this respect it is considered that the solar array not need to be located in the position proposed (i.e. close to the dwelling) and a more appropriate location could be sought.

The Environment Agency have also reiterated the first reason, suggesting that there is land better suited to the proposal and has advised of potential damage to equipment from flood risk. A verbal discussion with the Environment Agency highlighted that their comments were determined through their 'sequential approach' which recommends that whilst they accept the solar array within the site, the current location is not appropriate for the development.

A flood risk assessment has been submitted as part of the planning application, which has provided a history of the site as well as an outline of the proposals for the site with regards to potential flooding. The report states that no permeable area will be lost given that the panels will be suspended approximately 1m above ground; the area under the panels will remain grassed and the array is considered to be flood resilient as the equipment will be located above ground level and the development is considered to be 'less vulnerable' in accordance with the Environment Agency's flood risk standing advice matrix.

However, the findings and recommendations within the submitted Flood Risk Assessment and the further justification above provided by the applicant do not outweigh the requirement for development to be located in areas of low flooding probability and as such, it is considered that the proposal does not comply with Core Policy 10 of the adopted Core Strategy nor Section 10 of the NPPF.

#### Impact of the design on the character of the surrounding area

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 existing garden amenity space associated with Greet House and therefore no agricultural land will be lost as a result of the development. In addition no tree or shrubs are proposed to be removed with no new landscaping proposed; any grass disturbed during the construction will be full restored as soon as practicable after installation.

The photovoltaic panels would be laid in two rows of 20 panels measuring 22m in length. The solar panel arrays would be mounted above ground on steel piles driven into the ground and will have an overall maximum height of 1.9m above ground level and would be south facing. The solar array would be positioned along the south-eastern side of the garden, adjacent to a mature hedgerow which offers significant screening from the adjoining agricultural field. The array would be sited approximately 20 metres from the dwelling and over 60m from the A612 which lies to the north of the site.

The land surrounding the site is relatively flat and although the hedgerows along the boundary of the site and those adjacent to the highway bordering the neighbouring field offer considerable screening from the public realm, the proposed site is still visible from the A612, particularly during the winter months when the hedgerows are bare of leaves. However, although views may be achievable from the public realm, the panels will face away from the highway and due to the nature of the development, it is deemed that the array has a less intensive visual impact, certainly with respect to long distance views, upon the landscape compared with other forms of renewable energy generation. Additionally, the proposal would be read in conjunction with the existing outbuildings on the site (being situated between a garden shed and a polytunnel) and would not be overly prominent within the surrounding rural area. It should also be noted that views of the array from The Workhouse, a Grade II\* Listed Building to the NW of the site, will be very limited, if achievable at all.

Overall, it is considered that the site is capable of accepting the proposal for a solar array without any significant adverse impact on visual amenity. As such, it is considered the proposal accords with Core Policies, 9 and 13 of the Core Strategy and Policy DM5 of the DPD in this respect.

#### The impact upon Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. The proposed solar array is of a low height and the nearest neighbouring properties are located more than 70 metres from the proposed development. It is therefore not considered that the proposed array would have a detrimental impact on neighbouring amenity.

#### Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. As the Highways Officer raises no objection and adequate parking and access would be provided via the existing vehicular entrance to Greet House, it is unlikely that the proposed development would result in any adverse impact upon highway safety.

#### Conclusion

The application site is relatively well screened from the surrounding roads, is fairly small scale and therefore would not be prominent within the surrounding area. However, the proposed site for the solar array is located within flood zones 2 and 3 and therefore regard must be given to the impact upon flood risk as a result of the development. As outlined in the above assessment, it is concluded that the proposal does not pass the Sequential Test, as required by the NPPF, and is therefore considered contrary to both local and national policy in terms of flood risk. It is therefore recommended that the proposal should be refused.

#### **RECOMMENDATION**

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

## Reason

01

The application site lies within Zones 1, 2 and 3 according to the Environment Agency's Flood Maps. The solar array would be sited within Flood Zones 2 and 3 where there is a medium to high risk probability of flooding. In accordance with the NPPF, the Local Planning Authority (LPA) is required to apply the Sequential Test to development. In the opinion of the LPA, the proposal does not pass the Sequential Test as there is available land within the ownership of the applicant which is located within Flood Zone 1. It has not been demonstrated that there are no other reasonably available sequentially preferable sites, which are at a lower risk of flooding, where the development proposed could be located. The proposed development would therefore be contrary to Core Policy 10 of the Newark and Sherwood Core Strategy (2011), the National Planning Policy Framework (2012) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

## 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 for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to make some revisions to the proposal.

## BACKGROUND PAPERS

Application case file.

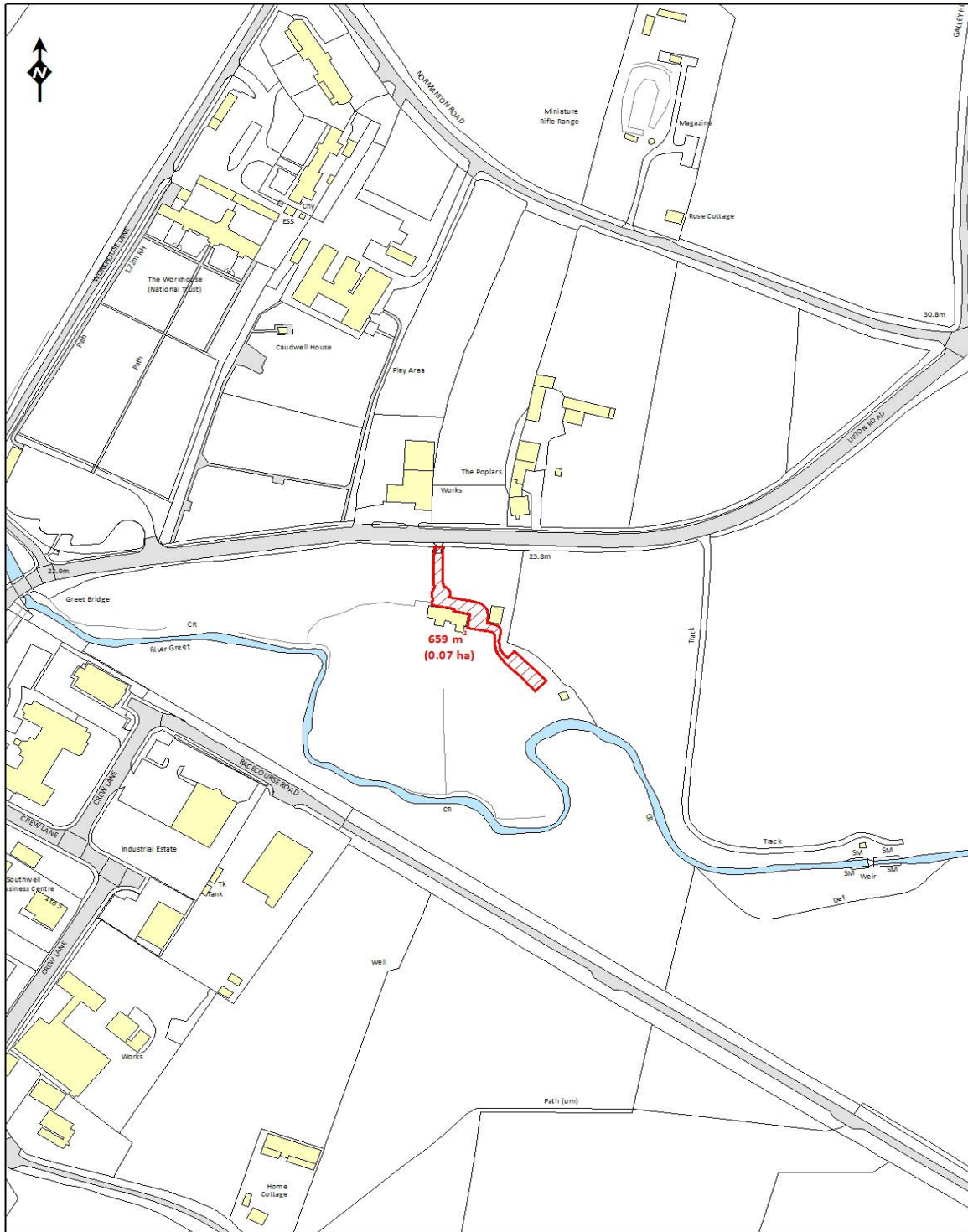
For further information, please contact Nicolla Ellis on 01636 655533.

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

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



Committee Plan - 14/02180/FUL



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



<b>Application No:</b>	<b>14/01576/OUTM</b>	
<b>Proposal:</b>	<b>Outline planning application for the erection of a maximum of 60 dwellings and garages, public open space and demolition of curtilage buildings.</b>	
<b>Location:</b>	<b>Land Off The Ridgeway/Milldale Road, Farnsfield</b>	
<b>Applicant:</b>	<b>Mr R Pinder &amp; Mr M Hazard</b>	
<b>Registered:</b>	<b>9 September 2014</b>	<b>Target Date: 9 December 2014</b>
		<b>Agreed Extension of Time: 4 March 2015</b>

The Site

The site comprises c. 2.58 hectares of land to the east of Farnsfield within the defined built up part of the village. Existing residential development is located immediately to the south and west of the site. The site is situated to the rear of dwellings fronting Brickyard Lane and to the side and frontage of dwellings located along Green Vale, Long Meadow and Milldale Road. The majority of these dwellings are two-storey detached properties. Open countryside is located to the east of the site with the Southwell Trail (a Local Wildlife Site) located to the north. A public footpath crosses the northern edge of the site. A footpath is also located adjacent the west edge of the site, between the existing residential dwellings and the site.

The application site itself is relatively flat and predominantly green field and comprises a number of parcels of land which are relatively flat and bound in the most part by hedgerows and mature trees. The site is bound by mature hedge to the east, west and north boundaries with a further hedge running north-south through the middle of the site. The parcel of land to the rear of Greenacres contains a number of sheds and outbuildings and appears to form part of its curtilage. Land to the rear of Lowfield appears to be used for the storage of materials and other machinery relating to a timber cutting business. The remainder of the land is used for sheep grazing.

The site has been allocated for a housing site (Fa/Ho/1) in the Allocations and Development Management DPD 2013.

Relevant Planning History

14/SCR/00071 A Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for the erection of a maximum of 61 dwellings and garages, public open space and demolition of curtilage buildings (the current application 14/01476/OUTM). It was concluded that an EIA was not required.

07/01241/FUL Replacement agricultural building for repairing and storing of machinery and storage of straw (Retrospective) – permission 20.12.2007

00/50297/OUT Agricultural workers dwelling – refused 05.05.2000

68901040 Residential development for 109 dwellings – refused 26.02.1992

68880332 Erection of tractor and implement store – permission 01.06.1988

6880606 Erect two houses and garages (outline permission) – refused 01.07.1980

6880605 Erect one dwelling and garage (outline application) – refused 01.07.1980

6878194 Construct two detached bungalows with garages – refused 21.03.1978

### The Proposal

Outline consent is sought for the erection of a maximum of 60 dwellings and garages, public open space and demolition of curtilage buildings. All matters are reserved for subsequent consideration.

Whilst the application is in outline only, it is accompanied by an Indicative Masterplan to provide an example of how the site may be developed. The layout of the scheme; means of access; scale, appearance and landscaping are all details to be submitted as part of a Reserved Matters application should outline permission be granted. Access to the site would be achievable off both The Ridgeway and Milldale Road.

Revised plans were received on 9 December 2014 amending the indicative Masterplan to include a 5 metre wide landscape buffer between the site and the open countryside to the east, a reduction in the number of dwellings by one (from 61 to 60), amendments to incorporate the line of the public footpath, retention of more of the middle hedge and the provision of an additional tree to the northern side of Parfitt Way (northern access point) as requested by the Nottinghamshire Wildlife Trust.

A revised Ecological Report was also submitted on 9 December 2014 to address concerns raised by Nottinghamshire Wildlife Trust and the County Ecologist during the initial consultation period.

The Masterplan indicates the following housing mix:

	<b>Affordable</b>	<b>Market</b>	<b>Total</b>
2 Bed	10	0	10
3 Bed	8	15	23
4 Bed	0	22	22
5 Bed	0	5	5
<b>Total</b>	<b>18</b>	<b>42</b>	<b>60</b>

A Flood Risk Assessment, Transport Assessment, Arboricultural Survey Report and Method Statement, Archaeological Desk-Based Assessment, Design and Access Statement, Planning Statement, Affordable Housing Statement and Ecological Survey have been submitted with the application.

The application has been screened under the Environment Impact Assessment Regulations and it has been concluded that an EIA is not required.

## Departure/Public Advertisement Procedure

Occupiers of 157 neighbouring properties have been individually notified by letter. Sites notices have been displayed on site and an advert has been placed in the local press.

## Planning Policy Framework

### **The Development Plan**

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

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

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

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

### **Other Material Planning Considerations**

National Planning Policy Framework 2012  
National Planning Policy Guidance (March 2014)  
Newark and Sherwood Affordable Housing SPD (June 2013)  
Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)  
Housing Monitoring and 5 Year Land Supply Report (1st April 2013 - 31st March 2014)

## Consultations

**Farnsfield Parish Council** – As this is an allocated site in the District DPD the application to build on the site cannot be subject to an objection. However the DPD states that this site should contain about 35 dwellings. This application is for considerably more than this circa 68% more. The Ash Farm development created a precedent when the number of dwellings on site was increased by 25% instead of the numbers requested and this was accepted by the Planning Committee due to

some miscalculations in the DPD. In this case our objection to the number of dwellings proposed is based upon this and we suggest that no more than 44 dwellings be allowed on the site, an increase of 25%.

Consent should only be given if adequate assurances are agreed to deal with surface water and foul water drainage ensuring that proposed and current residents are not adversely affected.

Concern was also expressed regarding the width of the access from Milldale Road and the access route from the Ridgeway often obstructed by on road parked vehicles. Additional vehicles will further exacerbate the situation. Any increase over the 44 dwellings proposed will add considerably to this issue.

**Environment Agency** – The Agency has no objections, in principle, to the proposed development subject to planning conditions requiring a surface water drainage scheme and a scheme to treat and remove suspended solids from surface water run-off during construction works.

Farnsfield has experienced flooding from a number of non-main river sources of flood risk. We therefore recommend that Nottinghamshire County Council, as Lead Local Flood Authority, should be consulted to determine whether they have any further comments on this planning application.

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

**Severn Trent Water** – No objection subject to a condition requiring the submission and approval of drainage plans for the disposal of surface water and foul sewage. Request for further comment in relation to Environment Agency consultation response requested 20.01.2015 but no further comment has been received to date.

**Natural England** – The proposal is unlikely to affect any statutorily protected sites or landscapes. Standing advice in relation to protected species applies. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

**Nottinghamshire County Council (Highways Authority)** – The principle of the development has been agreed as part of the Local Development Framework exercise carried out by the LPA. Only the scale of the development differs from the adopted planning policy. However the proposal for up to 60 dwellings does not generate a level of traffic that would cause highway capacity or safety issues. Access into the development via Milldale Road and The Ridgeway are acceptable. Notwithstanding the submitted indicative masterplan drawing, all site highway layouts should comply with the 6Cs design guide (see [www.leics.gov.uk/index/6csdg](http://www.leics.gov.uk/index/6csdg)) and be submitted to and agreed in writing by the LPA.

*Specifically in relation to concerns raised by neighbours in relation to the width of adjoin roads, the Highways Officer has commented as follows:*

I have been to site today and measured The Ridgeway at its narrowest points and the carriageway never falls below 4.8m. This is adequate. Although something wider would have been desirable I have taken account of the fact that;

- The development will generate modest amounts of traffic (one car trip every 1.5 minutes in the peak hour)
- Existing traffic successfully negotiates these roads, and;
- There are alternative route options.

I am therefore happy that the proposed highway impacts are acceptable.

**Nottinghamshire County Council (Archaeology)** – the hedgerows running through the site are shown on Sanderson’s map of 1835 and so they would qualify as important under the Hedgerow Regulations. However, these regulations are over-ridden by planning permission. In this case I would suggest that the hedgerows that bound the area on the eastern and western sides are the most important from an archaeological point of view, as they preserve the curved profile of ridge and furrow (some of which is still in existence in fields to the east).

**Nottinghamshire County Council (Lead Flood Risk Authority)** – No response received.

**Nottinghamshire County Council (Strategic Planning)** – **The following response was received 14.10.2014 prior to the submission of amended plans:**

*Bus Service Support* - Farnsfield is currently served by Stagecoach service 28 which operates hourly between Mansfield and Newark. In addition the Sherwood Arrow linking Nottingham with Worksop and Retford also serves the village. Transport links from this area to major centres can only be described as moderate and additional resources would almost certainly be required to satisfy the generated travel needs arising from the development. This might include additional evening or Sunday services. The usual guidance of 400 metres walking distance is not met from all areas of the development and some of the proposed dwellings are circa 600 metres from the nearest bus stop locations. However realistically any new bus stops would never be served, as bus operators would be unlikely to divert any regular buses off the main carriageway through the village. We would expect the developer to liaise directly with Transport and Travel Services to determine details of what contribution towards bus service support is expected.

*NCC Highways have confirmed that this is to consist of the following:*

The suggested improvements at the nearest bus stops from the information in the available photographs are as follows:

- NS0026 The Ridgeway – Replace Wooden Bus Shelter & Real Time Pole with associated display (if space permits)
- NS0027 The Ridgeway - Replace Wooden Bus Shelter & Real Time Pole with associated display (if space permits)

The current costs are approximately as follows:

- Wooden Bus Shelter - £5,000 (subject to design)
- Real Time Displays and Associated Electrical Connections - £6,000

*Landscape impact* - The applicant has sought to retain a significant part of the existing mature hedgerow and a group of mature trees in the proposed layout, and create a central green space area. Some mature hedgerow will however be lost as will the existing grass land and orchard/ornamental tree planting in the southern part of the existing site. For the majority of their length the sections of the retained hedgerow lie within wider greenspace. It is not clear what the actual buffer / stand off of the mature hedge and tree will be or provision for future management and maintenance. This will be critical to ensuring that these elements have continued vigour and are not degraded into the future. This retained landscape infrastructure will be augmented by the central village green and drainage feature to the south.

Existing Landscape character is not explicitly considered in the design and Access statement or elsewhere in the application. However the proposed layout does achieve to some extent the conservation of some of the hedgerows, albeit fragmented by the new access road.

The proposals indicates that the development 'could' adopt the local traditional vernacular style or could follow a more contemporary chalet style of development. From a landscape character point of view the former would be preferable.

The visual unity and habitat would of course be impacted negatively by the development of 61 houses and associated access, gardens etc. within previously agricultural fields which form part of what looks to be a historic field pattern. Although the containment of the development within the existing landscape framework does reduce this impact to some extent, there will still be considerable negative impact.

No assessment of visual impact is made either on receptors in residential properties immediately to the west and south of the proposed development or of users of the rights of way and recreational route networks that cross and run near to the development. No assessment is given over the potential extent of visibility of the site. Its position on a sloping site on the edge of the village immediately adjacent to existing housing on 2 sides, would indicate that it will be partially visible, at least, to a significant number of receptors. It would be useful if the applicant could supply more information on this, so that some assessment can be made.

It is accepted however that the retention of the mature hedgerow structure will help reduce this impact to some extent, but more information needs to be supplied to be able to verify this.

Overall the development will inevitably have a negative impact in terms of direct impact on the landscape and landscape character impact. This has to some extent been mitigated by the retention of a significant portion of the mature hedgerow framework and some mature trees, but the net impact will still be negative. No assessment has been possible in respect of visual impact due to lack of information on this issue in the application documentation.

*Overall Conclusions* - It should be noted that all comments contained above could be subject to change, as a result of on-going negotiations between Nottinghamshire County Council, the Local Authority and the applicants. The County Council do not have any strategic transport objections to the proposed development. The County Council does not object to the proposed development from a Travel and Transport perspective, however, does raise a number of issues in relation to the provision of adequate bus services as set out in detail above. The County Council do not object to



the proposed development from a Minerals or Waste perspective. Overall the development will inevitably have a negative impact in terms of direct impact on the landscape and landscape character impact. This has to some extent been mitigated by the retention of a significant portion of the mature hedgerow framework and some mature trees, but the net impact will still be negative. No assessment has been possible in respect of visual impact due to lack of information on this issue in the application documentation. The Ecology Team are not able to comment fully on the proposal until the above information is provided by the applicant, once this is provided we will consider the relevant reports again. From a Rights of Way perspective the County Council consider that it would be of benefit to upgrade the footpath to a surfaced bridleway up to where it links to the trail to provide a greater opportunity for other users, particularly cyclists. A financial contribution of £2,323 for additional library stock and £148,915 for primary education requirements to mitigate the impacts of the proposed development are required. Secondary contributions are covered by the District Council's Community Infrastructure Levy.

**NCC Public Rights of Way** - The current legal line of FP14 is situated entirely inside the northern boundary of the proposed site. Concern was originally expressed that the Masterplan indicated that the definitive line would pass through plots 57 and 58 and also plots 1 and 2.

*Revised plans received 9 December 2014 amend the illustrative layout to accommodate the existing legal line of the path. No comments from the Public Rights of Way Officer on the amended plan have been received to date.*

The proposed development is linked to the nearby Southwell Trail just to the north via a public footpath. This is a positive attribute, however will lead to increased footfall. As such the County Council would ask for a contribution from the developer towards surfacing and signposting of the trail in this already heavily used stretch. The spine road will make access from the development to the footpath and thence the trail very easy for the residents. It is considered that it would be of benefit to upgrade the footpath to a surfaced bridleway up to where it links to the trail to provide a greater opportunity for other users, particularly cyclists. The Countryside Access team would need to be consulted about the practicalities and legalities of this suggestion and would possibly need landowner consent too. If it is feasible the developer should be encouraged to negotiate an improved access here.

**NCC Archaeology** – no comments received.

**Nottinghamshire Wildlife Trust** - (17.12.2014) No objection in relation to revised Ecological Report subject to compliance with the proposed mitigation measure including the submission and approval of an Ecological Management Plan.

**NSDC (Parks and Amenities)** - I note that the outline masterplan for the site shows a number of areas of public open space totaling 0.29ha together with a SuDS balancing facility of 0.23ha. The total open space provision is thus in excess of that required by the Council's Developer Contributions SPD. However none of the open spaces shown are specifically designed as children and young people's playing space and it may thus be appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children's playing space. I welcome the retention of the existing trees and hedgerows and the proposed pedestrian and cycle links to the Southwell trail. The provision of the Sustainable Drainage System allows for

the creation of further wildlife habitat in the form of wet areas/swales however care needs to be taken in the design of this and proper arrangements need to be made for its ongoing maintenance.

**NSDC (Community Sports and Arts Development)** – I have no objection to this proposal subject to payment of a contribution towards community facilities as per the current Developer Contributions and Planning Obligations SPD fixed at £1,181.25 per dwelling plus indexation from December 2013 to when payments are triggered. The community facility contribution would be used to support appropriate community projects in Farnsfield which could include improvements to the village hall, cricket, football, tennis and bowls clubs and or other such projects as may be deemed a priority in consultation with appropriate community groups.

**NSDC Conservation** - The proposal site is to the northeast of the village in an area of open countryside. The adjacent built environment is characterised by modern suburban housing. There are no designated heritage assets within the proposal site. Farnsfield Conservation Area is located to the southwest of the proposal site. It is anticipated that the proposal will have limited impact on the conservation area, including its setting

There are several listed buildings within Hexgreave Park to the north, all of which are Grade II listed. The distance between the proposal site and these assets is such that there is unlikely to be any substantive impacts. In longer views, the proposal will likely appear as a continuation of the existing built environment. There may, in any case, be opportunities for improving green infrastructure on the northern boundary which may help manage landscape impact in a positive manner.

The proposal provides an indicative masterplan. In the accompanying design and access statement, the suggested scale and height of dwellings is no more than 2 or 2.5 storeys. However, the possibility of larger 3 storey buildings on Parfitt Way is suggested. Taller buildings could have an impact in longer views from designated heritage assets, so consideration should be given to ensuring that the scale and form of new buildings does not adversely affect the landscape setting of any designated heritage assets.

The archaeological desk-based assessment provided appears to be comprehensive and appropriate in this context. Further advice should be sought from the County Archaeology Team.

Overall, Conservation has no material concerns with the proposal. In reaching this view, I have considered the Council's legal duties in respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as policy advice outlined in section 12 of the NPPF and Policy DM9 of the Council's relevant LDF DPD.

**NSDC (Contaminated Land)** - Aerial photography appears to show a builders yard and several vehicles stored on part of the application site. There is the potential that contamination may be present on site as a result. Given the proposed sensitive end use, I would request that our full phased contamination condition is attached to the planning consent.

**NSDC Strategic Housing** – The proposed scheme will provide 18 dwellings designated as affordable housing as defined in the Council's current adopted policy (CP1) out of a total of 61 units. The tenure Mix requirements are 60% social rent and 40% intermediate housing (Shared Ownership

and to be classed as housing in a designated rural area under the Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the East) Order 1997/623). The affordable housing statement provided by the applicant refers in paragraph 1.7 to a monetary affordable housing contribution in lieu of on-site provision if an affordable housing provider cannot be secured. The Council does not normally encourage off-site contributions unless an affordable housing provider cannot be encouraged to take ownership of the units to the satisfaction of the Council. For the purposes of the S106 it is not necessary to detail this provision.

**NSDC Access Officer** – General observations.

**Representations from 58 local residents, neighbours and interested parties** have commented on the application. It should be noted that these comments were all made to the plans as originally submitted and revised plans which were consulted upon on 9 December 2014. The comments are summarised below:

#### *Principle*

- Too many houses proposed;
- The increased density is unacceptable;
- The site should contain about 35 dwellings. If the same figure of about + or – 25% which was applied to the Ash Farm development was applied, then the max. dwelling would be 44 and not 60;
- If the current application was granted, there would be a total of 149 dwellings constructed on this and the Ash Farm site, some 42% more than the 105 dwellings allocated for the two sites;
- No precedent should be set by granting permission for more dwellings than already allocated for this site as part of the adopted planning policy.
- Housing development has been refused on this land before and the issues have not changed

#### *Highways*

- Access at Milldale is dangerous;
- Increased car trips to school and doctors;
- Increased congestion and lack of parking along Main Street;
- The width of the Ridgeway with parked cars is far too narrow for lorries, refuse collection vehicles and even the larger family and four wheel drive vehicles to pass;
- Visibility on the corner of Milldale/The Ridgeway needs to be improved;
- a new road entrance from the Southwell road would be the best option;
- huge impact on driver and pedestrian safety.
- The Ridgeway and Milldale are too narrow for the increased traffic;
- any emergency services will inevitably encounter restricted access;
- There are errors in the submitted Transport Statement which does not state measurement of The Ridgeway at its narrowest point. On this basis, the Transport Report is not factually correct and should be corrected immediately.
- Vehicles will increasingly use Crab Nook Lane as a rat run despite this being a service road for the houses only.
- The Ridgeway estate simply cannot cope with any more traffic. Given that the average household has two cars this could mean that approximately 122 more cars will be running along Milldale and The Ridgeway.
- Some roads and paths are too narrow and can't be widened to make safer.

- There are inaccuracies in the assertions made in the applicants documents e.g. I disagree with the traffic survey which states people will not need cars and those that do will have no impact on the traffic flow. The local bus service is not adequate;
- existing side roads are deteriorating with loss of the top surface.

#### *Capacity*

- Farnsfield's school, doctors, dentists and roads would not be able to cope with this large increase in population.
- The nearest secondary schools are oversubscribed;
- Car parking in the village centre is limited already;
- Infrastructure cannot cope with so many additional houses in Farnsfield.

#### *Character*

- negative effect on the surrounding countryside and landscape;
- adverse impact on the character of the village;
- such high density housing is at odds with this rural community character;
- the adjacent housing is composed of a large number of cul-de-sacs and any new development would also be in cul-de-sac form;
- the site consists if a medieval field system which is worth preserving for future generations.

#### *Natural Environment*

- Impact on bats, owls, birds and hedgehogs;
- Plot 21 is located on a hawthorn hedge;
- The existing greenfield flora and fauna will be further challenged through loss of environment;
- Linking up paths through the centre of the site would mean destroying trees. Trees and bushes between Greenvale and the application site should be retained.

#### *Flooding/Drainage*

- Surface water flooding risks;
- the present sewage system is inadequate - flooding occurs on Main Street during heavy rain.
- Previous applications have been turned down for flooding/drainage reasons;
- Houses to the south are at a lower land level and at greater risk of flooding;
- Properties have suffered sewage flooding as drains on the estate could not cope.
- The Ridgeway has also lost its manhole cover on a number of occasions recently due to heavy rainfall.
- the balancing pond for excess water is not low down enough on the plans as the lands falls away more steeply as it goes towards Brickyard Lane. It would seem that the social housing area will be more likely to flood.

#### *Amenity*

- Plot 19 would directly overlook 8 Milldale Road, with only a c3.5m distance from the back of this new property to the boundary – this would be slightly mitigated if the boundary hedge were to be maintained
- Plot 1 would have close views of the existing properties on Long Meadow;
- Plot 13 would overlook properties on Greenvale;
- Plots 20 and 21 are too close to the boundary and would overlook adjacent dwellings;
- the gardens of the proposed properties should back onto the existing houses, rather than the side of a house, as opposite 13/14 Greenvale.
- loss of privacy;
- noise and intrusion;
- unnecessary encroachment of plot 13 on to the adjacent property on the East side of Greenvale;

- spoilt views;
- can a suitable working hour's condition for delivering heavy equipment be imposed and can all contractor vehicles be contained on the building site rather than on existing residential roads?
- Increased use of the paths through the adjacent residential estate will ruin the peace and privacy of these residents;
- The proposed houses adjoining Brickyard Lane are too cramped in and too close to the boundary and will have a detrimental impact on our privacy and noise levels and will change the aspect;
- Impact of contaminated land.

*Other*

- The proposal should accord with the Parish Council's Neighbourhood Plan;
- The Housing Needs Survey identifies a need for bungalows (which are not currently proposed) and affordable/low cost housing;
- High cost and low cost housing should be mixed together more – small dwellings are to the south of the site;
- The large number of bigger houses mean that the current inhabitants of Farnsfield will not be able to afford, nor want to live in these larger houses forcing the older/younger population to leave the village. 4/5 bedroom houses are unnecessary;
- Too many four bedroomed houses;
- A 2-tier block of self-contained apartments with perhaps a small garden area village would mean that older residents could vacate a 3 or 4 bedroom house for incoming families and enable older residents to remain in this Village;
- A considerable sum of money will be required to be available to correct the issue with flooding and state of roads;
- Noise, traffic & dust from the construction phase – dangerous and intrusive;
- Will there be a guarantee that the infrastructure will not be subject to overloading and consequent requirement for public money to be spent to resolve/repair structures? The developer should confirm they will pay for these matters.
- Who will be responsible for the constant monitoring of the works, if approved, to ensure no environmental or safety breaches occur?
- Public safety during construction period;
- Increased traffic would defeat the object of the original design of a footpath through the Ridgeway estate to enable children to walk to St. Michael's School as safely as possible;
- The proportion of affordable homes proposed is too high;
- the problem of humankind population growth has to be encouraged to stop.

**Comments of Business Manager, Development**

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The proposal site is located in Farnsfield which is a Principal Village, as defined under Spatial Policy 1 of the Core Strategy (adopted 2011). The site has been allocated for residential development through the DPD and has been identified to provide for around 35 dwellings. The principle of development in this location has been established through the sites allocation in the Allocations & Development Management DPD, with Policy Fa/Ho/1 setting out a detailed approach for the bringing forward of the site. This states that the site is allocated for residential development providing around 35 dwellings and will be subject to the following:

- *Appropriate design which addresses the sites edge of settlement 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 of the area, for the retention and enhancement of the sites existing landscape screening;*
- *Appropriate separation and buffer within the design and layout of any planning application between existing dwellings on Ridgeway and Greenvale and proposed dwellings on the site to provide both with an adequate standard of amenity;*
- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures, including excavation, likely to be required by conditions attached to any planning permission. New development here should respect plot shapes of the medieval field system;*
- *Transport Assessment of the Southwell Road/Ridgeway junction submitted as part of any planning application; and*
- *Developer funded localized sewer capacity improvements as required.*

Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 refers to development within sites allocated in the ADMDPD being supported for the intended use provided that they comply with the relevant Core and Development Management policies relating to site specific issues.

Consequently, the principle of residential development on this site is considered acceptable subject to an assessment of the site specific criteria set out in Policy Fa/Ho/1 and all other relevant considerations including the relevant aspects of national policy and the District's development plan. For the avoidance of doubt this includes the number of houses proposed (in terms of whether site characteristics can justify the quantum of development proposed) and this assessment is set out below.

### Housing Numbers, Density and Mix

It is accepted that the scheme promotes a maximum quantum of development higher than the broad figure quoted in Policy Fa/Ho/1. As has been discussed on previous occasions with site allocations, including within Farnsfield, Allocations Policies are not intended to set a maximum delivery figure for each site but to provide an indication of the scale of overall development that might be brought forward. In order to be found sound the ADMDPD was required to demonstrate that the minimum number of dwellings to satisfy the requirements of the Core Strategy could be delivered. This was endorsed by the Inspector who conducted the examination of the DPD. The overall quantum of development that can be accommodated on a site is ultimately derived from ensuring acceptable detail such as layout,

design, scale, and drainage. In other words, if a site can acceptably accommodate more units then there is no reason to withhold planning permission. Indeed, paragraph 1.28 of the Allocations and Development Plan Document DPD (recommended to included by the Examinations Inspector) advises that *“As a part of the determination of planning allocations on these allocated sites it is possible that both higher and lower densities may be achieved on sites as part of the design process.”* Where site owners and promoters made the case that their sites could accommodate a greater level of development the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy.

Turning to this site I note that at the time of the Strategic Housing Land Availability Assessment (SHLAA), as detailed in Appendix 2 (Spatial Policy 9 Assessments) of the Allocations & Development Management Options Report a potential yield of 67 dwellings was envisaged.

Without a detailed layout it was not possible to determine the exact capacity of a site during the allocations process and consequently it was anticipated that some sites would yield less and some more than the average density figure. This figure was ultimately revised down as part of the finally adopted Policy given the need for greater certainty, via a design process which a planning application can supply, on matters such as highways access, design, layout, scale, and drainage/flooding capacity. Providing it does not give rise to any unacceptable local environmental, highway or amenity impacts, there is no reason to resist more development and particularly not for statistical reasons alone.

As explained above, the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

The National Planning Policy Framework which seeks to ensure sites *‘deliver a wide choice of high quality homes....and.... plan for a mix of housing...’* 60 units are proposed, which would represent a density of 29 dwellings per hectare. This is marginally lower than the envisaged delivery suggested in the Core Strategy of 30 dwellings per hectare however is still considered to represent efficient use of land particularly when taking into account the density and character of the adjacent housing development and its edge of centre location of the development adjacent to the open countryside.

This figure of 60 is higher than the ‘around 35 dwellings’ referred to in the DPD. The 60 dwellings would deliver a range of 2, 3, 4, and 5 bedroom accommodation. 30% of the units would be affordable with potentially (given the outline nature of the application this would be controlled through reserved matters) 18 no. 2 and 3 bed units being provided. The remaining 42 open market units would include 3, 4 and 5 bed dwellings. A 35 unit scheme would represent a much lower density but more critically would necessitate larger units which would fail to address housing need or indeed a balanced mix of housing for the area.

I would therefore conclude that the density and mix housing units proposed would comply with the aims of the NPPF and Core Policy 3.

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

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

Policy Fa/Ho/1 requires *'Appropriate design which addresses the sites edge of settlement 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 of the area, for the retention and enhancement of the sites existing landscape screening'*.

Core Policy 13 in the NSDC LDF states that 'The District Council will expect development proposals to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area'. The site lies within the Mid Nottinghamshire Landscape Character Area, in landscape Policy zone MN36 Hallam Village Farmlands. The landscape policy for this policy zone is to conserve because of the good condition and moderate sensitivity. Suggested policy actions of relevance to this application include:

- Conserve hedgerows and prevent fragmentation
- Conserve historic field pattern by containing limiting any new development within historic enclosed boundaries.
- Conserve the rural character of the landscape by limiting any new development to around the settlements of Farnsfield, Edingley and Halam.
- Maintain use of vernacular materials, style and scale in any new developments.
- Conserve the ecological diversity and setting of the designated SINCS.
- Conserve and enhance tree cover and landscape planting generally to improve visual unity and habitat across the Policy Zone.

Given that the scheme is outline, the detailed design of the development including layout and landscaping are reserved for subsequent approval. However, the indicative Masterplan submitted with the application indicates the retention of existing hedges, shrubs and trees where possible and the provision of a 0.52Ha of open space in total (approximately 20% of the site). A primary street is indicated running through the middle of the development on a north-south axis, connecting into both vehicle access points.

The submitted Planning Statement advises that the Masterplan 'has sought to provide a spacious green character to reflect the edge of settlement location'. The Design and Access Statement further states that development would be orientated to be outward looking along the east edge of the site, with some dwellings 'side-on'. A landscape buffer is proposed alongside the eastern boundary of the site. This buffer would measure 5 metres wide and would provide an appropriate



soft edge to the village. The buffer area already contains a number of established trees and hedgerow and it is envisaged that its reinforcement would be a requirement of a subsequent reserved matters application.

Nottinghamshire County Council's Strategic Planning Officer comment that *'no assessment of visual impact is has been made either on receptors in residential properties immediately to the west and south of the proposed development or of users of the rights of way and recreational route networks that cross and run near to the development. No assessment is given over the potential extent of visibility of the site. Its position on a sloping site on the edge of the village immediately adjacent to existing housing on 2 sides, would indicate that it will be partially visible, at least, to a significant number of receptors. It is accepted however that the retention of the mature hedgerow structure will help reduce this impact to some extent, but more information needs to be supplied to be able to verify this. Overall the development will inevitably have a negative impact in terms of direct impact on the landscape and landscape character impact. This has to some extent been mitigated by the retention of a significant portion of the mature hedgerow framework and some mature trees, but the net impact will still be negative. No assessment has been possible in respect of visual impact due to lack of information on this issue in the application documentation.'*

I agree that the development would inevitably have a negative impact on the landscape and the character of the surrounding area by virtue of the fact that a predominantly greenfield site would become a housing site albeit with a relatively large proportion of open space provided. The principle of the residential development of this site has however already been established through the allocations process. I do not consider the site to be highly visible from public vantage points due to the relatively flat nature of the site (ranging from 54-56m AOD) and the existing levels of landscape screening which surround the site. Views from the public right of way which crosses the northern edge of the site would clearly be achievable however views from the Southwell trail and Brickyard Lane are likely to be limited.

The submitted Design and Access Statement indicated that the majority of dwellings would be 2 and 2.5 storey with potential for some 3 storey dwellings along the central access road. It is important that the scale of the development be adequately assessed during the reserved matters stage and the provision of photomontages to assess the full visual impact of the proposal will be advised.

There would be some breaks in the established hedgerow created at the main vehicle access points at Milldale Road and The Ridgeway with a pedestrian access also created along the east boundary of the site. The hedge running north-south through the centre of the site is clearly shown as being retained for the most part within the indicative Masterplan but again, a limited number of breaks would be required to provide access to the dwellings. A 'village green' has been located at the centre of the site, incorporating the mature trees and stretches of the hedgerow. Overall, I consider the indicative Masterplan to conserve the historic field pattern by containing limiting any new development within historic enclosed boundaries where possible.

In conclusion I consider that an appropriate design of development including layout, scale, appearance and landscaping could be developed which addresses the sites edge of settlement location and manages the transition into the main built up area. It is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the illustrative Master Plan.

### Impact on Highway Safety

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

The central access road through the site would link the two access points at Milldale Road and The Ridgeway. Although the application is outline, it is considered likely that adequate parking can be accommodated on site with details to be agreed at the reserved matters stage. The indicative Masterplan shows that the majority of parking would be provided to the side of the properties with a rear parking courtyard serving a few of the dwellings.

Policy Fa/Ho/1 requires a *'Transport Assessment of the Southwell Road/Ridgeway junction to be submitted as part of any planning application'*.

A Transport Assessment (TS) has been submitted with the application which demonstrates that access to the site is safe and satisfactory. This concludes that the site *'is accessible by modes of transport other than the private car being located within a reasonable walking and short cycle distance from Farnsfield Village Centre, existing bus services and local facilities'* and that the *'development traffic will access the wider highway network via a priority junction to Main Street to the South of the site. The TS has demonstrated that the existing junction geometry and visibility complies with the highway authorities adopted standards. In addition, detailed peak hour capacity assessment undertaken for this junction confirm that the layout will be able to satisfactorily accommodate background and development traffic'*.

The County Highways Officer raises no objection to the application as they concur with the results of the TS and consider that a proposal for up to 60 dwellings would not generate a level of traffic that would cause highway capacity or safety issues. Notwithstanding the submitted indicative masterplan drawing, all site highway layouts would need to comply with the 6Cs design guide which would be fully considered at the reserved matters stage. Commenting specifically in relation to concerns raised by neighbours in relation to the width of adjoining roads, the Highways Officer has checked carriageway widths and whilst acknowledging that whilst wider would be desirable, the widths are still adequate in this instance given:

- The development will generate modest amounts of traffic (one car trip every 1.5 minutes in the peak hour)
- Existing traffic successfully negotiates these roads, and;
- There are alternative route options.

It is not therefore considered that the proposed development would result in any parking or traffic problems subject to the approval of reserved matters in accordance with the requirements of Spatial policy 7 and Policy Fa/Ho/1 of the DPD.

### Impact on Flood Risk and Drainage

Policy Fa/Ho/1 requires *'developer funded localized sewer capacity improvements as required'*. 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.* Core Policy 9 requires new development proposals to pro-actively manage surface water.

The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses.

In respect of both this site and the allocated sites at Ash Farm, at Site Allocations stage Severn Trent Water Authority identified to the Council that sewer capacity issues exist currently in the village and that further development of any significant scale is likely to require this to be addressed. Sewers include foul sewers, storm sewers and combined sewers.

Local anecdotal information confirms that there have been events of foul water surcharged with surface water from heavy rainfall which has flooded parts of the village, including the most recent floods this year (2013) with manholes lifting and discharging storm water and sewerage into homes.

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 (in this case Severn Trent Water) 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.

The submitted Flood Risk Assessment (FRA) indicates a commitment by the applicant to address this issue. It is initially proposed to connect the foul drainage from the proposed development to the public foul sewer located within the adjoining Milldale Road. Alternatively, the option of requisitioning an off-site gravity outfall sewer connecting to the public sewer within Brickyard Lane would be considered. The applicant has advised that they are in discussions with officials at Severn Trent Water as to the specification that would be required to enable the foul sewers to accommodate the additional demand from foul water (sewerage and waste water) from the development. A condition is recommended to control such detail.

A surface water balancing area has been identified on the indicative Masterplan close to the south west corner of the site. The FRA states that this would contain a residual discharge to the public sewer which would also be subject to the approval of Severn Trent Water. The balancing pond could be supplemented by the use of swales. In addition, if proved viable by on site percolation testing, the overall attenuation requirement could be reduced by the inclusion of infiltration SUDS techniques such as soakaways or permeable paving.

Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved. Equally the Environment Agency raise any objection subject to the imposition of a conditions requiring a surface water drainage scheme and a scheme to treat and remove suspended solids from surface water run-off during construction works. On this basis, it is not considered that a refusal on concerns relating to sewer capacity can be justified and the proposed development of 60 dwellings in any event, is unlikely to create a capacity issue in its own right. Subject to conditions, it is not considered that the proposed development would unacceptably impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9 and Policy Fa/Ho/1.

## Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. A Phase 1 survey and preliminary protected species has been submitted with the application and an additional Ecological Report was submitted in November 2014 to address the concerns originally raised by Nottinghamshire Wildlife Trust. The Ecological Report concludes that the site has limited ecological value overall and impact on ecology would largely arise from the demolition of the existing buildings and clearance of some of the existing vegetation. The retention of the majority of the established boundary vegetation reduces ecological impact. No evidence of badgers, great crested new or bats were found necessitating any further survey work. Although a bat roost is located approximately 300 metres from the site, the proposals are unlikely to have any direct impact. Nottinghamshire Wildlife Trust are satisfied with the result of the additional Ecology Report and raise no objection to the proposed development.

This site lies within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an Special Protection Area (SPA), by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Newark and Sherwood District Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

Nottinghamshire Wildlife Trust have confirmed verbally that they are satisfied that the development is unlikely to have a direct impact on breeding nightjar and woodlark due to its distance away from the Core Area, the scale of development, the proportion of open space contributing to the green infrastructure network and ecological measures proposed. As such, the proposed development would not result in a direct impact on the pSPA and any impact from housing development itself would be negligible.

Having assessed the impacts of the proposal upon nature conservation and protected species, it is considered that subject to conditions securing the mitigation set out in the submitted Ecology Report which include tree protection measures, the provision of bat and bird boxes and a lighting scheme to minimize light spillage upon the boxes and to maintain dark corridors along the existing hedgerows the proposed development is unlikely to have any adverse impact upon ecology including protected species or the Sherwood pSPA. In addition, a range of new habitats would be created including areas of both formal and informal open space and a balancing pond area which could be managed less intensively to benefit wildlife and any features (required to augment the site drainage as part of Sustainable Urban Drainage Systems).

Overall and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

### Impact on Residential Amenity

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

Policy Fa/Ho/1 requires *'appropriate separation and buffer within the design and layout of any planning application between existing dwellings on Ridgeway and Greenvale and proposed dwellings on the site to provide both with an adequate standard of amenity'*.

As explained in the Impact on Visual Amenity section above, the majority of the existing hedgerow, trees and shrubs which separate the application site from the existing dwellings to the west of the site would be retained. The majority of separation distances between dwellings indicated in the illustrative Masterplan appear to meet common practice separation distances. The detailed design of the dwellings including the position of habitable room windows would need to be approved at the reserved matters stage. A number of proposed dwellings would overlook the rear garden of Greenacres albeit the Agent has confirmed that this dwelling belongs to one of the Applicants. A minimum separation gap of 12 metres is illustrated between the existing dwellings along Long Meadow and Greenvale which would be an adequate separation distance provided that none of the new dwellings contain habitable room windows directly facing the existing dwellings.

Having carefully assessed the scheme I am satisfied that the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5 and Policy Fa/Ho/1 of the DPD.

### Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

Policy Fa/Ho/1 requires *'pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures, including excavation, likely to be required by conditions attached to any planning permission. New development here should respect plot shapes of the medieval field system'*.

An Archaeological Desk-Based Assessment has been submitted with the application. This confirms that there are no designated or non-designated heritage assets likely to be affected by the proposed development and there is considered to be low potential for evidence dating to all periods.

The hedgerows that bound the area on the eastern and western sides are the most important from an historical point of view, as they preserve the curved profile of ridge and furrow (some of which is still in existence in fields to the east). The majority of these hedgerows would be retained as part of the development and explained in detail on the Impact on Visual Amenity section above.

The Council's Conservation Officer has raised no objection to the proposal. Comments from the

County Archaeologist are awaited in relation to the submitted Desk-Based Assessment specifically. Any further consultation responses received will be reported Committee once they have been received. It is recommended that a scheme of archaeological mitigation be submitted for approval prior to the commencement of development of site. Subject to this condition the proposal is therefore considered to raise no issues under Core Policy 14 and Policy DM9.

### Developer Contributions

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

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

This would need to include the following contributions:

### *Affordable Housing*

The Council’s Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met. In this case the Council’s Housing officers have confirmed that they would expect that this site will achieve 30% affordable housing. Based on 60 dwellings this would amount to 18 affordable homes.

Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership\*). Therefore the Council requires that of the 18 affordable units, 11 will be for social rent and 7 will be for shared ownership. The Council suggests the following requirements for the affordable housing provision:-

Type	Social Rent	Intermediate Housing (S/O)	Total
2 bed FOG	1	-	1
2 bed 4p semi/terrace	7	2	9
3 bed semi house (5p)	3	5	8
	<b>11</b>	<b>7</b>	<b>18</b>

It is recommended that this affordable housing provision be secured as part of the S.106 Agreement in accordance with the requirements of the SPD.

### *Community Facilities*

The SPD sets out that a development of 60 dwellings would equate to a community facilities contribution of £70,875 plus indexation. The community facility contribution would be used to support appropriate community projects in Farnsfield which could include improvements to the village hall, cricket, football, tennis and bowls clubs and or other such projects as may be deemed a priority in consultation with appropriate community groups. It is recommended that this full amount be required as part of the S.106 Agreement in accordance with the requirements of the SPD.

### *Education*

Nottinghamshire Country Council have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the additional 13 primary places arising from the proposed development off The Ridgeway/Milldale Road Farnsfield. A proposed development of 60 dwellings would yield an additional 13 primary and 10 secondary places. We would therefore wish to seek an Education contribution of £148,915 (13 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. It is recommended that this full amount be required as part of the S.106 Agreement in accordance with the requirements of the SPD.

### *Highways/Integrated Transport*

In accordance with the SPD, the Highways Officer has confirmed that they require £21,000 towards the provision of a bus stop and shelter at the two nearest bus stops along Main Street. It is recommended that this full amount be required as part of the S.106 Agreement in accordance with the requirements of the SPD.

### *Open Space*

In accordance with the requirements of the SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the outline masterplan for the site shows a number of areas of public open space totaling 0.29ha together with a SuDS balancing facility of 0.23ha. The total open space provision is thus in excess of that required by the Council's Developer Contributions SPD (at 0.09Ha). Albeit, the SPD also requires all residents to live within 300 metres of an area between 0.2Ha and 1Ha in size. None of the open spaces shown are specifically designed as children and young people's playing space and it is therefore considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children's playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at (£903.22 per dwelling) plus £1004.50 per dwelling towards maintenance costs that would need to be agreed as part of any legal agreement which equate to a total contribution of £114,463.20. It is recommended that this full amount be required as part of the S.106 Agreement in accordance with the requirements of the SPD.

## Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. This proposal would comprise 60 new dwellings. At an average of 2.4 persons per dwelling this would add 144 to the existing library's catchment area population. The nearest existing library to the proposed development is Farnsfield Library. The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a standard stock figure of 1,532 items per 1,000 population. The County Council therefore seek a developer contribution for the additional stock that would be required to meet the needs of the 144 population that would be occupying the new dwellings. This is costed at 144 (population) x 1,532 (items) x £10.53 (cost per item) = £2,323

## Public Rights of Way

Nottinghamshire County Council have requested a contribution from the developer towards surfacing and signposting of the Southwell Trail in this already heavily used stretch. They also consider that it would be of benefit to upgrade the footpath to a surfaced bridleway up to where it links to the trail to provide a greater opportunity for other users, particularly cyclists. The Countryside Access team would need to be consulted about the practicalities and legalities of this suggestion and would possibly need landowner consent too. As such, an indication of the amount of contribution has not been provided at this stage. It is however recommended that the developer should be encouraged to negotiate an improved access here and any contributions toward the County's requirement be secured as part of the S.106 Agreement.

## Summary Developer Contributions

A summary of the likely developer contributions/S.106 requirements in the table below.

<b>Affordable Housing</b>	<b>30% on site provision (18 units)</b>
<b>On Site Open Space / Children's Play Area</b>	<b>All to be provided on site provision with a maintenance company <u>or</u> partial on-site provision plus a commuted sum towards the provision for children and young people is required at (£903.22 per dwelling) plus £1004.50 per dwelling towards maintenance costs = <b>£114,463.20</b></b>
<b>Highways/Integrated Transport</b>	Bus stops improvements at the 2 nearest bus stops: <ul style="list-style-type: none"> <li>• Wooden Bus Shelter - £5,000 (subject to design)</li> <li>• Real Time Displays and Associated Electrical Connections - £6,000</li> </ul> <b>= £22,000</b>
<b>Education</b>	<b>£148,915</b> to provide 13 additional primary places (at £11,455 per place)
<b>Community Facilities</b>	£1,181.25 per dwelling = <b>£70,875</b> plus indexation.
<b>Libraries</b>	146 (population) x 1,532 (items) x £10.53 (cost per item) = <b>£2,323</b>



<b>Public Rights of Way</b>	A contribution towards signposting and surfacing of the footpath and Southwell Trail to be agreed.
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Conclusion

As an allocated site, the principle of residential development on this site is established and I am satisfied that the proposal accords with the Development Plan and all other relevant material considerations. This scheme will deliver housing in a sustainable settlement and contribute to the Council’s 5 year + housing supply. Subject to approval of reserved matters, the proposal would not have any adverse impact upon visual or residential amenity, highway safety, drainage and flood risk, ecology or archaeology.

Subject to conditions and the Applicant entering into a S.106 agreement to secure the provision of on-site affordable housing and open space, an off-site commuted sum towards open space provision for children and young people, community facilities, libraries, education and bus stop and public right of way improvements, it is recommended that planning permission is approved.

**RECOMMENDATION**

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

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to control the matters set out in the table contained within the Summary Developer Contributions section above.**

01

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

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

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

02

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

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

03

The development hereby permitted authorises the erection of no more than 60 dwellings.

Reason: To define the planning permission as the technical studies and indicative plan submitted as part of the application assume a maximum number of 72 dwellings.

04

No development shall take place within the application site until details of an archaeological scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site in accordance with Core Policy 14 and Policies DM9 and Policy Fa/Ho/1 of the DPD.

05

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

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

06

No development shall be commenced until a scheme for ecological enhancements in accordance with the recommendations of the Ecological Report (by Signet Planning dated November 2014) and recommendations of the Nottinghamshire Wildlife Trust (in their e-mail to Alan Beaumont dated 01.12.14) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

07

Notwithstanding the submitted Arboricultural Survey Report and Method Statement (by John A Booth June 2014), prior to the commencement of the development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting indicated as to be retained and future management thereof shall be submitted to and be approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerows and trees (which are shown on the Illustrative Masterplan as being retained) unless otherwise agreed at reserved matters stage. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously

damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity and visual amenity of the site in accordance with the aims of Core Policy 12 and 13 of the Newark and Sherwood Core Strategy (2011) and Policy Fa/Ho/1 of the DPD.

08

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 suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any located nests must then be identified and left undisturbed until the young have left the nest.

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

09

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 Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### Part B: Submission of Remediation Scheme

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

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

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

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

#### Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of the NPPF and Policy DM10 of the DPD.

10

In accordance with the details of the approved Illustrative Masterplan (*Ref: EM2612/011/REVC*) the landscaped buffer area on the eastern boundary of the site shall be no less than 5 metres in width along the full length of the boundary unless otherwise agreed through Reserved Matters.

Reason:

The landscaped buffer areas are required to enable the development to be appropriately screened having regard to the proximity of the site to open countryside in accordance with Core Policies 12 and 13 of the Core Strategy and Policies DM5 and Fa/Ho/1 of the DPD.

11

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

12

Reserved matter submissions for any phase or any use shall be substantively in accordance with EM2612/011/REVC Building Form Masterplan (revised plan received 17/02/15) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

13

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9 and Policy Fa/Ho/1.

14

No development shall take place until a detailed surface water drainage scheme for the site, 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 in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken and provide two forms of surface water treatment.
  - Existing Greenfield runoff rates.
  - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to greenfield rates for the site so that it will not exceed the runoff from the undeveloped site and will not increase the risk of flooding off-site.
  - Provision of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'
  - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Calculations should demonstrate the performance of the designed system for a range of return

periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

· Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the requirements of Core Policy 9 and Policy Fa/Ho/1.

15

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution during the construction phase in accordance with the requirements of Core Policy 9 and Policy Fa/Ho/1.

16

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

Reason: To ensure the development is constructed to safe and adoptable highway standards in accordance with Spatial policy 7 and Policy Fa/Ho/1 of the DPD.

#### Notes to Applicant

01

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).

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

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

04

NSDC Environmental Health (Land Contamination) advise that an advisory booklet is available – “Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated”. This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

**Natural England**

Block 6 & 7 Government Buildings  
Chalfont Drive  
Nottingham  
NG8 3SN  
Tel: 0115 929 1191  
Fax: 0115 929 4886  
Email: [eastmidlands@naturalengland.org.uk](mailto:eastmidlands@naturalengland.org.uk)

**English Heritage**

Ancient Monuments Inspector  
44 Derngate  
Northampton,  
NN1 1UH  
Tel: 01604 735400  
Fax 01604 735401  
E-mail: [eastmidlands@english-heritage.org.uk](mailto:eastmidlands@english-heritage.org.uk)

**Heritage Planning Specialists**

Nottinghamshire County Council  
Trent Bridge House  
Fox Road  
West Bridgford  
Nottingham  
NG2 6BJ  
**Tel:** +44 (0)115 977 2162

**Fax:** +44 (0)115 977 2418

**E-mail:** [heritage@nottsc.gov.uk](mailto:heritage@nottsc.gov.uk)

to prevent damage or harm to the historic environment.

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - "The Protection of workers and the general public during the development of contaminated land".

05

The proposed development is in a Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m<sup>3</sup>). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

06

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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

#### BACKGROUND PAPERS

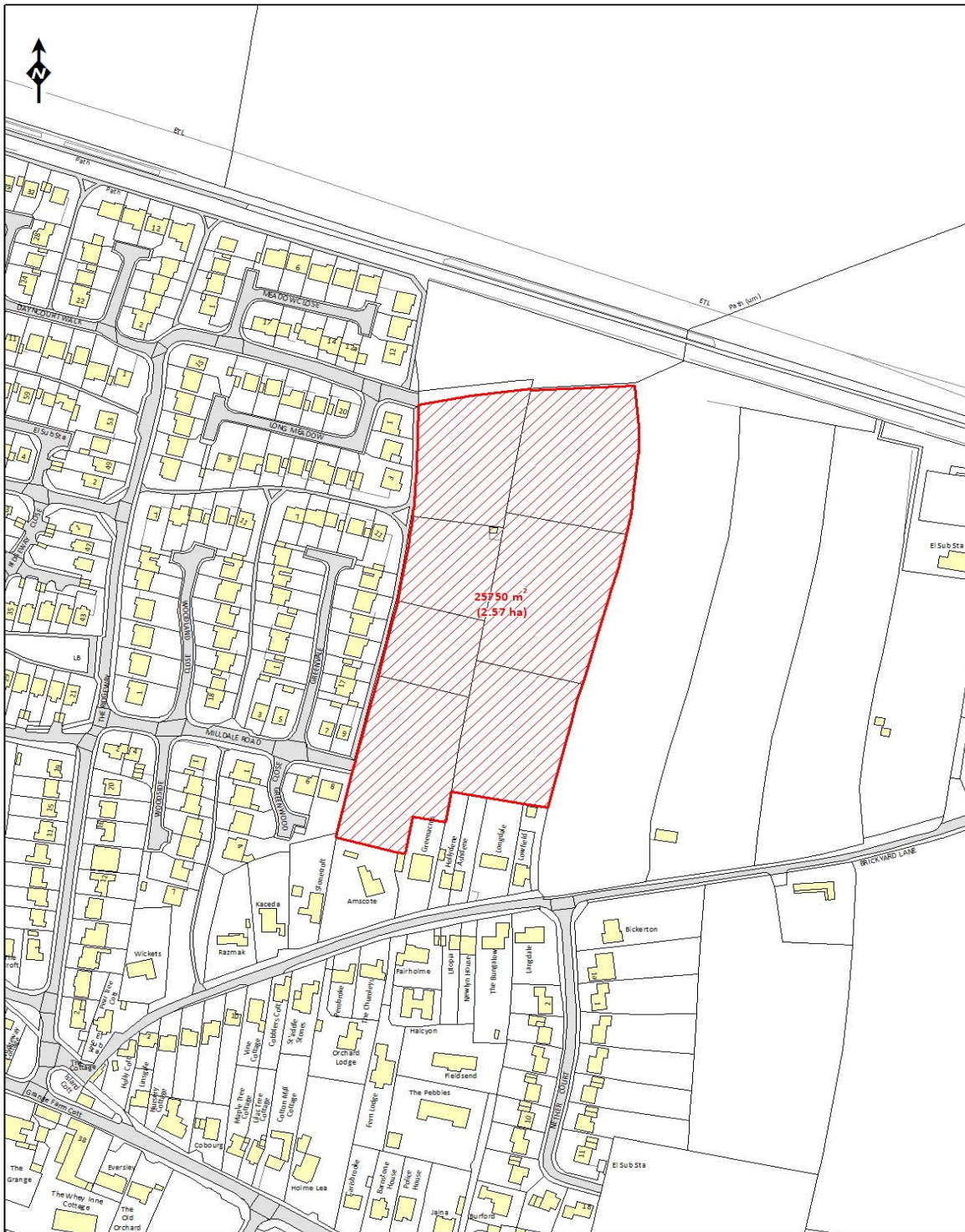
Application case file.

For further information, please contact Helen Marriott on extension 5793

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



Committee Plan - 14/01576/OUTM



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<b>Application No:</b>	<b>14/01596/OUTM</b>		
<b>Proposal:</b>	<b>Erection of up to 72 dwellings, with associated public open space and infrastructure.</b>		
<b>Location:</b>	<b>Land at Rufford Road, Edwinstowe, Nottinghamshire</b>		
<b>Applicant:</b>	<b>Mr R Bowring</b>		
<b>Registered:</b>	<b>08.09.2014</b>	<b>Target Date:</b>	<b>08.12.2014</b>
<b>Extension of Time Agreed 04.03.2015</b>			

Description of Site and Surrounding Area

This site comprises an area of approximately 2.8 hectares of green field land within the defined built up part of Edwinstowe. The site has been allocated for housing (Ed/Ho/1) in the Allocations and Development Management DPD 2013.

Located at the southern edge of the settlement and at the prominent crossroads of the B6034 (Rufford Road) and the B6030, the site comprises an arable field south of existing modern development on Robin Hood Avenue. The area is predominantly residential in nature and generally two storey in scale. South Forest (a sports complex) lies to the west. The Robin Hood Public House lies to the south, at the crossroads.

An overhead cable (high voltage power line) crosses the site from south-west to north-east. The site is bound by native perimeter hedgerows and its topography is relatively flat. A field hedge also disects the site from roughly from north to south.

Informal vehicular access is currently taken from the B6030 (to the south) via a gap in the hedgerow and there is a small field gate on Rufford Road to the west although this does not appear to be well used.

There is a bus stop and bench adjacent to the western boundary (Rufford Road) in addition to street lighting columns and highway signage on the pavement.

Three Sites of Important Nature Conservation (SINCs) are located within 1km, the closest being Amen Corner Sandpit to the south-east designated for its notable acid grassland. A Special Area of Conservation (SAC) is located to the north-west on the other side of the village and the site is within 5km of Sherwood Forest.

Relevant Planning History

14/SCR/00055 – The planning application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the LPA has adopted an opinion that the proposal is unlikely to complex or significant environmental affects that would

have more than local significance to constitute EIA development. An Environmental Statement is therefore not required. The opinion was formally issued on 9<sup>th</sup> October 2014.

### The Proposal

Outline planning permission is sought for the erection of up to 72 dwellings together with associated public open space. Only the means of access is to be considered at outline stage with all other matters (appearance, landscaping, scale and layout) reserved for subsequent consideration.

The Public Open Space (POS) would comprise 0.4 hectares of green infrastructure comprising amenity green space and as 'Suitable Alternative Natural Green Space' (SANGS) plus a proposed equipped play area for children and young people of 0.04 hectares in addition to an attenuation pond of 0.05 hectares. This POS would be maintained by a management company to be set up by the developer.

Initially, no developer contributions were being offered on the grounds of viability. However following an independent review of this viability submission the applicant made an offer of:

- £259,615 towards a developer contributions fund which covered the policy requirements for education, library and community facility contributions plus
- 5 on-site affordable bungalows, 3 of which would be social rent and 2 of which would be intermediate tenure.

This offer was again reviewed independently and a second revised offer to also include **£34,134 towards off-site affordable housing** is also now being made in line with the Council's independent advice.

The application is accompanied by the following;

- Topographical Survey
- Illustrative Masterplan
- Planning Statement
- Design and Access Statement
- Archaeological Geophysical Survey
- Ecology Assessment
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Transport Survey
- Viability Notes and Assessment.

### Departure/Public Advertisement Procedure

Occupiers of 29 neighbouring properties have been individually notified by letter. Site notices have been displayed at the site and an advert placed in the local press.

### Planning Policy Framework

### The Development Plan

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

- Spatial Policy 1 -Settlement Hierarchy
- Spatial Policy 2 -Spatial Distribution of Growth
- Spatial Policy 6 - Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 9 -Site Allocations
- Core Policy 1 - Affordable Housing Provision
- Core Policy 3 - Housing Mix, Type, and Density
- Core Policy 9 - Sustainable Design
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 - Landscape Character
- Core Policy 14 – Historic Environment
- Area Policy ShAP1 – Sherwood Area and Sherwood Forest Regional Park

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

- Policy ED/Ho/1-Edwinstowe Housing Site 1
- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM12 - Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- National Planning Policy Guidance Suite, on-line resource (March 2014)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- The Landscape Character Assessment SPD (December 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- The Allocations & Development Management DPD Residential Viability Assessment (August 2012)

### **Consultations**

**CLlr Peck has referred this application to the Planning Committee.** CLlr Peck's written comments are summarised as follows:

- The site is not sustainable being at the furthest end of the village a considerable distance from village facilities and amenities. Most journeys would be made by car which would add to parking problems in the village as car parks are mostly full. Already considerable traffic pressures at the cross roads of the A6075. Most residents would be employed elsewhere leading to more vehicle movements and households have up to four cars.
- Policy for expanding rural villages is misguided and goes against sustainability and

reduction of car journeys. New housing should be on brownfield site then secondly on greenfield sites attached to cities where there are jobs, facilities and public transport.

- Edwinstowe's schools are full it is questioned whether a S106 contribution would provide sufficient provision for additional school places. Medical practice is also full.
- Shares highway concerns with objectors.
- Significant material change since the adoption of the Development Plan. Miners Welfare which was demolished could release an extensive plot of land for development. The PC hope to build a new play area on the disused bowling green. The developable plot would be suitable for bungalows for the elderly close to the village amenities, would be more sustainable and more in line with village needs.
- Urged to reject or at least adjourn whilst a review of the Development Plan is undertaken to take account of the new land that has become available. It may also be appropriate to consider Thoresby Colliery land and adjacent land available when it closes.

**Edwinstowe Parish Council** – Object. 'A Parish Councillor will attend the meeting to speak against the proposal. Comments via letter to follow.' On 2<sup>nd</sup> February 2015 a letter setting out their concerns was received stating the following:

"Edwinstowe Parish Council have received representations from a number of residents objecting to the above development and the Parish Council has decided to oppose the application on the following grounds:

1. We believe the development extends into open countryside on the edge of the village and therefore enlarges the built up area of the village.
2. We believe insufficient regard has been given to sustainability. This development would be on the furthest extremity of the village, some considerable distance from amenities (shops, health centre, library etc) and even further from the primary schools. Inevitably, almost all trips by residents would be made by car, as would journeys to work.
3. We believe the village infrastructure is at the limit: both primary schools are full and there is always a lengthy wait to see a doctor.
4. We are concerned about access to the highway and that a potentially dangerous junction will be created.

The Parish Council is aware that NSDC Development Plan and accepted at the time, there was a duty for the District Council to draw up a plan. We also accepted that, of the six areas presented to us, the two which were finally included in the plan, were logically the most appropriate to develop, should development be deemed necessary. However, we always reserved the right to oppose any actual application for development, particularly taking sustainability into account. The Government needs to encourage more house building but it is urban area which should be expanded as it is urban areas which have the transport, infrastructure and jobs.

Lastly, since the Development Plan was drawn up, new building has become available in the centre of the village, which was not available for consideration at the time. With the recent demolition of the Miner's Welfare, there is an area of development land suitable for 30 or 40 units and a nearby additional plot where N&S Homes will shortly be building six units. These plots are in the centre of the village, close to all amenities and the schools and are therefore more sustainable in terms of

car use. If this had been known at the time, the Parish and District Councillors would have been arguing for those plots to have been taken into consideration, thus reducing the need to building 72 houses off Rufford Road.

In light of this information, we ask that Rufford Road development application be rejected and the Development Plan be reviewed in respect of Edwinstowe, to take account of the above new building land.”

**Nottinghamshire County Council (Highways Authority) – No objections:**

“This application is an outline application and all matters other than site access are reserved.”

Visibility splays of 2.4m x 43m are easily achievable from the proposed access, as shown on dwg. No. 003.

It is noted that this is an outline application, and although the principle of the development is acceptable, there will need to be amendments to the internal road layout at the detailed stage e.g. long straights should be avoided to deter excess speeds, two private drives are shown as approx. 70m in length – which is an unsuitable distance for residents to carry refuse/waste.

Improvements in the vicinity of the development are sought to promote sustainable transport modes and considered reasonable to make the development acceptable in planning terms:

- dropped kerbs and footways linking around the B6030/B6034 junction
- improvements to the bus stop infrastructure along key commute and social routes.

These improvements could be made as part of a S106 Agreement but it is considered more convenient and acceptable if they were to be delivered via planning condition and a subsequent Section 278 Agreement (Highways Act)

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

Subject to the following condition being imposed, there are no highway objections:

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

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

2. No development shall commence on any part of the application site unless or until a suitable access has been provided at Rufford Road as shown for indicative purposes on the plan no. 003 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

3. No dwelling forming part of the development hereby approved shall be occupied unless and until improvements have been made to the existing highway infrastructure to provide dropped kerbs and footways linking around the B6030/B6034 junction, and bus stop improvements (inc. shelters, real time displays, raised kerbs etc) in accordance with details to be first submitted and agreed in writing by the LPA.

Reason: To promote sustainable travel.

#### Notes to applicant

a) The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

Please contact David Albans (01623) 520735 for details of both Section 38/278 procedures.”

**10/02/15 – The Highways Authority confirm** that they have consulted their Accident Investigation Unit and also discussed it with colleagues and from the information received, the conditions previously requested are considered sufficient for the development. They so however clarify that the condition they suggest should also include reference to access widths, structures and visibility splays.

**Nottinghamshire County Council (Strategic Planning) – No objections**

**Nottinghamshire County Council (Developer Contributions) – Comments received**

“With regard to the above application, I can confirm that a proposed development of 72 dwellings would yield an additional 15 primary and 12 secondary places.

The primary schools are at capacity and cannot accommodate the additional 15 primary places arising from the proposed development at Rufford Road, Edwinstowe.



We would therefore wish to seek an **Education contribution of £171,825** (15 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. Secondary provision would be covered under CIL.

This development would also impact on the local library service and at an average of 2.4 persons per dwelling, the 72 new dwellings would add 173 to the existing library's catchment area population. If this development went ahead we would seek a **Library contribution of £2,790** for the additional stock that would be required."

**Nottinghamshire County Council (Archaeology)** – No objections (within the NCC Strategic Policy Comments)

"This application is supported by a geophysical investigation, the site is in the heart of the Medieval Forest. A little distance away from this site were found two Roman coin hoards, which are a type of site usually found at a little distance from high status Roman settlement sites. So there is a general background of archaeological activity, which makes the County Council inclined to think that further investigation might be warranted here, which should be tightly focussed on the higher ground, and the area of the identified linear anomaly.

Accordingly the County Council would recommend that if planning permission is granted this should be conditional upon archaeological mitigation. A condition such as the following might be appropriate;

*"No development shall take place within the application site until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the LPA."*

*"Thereafter the scheme shall be implemented in full accordance with the approved details."*

**Environment Agency** – No objection subject to the imposition of planning conditions (which are quoted verbatim and form conditions 06 and 07 in the recommendation section below). They also offer advice to the applicant which is set out as an informative no. 3. They also advise that Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

**Natural England** – Comment as follows:

"Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (As amended)  
Wildlife and Countryside Act 1981 (As Amended)

Internationally designated sites – no objection

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as

amended (the 'Habitats Regulations'). The application site is in close proximity to the Birklands & 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). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, 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

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

Natural England do not consider there is a measurable impact from this proposed development on the SAC, however new residential developments mean more people, which can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.

We note Policy ED/Ho/1 of the Allocations & Development Management Development Plan Document applies to this housing allocation, setting out the requirements for measures to relieve pressure on the Birklands and Bilhaugh SAC. We encourage you to ensure the proposed measures are sufficient to meet the requirements of the policy and contribute towards the overall functioning of the GI network by helping to implement the priorities identified in the GI Strategy.

We recommend any evidence to demonstrate successful implementation of the GI Strategy, obtained through a review of the Strategy or monitoring of outcomes, should be used in support of the HRA.

#### No objection – no conditions requested

This application is in close proximity to Birklands & Bilhaugh and Birklands West & Ollerton Corner Site of Special Scientific Interest (SSSI). 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. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Both SSSIs are identified as sensitive to the impacts of increased residential development (as identified by Natural England's SSSI Impact Risk Zones (IRZs)2). Increases in residential development close to the SSSIs means there is potential for increased recreational pressure which could result in adverse effects on the SSSIs notified features.

As we have already highlighted it is important that housing growth is supported by an investment in the green infrastructure network in order that there is sufficient provision of areas of green space, which residents can access for recreation purposes, in order to alleviate pressure on the surrounding sensitive ecological habitats, such as the SSSIs. We are satisfied that the proposal includes measures which will result in open space provision and/or investment in the GI network and will be sufficient to prevent negative impacts on the SSSIs.

#### Other advice

We would expect the Local Planning Authority (LPA) to 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.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information 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) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

We note the proposed development is located in the Sherwood Forest area, in proximity to habitats identified as important for breeding nightjar and woodlark and therefore we refer you to Natural England's Advice Note (March 2014) on this matter which provides more information and outlines Natural England's recommended 'risk based approach'.

In view of the current situation we would encourage the Authority to ensure the information provided in support of the application is sufficient for you to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark population and has addressed the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

As part of a risk-based approach, we would also suggest your Authority consider the use of appropriate mitigation and/or avoidance measures to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

**Nottinghamshire Wildlife Trust** – Comment as follows;

“We have reviewed the available documentation and whilst we have no objection in principle to the application, wish to make the following comments.

We are pleased to see that an Ecological Appraisal (FPCR, 2014) has been submitted with the application as this allows proper consideration of protected habitats and species. We are generally satisfied with the methodology employed and conclusions reached.

The illustrative masterplan shows a proposed area of open space with planting and an attenuation pond and we would wish to see this amount of green space, as a minimum, secured at outline stage. We support the recommendation (4.38) to ensure that the pond in this area is designed such that it holds water permanently and that native species are planted to enhance the biodiversity value.

The majority of hedgerows are proposed to be retained and protected from development. We would wish to see this proposal carried through into any final plans for the site as the hedgerows were identified as being the most valuable habitat for biodiversity found on the site. Where vegetation removal is required, in order to protect nesting birds, no removal of hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (as amended).

Any lighting scheme for the site should follow the recommendations given in section 4.33 of the report to minimise impact on bats and other faunal species. In brief, any lighting should be directed downwards and away from habitat features such as trees and hedgerows.

Additional enhancements which would be welcomed include the incorporation of bird and bat boxes within the fabric of the new buildings. Such enhancements are encouraged within the NPPF, which also suggests that the planning system should seek to provide net gains in biodiversity where possible.”

**Internal Drainage Board** – No response has been received.

**Severn Trent Water** – No objections subject to a condition imposed to control the disposal of surface water and foul sewage. They have also confirmed by email on 12/01/15 that there is capacity in the public sewers and at the treatment works for the proposed gravity foul flows from 72 houses.

**NHS England** – No response.

**NSDC (Parks and Amenity)** – Comments as follows:

1. Sufficient open space is being provided to meet the need for amenity open space and children’s playing space. The nearest existing equipped play area is on Henton Road, over 500m walking distance away, so I believe an on-site equipped play area is justified.

2. The additional SANGS space needs to be carefully planned to ensure that it makes a meaningful contribution to biodiversity. The use of native planting and links with the SuDS scheme should help to achieve this.
3. I welcome the suggestion that the SuDS scheme will incorporate standing water and native planting however an effective scheme for its maintenance will need to be put in place.

**NSDC (Community Sports and Art)** – Has confirmed that there are various projects in Edwinstowe that would benefit from a financial contribution towards community facilities. Discussions with Edwinstowe Parish Council have taken place and they have identified the following projects with approximate costs associated:

Refurbishment of the village hall, particularly the toilets (£10k)

Football Changing Rooms - heating system (£15k)

Bowls Pavilion - upgrade (£10k)

Cricket Club - (£10K)

**NSDC (Contamination)** – No comments to make.

**NSDC (Strategic Housing)** - Using housing needs information from the new survey and based on policy requirements, Strategic Housing state that 21 units out of the 72 should be affordable, 6 of these would need to be bungalows. In summary they confirm:

- The total number of affordable housing units on the proposed site is 21 out of a total of 72 dwellings
- The Proposed tenure is 60% social rent and 40% shared ownership and the Council seeks smaller family units on this scheme with consideration for some bungalows to be discussed with the developer.
- There is demand for bungalows for existing households in the Sherwood Area (408 units)

Type	Social Rent	Intermediate Housing (S/O)	Total
2 bed (4p) house	6	4	10
3 bed (5p) House	2	3	5
1 - 2 bed bungalows	4	2	6
	12	9	21

**NSDC (Access and Equalities)** - comments received

**Independent Viability Consultant (appointed by the LPA)** – Paul Mercer of HERA has provided advice to the Local Planning Authority on the viability of the scheme.

**17 Neighbours/interested parties** have made representations to the scheme raising concerns/objections. These are summarised as follows.

**Principle**

- Houses adjacent were bought years ago when they overlooked a green field;
- Sites allocation was done behind closed doors so locals could not have their say;
- Edwinstowe has lots of empty properties in need of renovating;
- No need for any more house as there are house's for sale;

- Brownfield sites should be developed first such as the Colliery rather than these green field sites;
- Alternative sites closer to village amenities and schools should be considered;
- Sites position uphill from the village centre makes it more inaccessible to those with disabilities;
- Regeneration of villages from within is the requirement, not new generation which would draw population away from the centre;
- The research process to identify this piece of land as suitable for housing in the village has not been comprehensive, or robust. The decision-making, including factors that have been taken into account for the village as a whole, are not auditable;
- 72 dwelling is a greater density than is current in the village and not in keeping with the current style of the village;
- Housing will be at a prominent junction;
- Development should be restricted on an annual basis to limit dwellings delivered and linked to the housing need;

#### **Infrastructure**

- Pressure on roads, schools, health care and sewage and surface water disposal which are already at capacity;
- There should be no further building in Edwinstowe until evidence that adequate and necessary infrastructure is in place before consideration of this is given;
- Will further reduce quality of life to the community;
- Development would only put more strain on the community;
- The existing bus stop should not be relocated, this is a very busy bus stop and why should users be made to walk further;
- The sewers cannot manage the existing houses so another 72 is going to be an even bigger problem;

#### **Highway Matters**

- The accident statistics provided in the planning application do not reflect full, actual, and accurate accident statistics for the specific piece of road;
- Road safety concerns are increased due to events in the village (Centreparks changeover days/events in the forest);
- Close to junction and exit of South Forest swimming pool;
- At peak times residents living on Rufford Road have difficulty entering their driveways and 72 more houses will exacerbate this;
- Vehicles access to B6030 should be explored;
- Traffic accident reports should be obtained prior to any decision;
- Highway and traffic concerns, build-up of traffic in already busy area;
- Would cause traffic problems, be dangerous to vehicles and pedestrians;
- Traffic queuing at the traffic lights would block the entrance to the site causing gridlock;
- Improvements to the road junction should be considered such as widening the junction/road to create a filter lane and a right turn central reservation;
- Currently traffic can back up from the lights towards Edwinstowe, which will prevent cars travelling to the new site and accessing the site without joining and lengthening the queue. This will then create problems turning right across the traffic and potential queues back towards the lights.

#### **In response to the formal Highway comments;**

- NCC Highway comments are based very much on the information provided by the applicant and doesn't appear to take into account local knowledge of the traffic and traffic related incidents.

- The survey does not take into account collisions, near miss and other incidents that have gone unrecorded.
- According to the Transport Assessment by Waterman only one traffic survey was conducted for a period of only 2.5hrs between 9am and 11.30am to record vehicles speeds. At this time of the day the flow of traffic is light. This survey should have been conducted over a substantially longer period to include peak times.
- No research has been carried out on the volume of vehicles per hour at varying times. The current speed limit at the proposed entrance is 30mph but this begins only a few metres before.
- It is common knowledge if the traffic lights are in favour of vehicles coming over the junction from the direction of the A614 vehicle speeds can be well in excess of 50 mph as they pass the 30 mph sign.
- The traffic report as it stands is flawed and should be look at in more detail.

#### **Amenity and Design**

- Loss of light and privacy;
- Concerns regarding overlooking of Robin Hood Avenue which currently have private gardens;
- Properties will have an overbearing effect;
- Houses are too close to properties on Robin Hood Way;
- Concerns regarding overshadowing to dwellings (bungalows at Robin Hoods Way);
- Comments relating to layout;
- Will affect character of the area;
- Views from houses would result in a major adverse visual effect;
- Lack of landscaping proposed to shield the development;
- The design of the proposed dwellings will not blend in with existing buildings;
- Dwellings at the edge of the village are screened by mature trees. Large trees should be planted and the proportion of green space within any development reflect the proportion in the village, and forest area as a whole;
- Previous County plans proposed tree planting on this land;
- It is suggested that a landscape buffer zone between the new development and the proposed existing properties on Robins Hoods Way is introduced and this can act as a wildlife corridor;
- Bungalows only should be placed next to the landscape buffer to limit impacts on existing dwellings.
- It is suggested that the layout creates a “looser” style of development on the “gateway corner” which as designed will be visually intrusive, not set back from the junction and a very harsh transition from open countryside to buildings.

#### **Other**

- Trees and landscape will be greatly affected;
- Noise and light pollution;
- Devalue adjacent dwellings \* (*this is not a material planning consideration*);
- Consultation process appears to have been poor for the village as a whole (review of housing available and required, brownfield sites identified for regeneration, local services (e.g. doctors/schools, transport), public transport, road safety, traffic management, etc.)
- Disappointing that views of local residents immediately affected were not specifically sought;
- This would have a detrimental effect on tourism;
- Importance of Edwinstowe as premium tourist areas, this development could detract visitors;



- Will affect historic history;
- The Parish Council have informed that a further area in the village is also earmarked for development;

**Supporting petition received 9<sup>th</sup> December 2014** which states:

*'To keep South Forest doors open please support the development of 72 quality homes opposite the south forest. To help maintain our staffing levels as we are receiving no funding as we are privately owned. We need local people to help keep us going.'*

This petition is signed by 354 persons. Other comments received attached to the petition were:

- Please include a proportion of affordable housing
- Please include a pedestrian crossing

#### Comments of the Business Manager, Development

The main considerations in relation to this application are set out below with a commentary on each provided.

#### The Principle of Development

Edwinstowe is defined as a 'Principal Village' in SP1 of the Core Strategy and SP2 provides that this settlement is expected to accommodate 20% of Principal Village growth over the Development Plan period. Edwinstowe has a primary school, food convenience store, a doctor's surgery, pharmacy and defined district centre and various employment opportunities close by.

The application site lies within the defined built up part of the settlement (as defined by the proposals map) and the site has been allocated within the A&DMDPD as 'Edwinstowe – Housing Site 1' subject to Policy ED/Ho/1. This policy allocates the site for '*...around 72 dwellings.*'

The application is made in outline form (with only the means of access to be considered) for up to 72 dwellings. The principle of residential development is established by the site allocation and the numbers (the amount of development to take place) accords with Policy ED/Ho/1.

It is noted that some local residents raise concerns regarding the allocation of the site and its process. This is not a matter for this application albeit I am satisfied that due process was followed. The policy remains and applications must be assessed against the Development Plan unless there are material considerations that indicate otherwise. It has been suggested that a significant material change has occurred since the adoption of the Development Plan in that the Miners Welfare which was demolished could release an extensive plot of land for development. I am advised that the Parish Council hope to build a new play area on the disused bowling green. It has been suggested that the site would be suitable for bungalows for the elderly, close to the village amenities which it is claimed would be more sustainable and more in line with village needs. Thoresby Colliery land has also been suggested as an alternative site.

In response, whilst there may well be other sites within Edwinstowe that have now become available for potential development, these should not be seen as alternatives to this allocated site but are rather windfall sites that are in addition.

The application is for up to 72 dwellings on a site allocated for around 72 dwellings. I therefore conclude that the principle of the development put forward is broadly established through the A&DMDPD and the proposal complies with the Development Plan in this regard. The main considerations relate to matters such as the impact upon the existing infrastructure, highway network and ecology. Each key issue is addressed in detail below.

### Highway Matters

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The point of vehicular access into the site would be fixed off Rufford Road (the B6034) approximately 80m from the junction with the B3060. This new vehicular access would necessitate the re-siting of an existing bus stop and bench, at the applicants own expense. The application is accompanied by a Transport Assessment (TA). Some local residents have been critical of the TA (detailed reasons are within the neighbour comments section of this report) and following further information provided to them, the Highways Authority have concluded following consultation with their Accident Investigation Unit that they are still satisfied that the scheme would not cause a highway safety risk. A number of conditions have been requested by the Highways Authority relating to highway matters. Two of these are contained as proposed conditions 8 and 9 with the other being best used as an informative (no. 8) as this would be covered by reserved matters in any event. This would include a *Grampian* condition requiring improvements off-site, including the provision of dropped kerbs, footway links and bus stop improvements.

No highway objection has been raised to the scheme and I am therefore satisfied that the principle of this quantum of development with the fixed point of access off Rufford Road is acceptable in principle, in accordance with SP7 and the ED/Ho/1 and that the finer details (such as internal road layouts etc) can be dealt with adequately at reserved matters stage.

### Impact upon Existing Infrastructure and Viability

Objections have been received from local residents on the grounds that the development would put further unacceptable burden on the existing local infrastructure such as primary schools, which they say are full to bursting, the doctor's surgery and the sewer network etc. These matters are looked at in more detail below.

Initially the developer put forward a case that the scheme could not afford to pay any developer contributions on the grounds of viability. In support of their stance they submitted a Viability Appraisal by Conway Land Management Ltd. The viability submissions have been independently assessed and consequently the developer made a revised offer of £259,515 towards developer contributions plus 5 on-site affordable bungalows, 3 of which would be for social rent with 2 being intermediate tenure. This was further reviewed by an Independent Consultant and the advice to the LPA was that the development could afford a further £34,134 in developer contributions. Given that the scheme would be policy compliant with the exception of affordable housing provision, the £34,134 should in my view go towards off-site affordable housing which the developer has agreed to.

The Council's SPD on Developer Contributions sets out what developers should have to contribute towards and how that is calculated.

### **Affordable Housing**

The level of affordable housing proposed falls below the 30% normally sought through CP1 of the Core Strategy and referred to in the comments made by Strategic Housing. However, in applying the Core Policy, both the nature of housing need in the local housing market and the impact on viability need to be considered. I am aware that the viability study undertaken as part of the preparation for the Allocations and Development Management DPD identified that sites coming forward first in the western part of the District were unlikely to achieve the full level of developer contributions if they were to remain viable. Indeed the applicant has provided a viability appraisal which having been independently assessed, indicates that the offer made is reasonable and that further contributions would make the scheme unviable and therefore unlikely to be delivered.

The applicant has now agreed to provide 5 bungalows on the site which equates to 6.9% on-site affordable housing. There is a need for bungalows in this area and despite this being lower than the policy requirement it would make a positive contribution towards meeting the District's affordable housing requirements. The tenure split proposed is in line with policy and need. In addition a financial payment of £34,134 is also offered to go towards the provision of affordable housing off-site in the vicinity. Having been subject to a rigorous independent review, I am satisfied that due to viability reasons, the offer before the Council is reasonable and any further contributions would render the scheme unviable at this time.

### **Education**

The Local Education Authority (LEA) has confirmed that the development would yield an additional 15 primary school places and 12 secondary places. They comment that the local primary schools are at capacity and cannot accommodate the additional places that the scheme would generate so seek a financial contribution of £171,825 (based on 15 places x £11,455 which is the cost per school place) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. The applicants' agent initially challenged this stating that unless it can be shown that the out of catchment admissions relate to areas where there is insufficient capacity to accommodate pupils, there did not appear to be an impact from the proposal that justifies an education contribution.

The LEA have responded and the developer no longer contests the education contribution. Consequently it is proposed that the full education contribution can be met from the developer fund proposed. As requested by the LEA, 10% of the contribution would be paid upon first occupation (to allow feasibility and design work to take place) with the remainder of the monies to be paid upon 30<sup>th</sup> occupation. I am satisfied that this contribution adequately deals with the impact of the development upon primary schools. No contribution is being sought in relation to secondary schools as this is covered by the Community Infrastructure Levy (CIL) separately.

### **Libraries**

The development would also impact on the local library service with additional stock being required to serve the additional population, which the County Council have calculated to equate to £2,790. This contribution would be met in full and paid upon occupation of the 10<sup>th</sup> dwelling.

This would be in line with the requirements of the SOD and would be secured through a S106 Agreement.

## **Health**

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution towards health can also be sought through the planning application as set out in our SPD. However NHS England have not requested any such contribution. It is therefore assumed that there is sufficient capacity within the healthcare system to cope with the development given the lack of response or justification and no contribution is being sought.

## **Community Facilities**

As set out in the Council's SPD, for developments of 10 or more dwellings a contribution to community facilities can be sought which is based upon £1,181.25 per dwelling, equating to £85,050 for the maximum 72 units. There are many schemes in Edwinstowe that would benefit from enhancement. Edwinstowe Parish Council have identified some of these projects in discussions with our Community, Sport and Arts Development Business Manager such as the village hall (where there are aspirations to refurbish the toilets which an estimated cost of c£10k), upgrade the heating system at Football Changing Rooms (£15k), a bowls pavilion upgrade (£10k) and cricket club upgrade (£10K). It is intended that further discussions would take place with the Parish Council should permission be granted to ascertain priorities for spending at that time. This financial contribution would be triggered upon occupation of the 25<sup>th</sup> (in two equal payments) and the 50<sup>th</sup> dwelling and overall the contribution would have the ability to deliver all of the these community benefits identified with money left over for other yet unidentified projects as the PC choose. This contribution would be secured through the S106 Agreement.

## **Sewer/Drainage**

Policy ED/Ho/1 provides that development on the site will be subject to developer funded localised sewer capacity improvements as required. Severn Trent Water have confirmed (by email on 12/01/15) that there is capacity in the public sewers and the treatment works for the proposed gravity foul flows for 72 houses. Based on the advice from STW it appears that no infrastructure upgrades are therefore required in this instance in connection with the disposal of sewage.

## **Public Open Space**

The Council's SPD requires that Public Open Space (POS) should be provided on-site for residential development. In this case the requirements are as follows:

- 'Provision for children and young people' (triggered at 10 or more dwellings) of 18m per dwelling (amounting to up to 1,296 square metres) and;
- 'Amenity green space' (triggered at 30+ dwellings) of 14.4m per dwelling (amounting to up to 1036.8 square metres) and;
- Provision for Natural and Semi-Natural Green Space (triggered at 10 of more dwellings) where all residents should live within 300m of such an area.
- Suitable Alternative Natural Green Spaces (SANGS; refers to sites that provide a suitable alternative to the Birklands and Bilhaugh SAC for people in the local area wishing to regularly access natural open space for walking, including dog walking.)

Altogether (but not including the SANGS requirement, which will be discussed separately below under the ecology section) the requirement for POS on site would be 2,332.8 square metres based on the 72 dwellings.

The overall amount of green space as indicated on the illustrative Masterplan amounts to approximately 4900sq m including the proposed attenuation pond (c500 sq m) which is indicated as being within the south-eastern corner of the site. Of this green space, 400sq m would be an equipped play area for children and young people which is welcomed given the nearest alternative is some distance away. The overall amount of green space shown on the masterplan is considered to be acceptable in the context of DM3 and the Council's SPD and would be secured by way of a S106 Legal Agreement upon occupation of the 36<sup>th</sup> dwelling (50% completion).

## Ecology

### **Habitat Regulations Assessment:**

The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following "appropriate assessment requirements" to:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project;
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment.

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

This development would yield more people in the vicinity of the SAC which could put increased recreational pressure on it due to possible increased visitors and there is potential for recreational impacts to damage features of interest (old acidophilous oak woods) of the European site. Policies within the Council's Core Strategy and Allocations and Development Management DPD set out the requirements for proposals within 5km of the SAC to provide measures in order to relieve pressure on the SAC.

Policy ED/Ho/1 provides that development should be subject to *'Public open space within the site or at alternative locations within the village, provided in accordance with DM3' Developer Contributions and Planning Obligations, which shall be designed to reflect the needs of SANGS to relieve pressure on the Birklands and Billhaugh SAC'*.

Based on the application submission, Natural England do not consider there is a measurable impact from this proposed development on the SAC. They do however confirm that it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Billhaugh SAC, from potential detrimental impacts and encourage the LPA to ensure the proposed measures are sufficient to meet the policy requirements and contribute towards the overall functioning of the GI network by helping to implement the priorities identified in the GI Strategy.

The site is in close proximity to Birklands & Bilhaugh and Birklands West & Ollerton Corner Site of Special Scientific Interest (SSSI). 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 that this SSSI does not represent a constraint in determining this application.

Both SSSIs are identified as sensitive to the impacts of increased residential development and again this means there is potential for increased recreational pressure which could result in adverse effects on the SSSIs notified features. Natural England are however satisfied that the proposal includes measures which will result in open space provision and/or investment in the GI network and will be sufficient to prevent negative impacts on the SSSIs. I agree with this assessment.

The submission (illustrative master plan) indicates that 0.4 hectares of the site would be for Green Infrastructure (GI). It is assumed that Natural England and NWT have made their representations predicated upon this basis. The application as presented would include more than double the amount of POS usually required for such development albeit this is because of the requirement to provide a suitable alternative green space to alleviate pressure elsewhere, which is not quantified by policy.

I am mindful that the application is outline only with layout not being sought or considered formally. Should Members be minded to approve the scheme, I consider that a minimum quantum of 0.4h as shown on the applicants illustrative masterplan, should be the minimum level of GI to be provided (a matter also raised by NWT) and this should be secured by S106 Agreement. I consider that this is a suitable alternative green space (SANG) that can be designed so that it is easily assessable from the development site, will encourage residents to use the recreational space adjacent to their homes and would be sufficient to alleviate recreational pressure and mitigate potential impacts on the SAC. This would therefore meet the requirement of the Policy ED/Ho/1 and the Council's SPD.

### **Sherwood Special Protection Area (SPA)**

Natural England have drawn attention to the site's location in proximity to habitats identified as important for breeding nightjar and woodlark and have referred the LPA to their recommended risk based approach for good planning practice.

There is currently an issue as to whether the substantial population of Nightjar and Woodlark in the Sherwood Forest area justify its classification as a 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, 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. There is currently a review of the SPA and therefore as a precautionary approach the site should be treated as if it were a pSPA until this is complete.

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 possible adverse effects of any development should be properly considered. This application is situated within that area.

The Ecological information submitted with the application deals with the pSPA and concludes that there would be unlikely to be any adverse impacts on the breeding nightjar and woodlark population taking into account direct and indirect impacts. Cumulative impacts are not expected to cause harm either. Overall it is considered that the proposal would be unlikely to have an adverse impact on the pSPA. It remains for this Council, as a Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. In my view the proposals will not result in a direct impact on the pSPA and any impact would be indirect from recreational pressure, which is likely to be minimal.

I confirm that having regard to the Habitat Directive, the proposal can proceed without having a significant effect on a European site.

### **Other Ecology Matters**

Matters of ecology need to be assessed against Natural England's Standing Advice, which has been followed. An Ecological Appraisal (FPCR, 2014) has been submitted with the application which concludes that the proposal would be unlikely to have adverse impacts upon a range of protected species or any of the locally designated SINCS.

Nottinghamshire Wildlife Trust raise no objections to the scheme but wish to ensure that (1) the attenuation pond is designed such that it holds water permanently and that native species are planted to enhance the biodiversity value; (2) the retention and protection of majority of the hedgerows (see proposed condition 011); (3) removal of hedgerows/trees is done outside of bird breeding season (see proposed condition 012); and (4) external lighting should be kept to a minimum and direct downwards to minimise impact on bats and other faunal species (see informative no. 04). All of these matters can be controlled through condition or at reserved matters stage as appropriate. Subject to conditions, however I consider that the proposals accords with the Standing Advice and policies CP12 and DM7 of the Development Plan.

It should be noted that biodiversity and ecological enhancements are expected by CP12 and DM7 of the Development Plan which is echoed by paragraph 118 of the NPPF which encourages measures to enhance the biodiversity of application sites. In my view there would be opportunities on this site to incorporate features into the design which would be beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Should planning permission be granted, such measures can be secured through a condition (see proposed condition 010) to require a scheme of ecological and biodiversity enhancements.

### **Landscape impacts**

A Landscape and Visual Impact Assessment (LVIA) accompanied this application which considers both landscape and visual effects.

The site lies within the National Character Area 49 'Sherwood', as described by Natural England. The East Midlands Regional Landscape Character Assessment has assessed landscape character at a regional level. The site and the surrounding land fall within regional Landscape Character Type 'Sandstone Forests and Heaths'. At district level, the Newark and Sherwood Landscape Character Assessment provides a finer grain of detail on characteristics for the area immediate area, which is located within Policy Zone 9 'Old Clipstone Estate Farmlands'.

This area generally comprises intensive arable farming, with some neglected hedgerows and some isolated mature trees in a gently undulating topography. Landscape condition is described as moderate as is its sensitivity to change. The policy action for this area is 'conserve and create', as set out in CP13.

The site itself comprises two small, relatively level fields on the southern edge of Edwinstowe, most recently used for arable farming. The land is enclosed by a number of hedgerows, with a single small tree in the northern boundary. The hedgerows are fragmented in parts. The site is heavily influenced by the adjacent urban land uses.

I am satisfied that the scheme will be able to meet the policy action of conserve and create through the retention of hedgerows, appropriate soft landscaping throughout the development and public open space which could provide a transition between the built environment and the countryside beyond. There are also opportunities for habitat creation and the gapping up of fragmented hedgerows. I am also satisfied that the development of the site would have a minimal degree of adverse impacts on the landscape character and visual impacts are such that they would not constitute a reason for refusal.

#### Drainage & Flooding

The site lies in flood zone 1, which is at lowest risk of flooding. However as the site represents development of over 1 hectare, a Flood Risk Assessment (FRA) is required. The Sequential Test is not required for Allocated sites and in any event the site is in FZ1, the lowest risk zone. The development therefore has to ensure flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant as set out in the NPPF.

The indicative layout suggests that an attenuation pond would be used to manage surface water at the site although this is a matter that will be dealt with at reserved matters stage.

The Environment Agency have raised no objection to the scheme on drainage of flood risk grounds subject to conditions which are shown within the recommendation section (Conditions 05 and 06) of this report. Severn Trent Water have also confirmed they have no objection to the scheme subject to condition 013. Subject to these conditions I consider that the proposal would not increase flood risk elsewhere and would be flood resilient as required by CP10, DM5 and the NPPF, a material consideration.

#### Heritage and Archaeology

The site lies outside of any heritage designations. The nearest Conservation Area, (Edwinstowe) is located c1km to the north and there are no listed buildings within the vicinity that would be affected by the development. As the site is in the heart of a Medieval Forest a short distance from where two Roman coin hoards were found which may indicate, a high status Roman settlement site nearby, the County Archaeologist recommends that further investigation is warranted here. Subject to condition 04 to control archaeological mitigation I am satisfied that in this regard the proposal accords with CP14 and DM9 of the Development Plan and the NPPF, a material consideration.

#### Other Matters

### **Design, Scale, Layout, Landscaping and Residential Amenity**



It is noted that many of the local residents have raised issues such as the impact upon residential amenity from loss of privacy and overlooking etc. Matters raised include the lack of landscaping on the layout and the apparent close relationships between existing dwellings (mainly bungalows) along Robin Hood Way to the north and the dwellings along the northern boundary.

Whilst I appreciate these concerns, matters of layout, scale, design and landscaping are all reserved for subsequent consideration. The layout is illustrative only, submitted to demonstrate that the site could theoretically accommodate the number of dwellings proposed (i.e. up to 72) and should not be seen as the Council's endorsement of this layout. As these matters do not form part of the application, they are outside the scope of this application. Of course, should outline consent be forthcoming then the Reserved Matters Application would be the correct forum to raise such concerns. I am satisfied that these matters can be addressed adequately through the RM stage.

### Conclusion

It is noted that this application is not supported by either the Local Member or the Parish Council and that 17 local households have raised concerns regarding the proposal. Some of these concerns relate to matters of detail which are best addressed at reserved matters stage, should the application be approved. The supporting petition containing 354 signatures is also noted, albeit this is submitted on the premise that this would help support an adjacent privately owned leisure facility. All of the matters raised have been considered and addressed where appropriate.

The site is allocated in the Development Plan for around 72 dwellings and this scheme is for up to 72 dwellings. I consider that the proposal is suitable for residential development in line with the sites allocation and other sites suggested for development should not be seen as an alternative but as further additional windfall sites. In conclusion I am satisfied that the proposal accords with the Development Plan and taking into account other relevant material considerations (such as viability) the proposal is acceptable. This scheme will deliver housing in a sustainable settlement, contribute to providing the Council's 5 year + housing supply, make a financial contribution to enhance various existing community facilities and would not have any significant harmful impacts as set out above. The proposal would also pay its own way in terms of all requested contributions, such as education. The proposal is therefore recommended for approval subject to the conditions shown below and subject to the execution of a S106 Agreement.

### **RECOMMENDATION**

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

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to control the matters set out in informative no. 1 below.**

### Conditions

The applicant's agent has confirmed that they are not seeking to phase the development at this stage and the conditions are therefore drafted with this in mind.

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

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

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

02

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

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

03

The development hereby permitted authorises the erection of no more than 72 dwellings.

Reason: To define the planning permission as the technical studies and indicative plan submitted as part of the application assume a maximum number of 72 dwellings.

04

No development shall take place within the application site until details of an archaeological scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

05

No development shall take place until a detailed surface water drainage scheme for the site, 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 in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus

30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

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

06

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To reduce to the risk of surface water pollution.

07

No development shall commence on any part of the application site unless or until the access shown on drawing number 003 (contained within Appendix F of the Transport Assessment) which forms part of this application has been provided to the satisfaction of the Local Planning Authority unless otherwise agreed through a non-material amendment.

Reason: In the interests of highway safety.

08

No dwelling forming part of the development hereby approved shall be occupied unless and until improvements have been made to the existing highway infrastructure to provide dropped kerbs and footways linking around the B6030/B6034 junction, and bus stop improvements (including shelters, real time displays, raised kerbs etc) in accordance with details to be first submitted and agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel and to replace the existing provisions that would need to be relocated as part of this development.

09

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

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

010

No development shall be commenced until a scheme for ecological enhancements in accordance with the recommendations of the Ecological Appraisal by FPCR dated August 2014 submitted in support of the application and those recommendations of the Nottinghamshire Wildlife Trust in their letter dated 2<sup>nd</sup> October 2014 has been submitted to and approved in writing by the Local Planning Authority. This shall include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the CP12 of the Development Plan and the advice contained in the NPPF.

011

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

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

012

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 suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided

to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.  
Any located nests must then be identified and left undisturbed until the young have left the nest.

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

013

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to minimise the risk of pollution.

#### Notes to Applicant

01

A S106 Agreement (Planning Obligation) accompanies this permission. This controls the following matters:

- Provision of 5 affordable bungalows (3 social rent, 2 intermediate) to be commenced on or before occupation of 40% of market dwellings and to be completed and transferred to a RSL on or before occupation of 60% of the market housing.
- Contribution of £34,134 towards the provision of off-site affordable housing;
- Education contribution of £171,825 with 10% payable upon first occupation and remainder to be paid upon occupation of 30<sup>th</sup> dwelling.
- Library Contribution of £2,790 payable upon occupation of 10<sup>th</sup> dwelling
- Community Facilities Contribution of £1,181.25 per dwelling (up to £85,050) to be paid in two equal instalments on or before occupation of the 25<sup>th</sup> dwelling and the 50<sup>th</sup> dwelling.
- No more than 30 dwellings to be occupied until provision of minimum quantum of green infrastructure/public open space (including SANGS) of 0.4 hectares, a minimum of 0.04 hectares of land for children and young people to include a LEAP has been provided on site.
- Arrangements for on-going management for all POS by a management company.

02

NCC (Highways Authority) advise you of the following:

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

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

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

Please contact David Albans (01623) 520735 for details of both Section 38/278 procedures.”

03

The Environment Agency advice of the following:

1. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
3. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

04

The applicant is advised that any lighting scheme for the site should follow the recommendations given in section 4.33 of the Ecological Appraisal undertaken FPCR, 2014 to minimise impact on bats and other faunal species. The attenuation pond should also be designed so that it holds water permanently if possible with native species planted to enhance biodiversity value.

05

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

06

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).

07

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

08

As part of any reserved matters the submission shall include the following matters; parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (to the highways).

09

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.

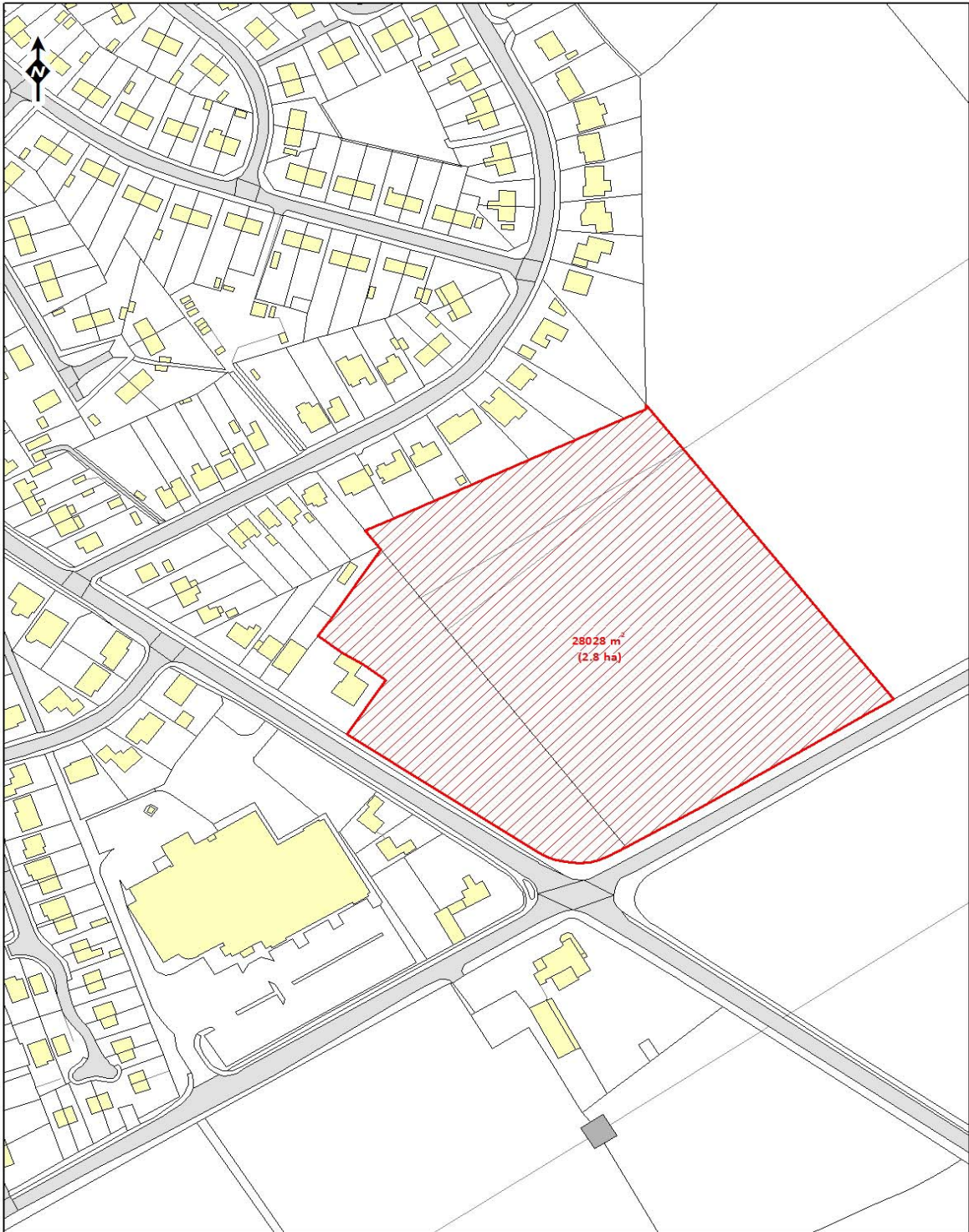
#### BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on extension 5834

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

Committee Plan - 14/01596/OUTM



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<b>Application No:</b>	<b>14/02027/FUL</b>	
<b>Proposal:</b>	<b>Demolish existing house and construct a 4 bedroom dwelling with a single garage to the rear</b>	
<b>Location:</b>	<b>The Nook, Main Street, Weston, Newark</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Critchlow</b>	
<b>Registered:</b>	<b>13<sup>th</sup> November 2014</b>	<b>Target Date: 8<sup>th</sup> January 2015</b>

### The Site

The application site contains a detached cottage of late 18<sup>th</sup>/early 19<sup>th</sup> century rural vernacular architecture. The cottage is designated as a building of Local Interest and is located within the centre of Weston on the northern side of Main Street. The property is set back from the roadside by approximately 4m with a small front garden and a telegraph post on the south western corner, with a guide wire cutting across the eastern frontage of the front garden. The cottage is constructed of red brick with a red pantiled roof and chimney stacks on the end of each gable wall. The windows are wooden framed with the front door situated to the side of the dwelling. A small extension has been added to the rear.

The property is currently vacant but shows signs of recent inhabitation. From visiting the site and viewing the interior of the dwelling it is clear that the house is far from suitable for modern living given the sub-standard sized rooms and low ceiling and stair heights.

A low brick wall marks the front boundary with a gate providing access to the side of the property. The rear garden extends approximately 40m to the north and is bound on the east and west by a combination of vegetation, brick walling and fencing. A single storey garage and two storey red brick dovecote within the curtilage of Sunnyside Farm are situated on the western boundary of the development side. The dovecote is Grade II listed.

### Description of Proposal

The application is for the demolition of the existing dwelling and the construction of a replacement dwelling with a single garage situated to the rear.

The property would be set back from the roadside by approximately 8m at its nearest point to provide off road parking. The property would be offset on the western boundary by 0.6m allowing for vehicles to pass on the eastern side to park in the single garage proposed to be sited to the north east of the dwelling. Taking account of the proposed set back from the roadside; the frontage of the dwelling would be approximately aligned with that of the neighbouring property to the west, although given the orientation would appear set further back into its plot.

It is proposed that the dwelling be constructed of materials similar to the existing cottage with the finish of the garage building being consistent with that of the main dwelling.

### Site History

14/01281/FUL Demolish existing house and construct a 4 bedroom dwelling with a single garage to the rear. Application withdrawn October 2014.

### Public Advertisement Procedure

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

### Consultations

**Weston Parish Council** – No objection

**Nottinghamshire Wildlife Trust** – No objection subject to condition

“The applicant has submitted a Bat Survey (*Arbtech Consulting Ltd 11 September 2014*) as requested by the Trust on 13 August 2014. The report indicates that in completing the survey the surveyor was unable to obtain access to the roofspace. Notwithstanding the report’s conclusions that the potential for roosting bats was negligible the failure to gain access to the roofspace must be viewed as a material constraint and raises the possibility that roosting bats may indeed be present within the roofspace or beneath slate tiles.

Under the circumstance we would ask that a condition be placed upon any planning approval requiring that roof work be carried out carefully by hand. Roof tiles (especially where the roofs are underlined) should be lifted vertically from their seats and not allowed to slide and any lead flashing and the soffits are removed with care to avoid harming bats.

Should any bat/s be found under any other 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 Conservation Officer**- No objection subject to condition

Overall, the proposed replacement dwelling is considered to preserve the setting of the listed dovecote. Whilst the proposal harms the significance of the non-designated heritage asset, it is felt that the demolition is justified in this instance. The replacement dwelling, furthermore, is considered to be of a suitable design and appearance. The scheme is therefore considered to be compliant with s.66 of the Act and historic environment policies contained within the LDF DPDs and NPPF.

**NCC Highways** – No objection subject to condition

“The layout as shown on the site plan no. 222.P04 Rev. D, is acceptable and there are no highway objections to the proposal subject to the following:

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

Reason: In the interests of highway safety.”

**NSDC Access and Equalities Officer** - A Building Regulation application is required

**One letter of representation has been received objecting** to the proposal on the following grounds.

- The Nook is one of the oldest properties in Weston and has significant character and appeal. I am for the property being developed but believe that the existing property could and should be incorporated into the plans.
- The location of The Nook could also cause a problem with parking on the already busy road and will cause further danger to two way traffic.

Planning Policy Framework

**The Development Plan**

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

Policies relevant to this application:

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 3 Rural Areas
- Core Policy 9 Sustainable Design
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment

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

Policies relevant to this application:

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

**Other Material Planning Considerations**

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

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

### **Principle of Development**

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages.

The application site is located within the village of Weston which is defined as an 'other village' in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. However given that the proposal is for a replacement dwelling it is considered that the principle of development is acceptable provided the dwellings scale, form, mass, layout, design, materials and detailing reflects the local distinctiveness of the district's landscape and character.

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

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

Upon review of the originally submitted application it was determined that The Nook was worthy of retention given its historical relationship with the adjacent farmhouse (Sunny Side Farm) and its built form representing a good example of an early 19<sup>th</sup> century farm labourer's cottage. As such The Nook was designated as a building of Local Interest. Concern was also shown by the parish council to the originally submitted application in retaining the cottage or at least some elements of the cottage in the interests of character of the surrounding area. However, upon undertaking a site visit and internal inspection of the property with the applicant and Conservation Officer it became apparent that given the limited footings, spalling masonry and excessively low roof heights that the building was unsuitable for habitation and retention would be unduly onerous upon the applicant.

As such and further to pre-application discussions with the applicant and the Conservation Officer the replacement dwelling which forms the basis of this application has been designed to ensure it reflects the character of the surrounding area and preserves the setting of the adjacent listed Dovecote.

The proposed dwelling would be set back approximately 8m from the roadside with the frontage presented to the road being of relatively simple form. The dwellings frontage would be roughly aligned with that of the farmhouse to the west with a section of walling on the front boundary removed to provide access to the garaging proposed to the north east of the dwelling. The dwelling is roughly of L shaped form and extends approximately 13m back which again will be roughly aligned with the adjacent built form of the farmhouse. It is proposed that the ridge of the dwelling would be approximately 2m higher than that of the existing dwelling at 7.5m. However, given that the existing dwelling does not provide roof heights capable of accommodating modern living and that the properties to the east and west are of comparable heights the proposed dwellings increase in ridge height, is not considered to detract from the character of the

surrounding area.

The rear of the proposed dwelling would again be of relatively simple design offering a hipped roof line. The Grade II listed Dovecote associated with Sunny Side Farm would be approximately 15m to the north west of the proposed rear elevation with the existing neighbouring garage separating the two structures. Given the degree of separation and the relatively simple form of the proposed dwelling the development is not considered to detract from the setting of this historic asset.

The materials proposed for the replacement dwelling would be to match those of the existing cottage.

In relation to the comments received from an objector, due consideration has been had to the retention and or incorporation of The Nook given its status as a locally designated asset and its group value with the adjacent farmhouse and Dovecote. However, given that to preserve or convert it would require a substantial rebuild due to its limited footings and substandard room heights to ensure it was suitable for future habitation its replacement with the proposed dwelling is considered acceptable, subject to a suitable programme of photographic building recording being undertaken.

Overall, it is considered that although the replacement dwelling as indicated would be substantially larger than the one it would replace it would not result in any adverse impact upon visual amenity. The proposal would therefore be in accordance with the aims of the NPPF, Core Policy 9 of the Core Strategy and Policy DM5 of the Development Management DPD and furthermore would preserve the setting of the adjacent listed Dovecote and thereby comply with Core Policy 14 and Policy DM9 of the Core Strategy and Development Management DPD respectively.

#### Impact upon Amenity

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

Sunny Side Farm and Corner Cottage are the properties situated to the west and east of the development site and as such the impact of the proposed development on their amenity requires due consideration. No windows are proposed on the western elevation, with the exception of a roof light. One window at first floor height is proposed on the eastern elevation, however this would serve a bathroom and therefore it is anticipated that this would be obscure glazed and as such would not unduly impact on neighbouring amenity through overlooking.

The replacement dwelling would be partially aligned with the west facing gable of Corner Cottage, the property to the east, with the majority of the built form being between this gable of the main dwelling and the garage situated further north into the site. The degree of separation between the proposed replacement dwelling and Corner Cottage would be approximately 6m gable to gable. The area immediately to the rear of Corner Cottage is used primarily for parking of vehicles, however on the rear elevation of the property there is a white UPVC conservatory. The degree of separation from the replacement dwelling to this conservatory would be approximately 13m and as such is not considered to overbear. Given that the replacement dwelling would be aligned partially with the built form of Corner Cottage and partially with the area used for vehicle parking

it is not considered that the proposed replacement dwelling would result in overbearing or a loss of light.

The proposed garage would be sited further to the north of the neighbouring garage to the east, however given that it would only be single storey with an approximate ridge height of 4.1m and that the neighbouring garden extends extensively to the north. As such the proposed replacement dwelling and garage are not considered to result in a loss of amenity to residents of Corner Cottage.

The frontage of the proposed dwelling would be approximately aligned with that of Sunny Side Farm to the west, albeit given the properties orientation would appear to be set back further into the development site. Given this, the majority of the built form of the proposed dwelling would be aligned with the eastern elevation of Sunny Side Farm. This elevation contains a number of ground floor windows and three windows at first floor level. Two of these windows provide light to a hallway but the northernmost serves a bedroom of which there is also a window in the western elevation. The degree of separation between the proposed replacement dwelling and Sunny Side Farm at their frontages would be approximately 10m. However, this would reduce to approximately 8m given the narrowing of the garden area to the side of Sunny Side Farm and the proposed dwelling being offset from the western boundary by 600mm. The first floor window in the eastern elevation of Sunny Side Farm currently has open views across the garden area of the development site and dwellings further to the east. The proposed replacement dwelling would result in the erection of a blank brick wall of approximately 5m in height circa 8m from this window opening. Given the proposed proximity of the replacement dwelling it is considered that the proposed development would result in an unacceptable degree of overbearing to residents of Sunny Side Farm. Furthermore, the introduction of a brick wall 8m from the existing window opening could result in a potential loss of morning sunlight. Due to the proximity of the proposed replacement dwelling to the east elevation of Sunny Side Farm it is considered that the proposed development would result in an unacceptable loss of amenity through overbearing and the development would therefore fail to accord with the aims of the NPPF and Policy DM5 of the DPD.

#### Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. It is not considered that proposed movements to and from the replacement dwelling would be significantly different from existing levels. The comments received regarding parking are noted; however given that the proposal seeks to provide onsite parking which the current property doesn't offer this is considered an improvement on the current site layout. Furthermore, Nottinghamshire County Council Highways Authority have reviewed the submitted site plan and are satisfied that the access proposed is suitable subject to the addition of a condition relating to the creation of a dropped kerb to serve the new access.

#### Impact on Protected Species

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. A Protected Species Survey has been submitted with the application. Having reviewed the protected species survey report, Nottinghamshire Wildlife Trust raise no objection to the application subject to the demolition of the roof being

undertaken by hand in the interests of any bats that may be sheltering within the roof void which was inaccessible at the time of undertaking the survey.

### Landscaping

In accordance with the aims of Core Policy 12, Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. To the front of the existing dwelling is hedging and some border planting. To the rear are a number of boundary trees and fruit trees which are relatively non visible within the public domain and should be unaffected by the proposed development. A basic landscaping plan has been submitted as part of the proposal; this details existing hedging to the front of the property to be retained and new low level planting to be planted to the front of the dwelling. In addition block paving is proposed for the new access to ensure deleterious material does not enter the highway. Whilst the detail on the plan is relatively basic it is considered satisfactory given the small area that will be created to the front of the dwelling and that the majority of the garden to the rear whilst being non-visible in the public domain will remain unaltered. Overall, it is not considered that the proposed development would result in the loss of natural features of importance in accordance with the aims of Core Policy 12 and Policy DM5.

### Conclusion

In conclusion, whilst the proposed large four bed dwelling house replacing a small two bed cottage of historic interest is unlikely to result in significant harm to the character or appearance of the area these considerations do not outweigh concerns that the resultant scheme would detrimentally impact upon residential amenity. By way of the proposed replacement dwellings proximity to its neighbouring property to the west (Sunny Side Farm) the proposed development is considered to lead to an unacceptable detrimental impact through overbearing. The proposal would therefore be contrary to the third criteria of policy DM5 of the Newark and Sherwood Development Plan Document (2013) and the NPPF, a material consideration.

### Recommendation

**Refuse, for the following reason;**

01

In the opinion of the Local Planning Authority the massing and proximity of the proposed replacement dwelling to the western boundary of the development site would have an oppressive and overbearing impact on the western neighbouring property (Sunny Side Farm) and would also lead to loss of morning sunlight to an unacceptable degree. This impact upon the amenity of neighbouring properties is contrary to the third criteria of Policy DM5 (Design) of the Development Plan. Furthermore, the proposal would also be contrary to the NPPF; a material planning consideration. There are no other considerations which would outweigh this harm.

### Informatives

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 will be subject to CIL. 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 for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to overcome the reason for refusals. Unfortunately this has been unsuccessful.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact James Mountain on Ext 5841

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

**K Cole**

**Deputy Chief Executive**



Committee Plan - 14/02027/FUL



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<b>Application No:</b>	<b>14/01541/OUT</b>		
<b>Proposal:</b>	<b>Erection of 1 No. four bedroom detached two storey dwelling with all matters reserved</b>		
<b>Location:</b>	<b>Aviemore, Old Great North Road, Sutton On Trent, Nottinghamshire, NG23 6QL</b>		
<b>Applicant:</b>	<b>Mrs Sharon Williams</b>		
<b>Registered:</b>	<b>28.08.2014</b>	<b>Target Date:</b>	<b>24.10.2014</b>

**Description of Site and Surrounding Area**

The application site is a modest rectangular plot of land to the east of the B1164. The site as existing comprises part of the residential curtilage of the dwelling known as Aviemore which is adjacent to the site to the east. Aviemore is accessed via Old Great North Road.

The site is within the main built up area of Sutton on Trent albeit it is towards the northern end of the village with open countryside on the opposite side of the B1164. Neighbouring development immediately adjacent to the site boundaries forms residential curtilages however there are numerous industrial uses in close proximity surrounding the site.

**Relevant Planning History**

There is no site history of relevance to the site itself although it is noted that there was a recent approval (under delegated powers) for a single dwelling on the land to the north of 'Aviemore' by the same applicant under reference number 13/00377/FUL.

**The Proposal**

The proposal seeks outline consent for the erection of a single residential dwelling with all matters reserved. It is intended to divorce the application site from the host dwelling with the erection of a 2m high timber fence along the north eastern boundary of the site. Vehicular access would then have to be taken from the B1164 to the west.

**Departure/Public Advertisement Procedure**

Two neighbours have been notified directly by letter. The overall expiry date for comments was 06.12.2014.

**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 6 – Infrastructure for Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 – Sustainable Design

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

- Policy ST/EA/1 – Sutton on Trent – Existing Employment Policy Area
- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 – Developer Contributions and Planning Obligations
- Policy DM5 – Design
- Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### Consultations

**Sutton on Trent Parish Council** – Support the proposal.

**NCC Highways** – Original comments received 30<sup>th</sup> September 2014 as follows:

*The applicant has provided a drawing of how vehicle access might be gained from the B1164. The drawing shows access visibility splays of 2.4m x 220m to the north, and 2.4m x 134m to the south.*

*The B1164 at this point is subject to a 50mph speed restriction. Visibility splays should therefore be 2.4m x 160m in both directions, unless speed readings are produced in accordance with TA22/81 that demonstrate actual speeds are commensurate with the available and shorter distance to the south.*

*Without this supporting evidence I would have to recommend refusal of this application on the grounds that safe access visibility is not available and highway safety is therefore compromised.*

The applicant was made aware of these comments during the life of the application and subsequently the safety of the highways access has been subject to further investigations and discussions. Unfortunately the applicant has failed to find a resolution which would satisfy the Highways Authority, confirmed by email dated 9<sup>th</sup> January 2015:

*I confirm that I am satisfied that my comments to the Planning Authority are justified and robust.*

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

**NSDC Environmental Health** - The application has been the subject of discussions with colleagues in Environmental Health albeit a formal consultation response to the current application has not been submitted. Comments from a previous application nearby have been forwarded for review which discuss complaints received in relation to night shift working on the established employment uses in the area.

### **Neighbours/Interested Parties**

No letters of representation have been received.

## Comments of the Business Manager, Development

### Principle of Development

The site forms part of the amenity space for the host dwelling; Aviemore, and is therefore classed as Greenfield land. The settlement of Sutton on Trent is defined within the NSDC Core Strategy as a Principal Village where the function is to support the Sub-Regional Centre and Service Centres and to secure new employment opportunities, regenerate vacant land and provide housing. The site is within the village envelope as defined within the Allocations and Development Management DPD but is also defined as being within an existing employment area thus requiring assessment against Policy ST/EA/1. This policy states that within existing employment areas new dwellings will not normally be permitted due to the likely conflict with the proliferation of employment uses.

### Impact on Amenity

An assessment of amenity relates to both the impacts on existing residential neighbours as well as the amenity provision for the proposed occupiers of the dwelling. The red line site location plan demonstrates the land within the ownership of Aviemore and shows a retained rear garden length of approximately 18m for the host dwelling. The indicative plan for the proposal site demonstrates that appropriate separation distances could be achieved between the dwellings such that there would be no detrimental impacts in terms of overbearing or overlooking. I also note the intended boundary treatment of a 2m timber fence which would aid in securing privacy for both the host and the proposed dwelling. A detailed assessment of amenity could be undertaken at reserved matters stage where details such as positioning of windows could be considered.

As identified the site is within an existing employment area where the general stance is to resist additional residential development. I acknowledge that there has been a recent approval on land to the north of Aviemore (reference 13/00377/FUL) however this was prior to the publication of the Allocations and Development Management DPD and thus prior to consideration of Policy ST/EA/1.

The council's Environmental Health Officer has raised concerns with regards to the implications of the nearby industrial uses in terms of noise disturbance and the subsequent impact on amenity for the proposed occupiers. Environmental Health has recently received noise nuisance complaints in the area and are of the understanding that increased demand on the employment sites has led to the reinstatement of night shift working on the employment sites. As a consequence I believe it is a legitimate concern that the mixed use nature of the area would result in an inadequate standard of amenity for the proposed occupiers of the dwelling. To quote comments from Environmental Health on a previous scheme;

*Mixing residential premises next to business premises creates tensions that can place unfair burdens on business while seriously affecting the nearby resident. Such conflicts can require intervention by the criminal law to resolve. Surely a better way forward is to adopt a precautionary approach and limit the scope for such conflict, rather than adding another potential complainant to the area.*

Notwithstanding the aforementioned extant permission on a site nearby, it is my view that the Council should use the adoption of the Allocations and Development Management DPD as a clear direction of travel for the intentions of residential development in the area. If this application were to be approved then a precedent would be set for similar applications in the vicinity and the existing situation would be worsened contrary to the intentions of Policy ST/EA/1.

This matter has been raised with the agent during the life of the application however it has been deemed unreasonable to insist on the submission of a noise assessment given the extra expense this would incur to the applicant and that (as discussed below) the proposal would be resisted on highways grounds in any case. Notwithstanding this, the agent acting on behalf of the applicant did request a delay to the decision in order to allow time to address this matter. No further details have been received by the agreed deadline and I consider it to be unreasonable for the Council to delay the decision further.

### Impact on Highways

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

As implied by the consultation section of this report, the impact on the safety of the highways network has been subject to lengthy discussions during the life of the application. Specifically further works and investigations have been carried out in relation to the splay measurements that a potential proposed access point could achieve. A planning consultant acting on behalf of the applicant has confirmed that the technical visibility calculation from the nearside channel amounts to 134m and that a hedgerow has been cut back allowing a more advantageous position. However, the Highways Authority has confirmed that all additional information has been reviewed and it remains that the visibility splay distance would be less than the requirement of guidance. With the speed and nature of Great North Road, guidance recommends that at a point 2.4m back from the edge of carriageway a driver should be able to see an approaching vehicle at a distance of 160m measured to the nearside channel. This is not possible in this case. On this basis concern has been raised by the Highways Authority that if the current application were to be approved a precedent may be set and it would compromise highway safety.

Whilst the application has been submitted as an outline application with all matters reserved, the applicant has failed to demonstrate that the site will be capable of securing a safe access to the development at reserved matters stage. It would therefore be inappropriate to accept the principle of a dwelling within the site given that the constraints of the site do not allow for the provision of a safe vehicular access which meets the guidelines of NCC in relation to this matter.

### Impact on Character

As the proposal constitutes an outline application with all matters reserved there is no opportunity to consider the detailed design of the dwelling at this stage. Nevertheless I am confident that the size of the plot could comfortably accommodate a residential curtilage which would be broadly commensurate with other plots in the immediate vicinity including the dwellings known as Landseer to the north and Fairway to the south.

### Conclusion

The outline application for an additional dwelling has failed to demonstrate that the site could accommodate a residential curtilage with a safe highways access and appropriate level of amenity for the proposed occupiers. As a consequence the application is recommended for refusal.

### Recommendation

**Refuse, for the following reasons:**

## Reasons

01

The proposed development fails to demonstrate that safe access visibility can be achieved within the site and would therefore compromise highways safety. The proposal is therefore contrary to the principles of Spatial Policy 7 of the LDF Core Strategy and Policy DM5 of the LDF Allocations and Development Management DPD. The proposal would also be contrary to the aims of the NPPF, a material planning consideration.

02

The site is within an Existing Employment Policy Area as defined by the Proposals map for Sutton on Trent. The presence of existing employment uses conflicts with the proposed residential use of the site and would amount to an unacceptable level of amenity being available for the proposed occupiers of the dwelling. In addition to this, if the application were to be approved then a precedent would be set for further residential development within the area. The proposal is therefore contrary to Policy ST/EA/1 and Policy DM5 of the LDF Allocations and Development Management DPD. The proposal would also be contrary to the aims of the NPPF.

## Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/).

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to overcome the reason for refusals. Unfortunately this has been unsuccessful.

## BACKGROUND PAPERS

Application case file.

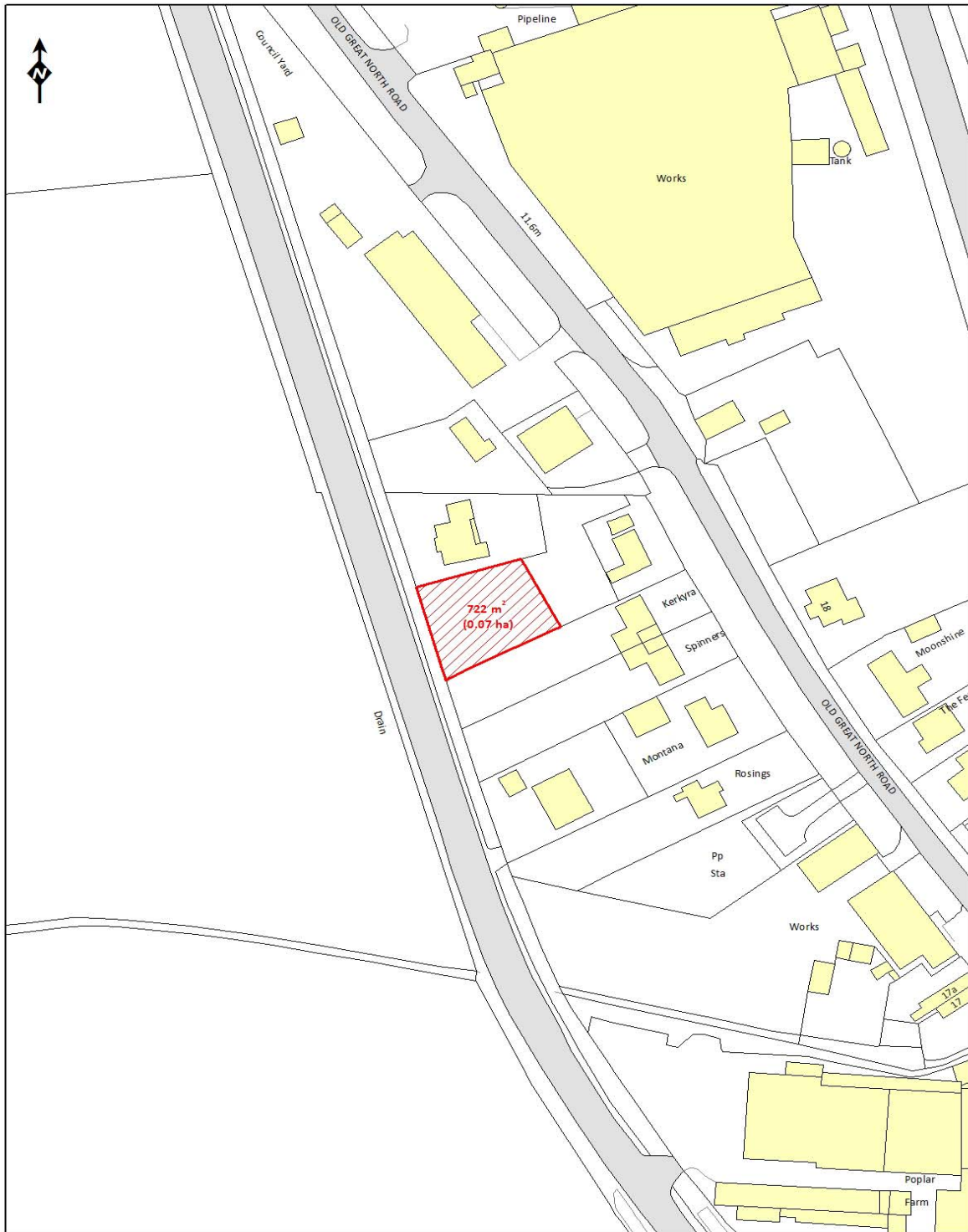
For further information, please contact Laura Gardner on 01636 655907.

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 Cole**

**Deputy Chief Executive**

Committee Plan - 14/01541/OUT



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<b>Application No:</b>	<b>14/02159/FUL</b>
<b>Proposal:</b>	<b>Householder application for erection of first floor side extension over existing ground floor accommodation</b>
<b>Location:</b>	<b>1 Hine Avenue, Newark on Trent Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr N Parker</b>
<b>Registered:</b>	<b>11<sup>th</sup> December 2014      Target Date: 5<sup>th</sup> February 2015</b>

The Site

The application site is a detached buff brick dwelling with pantiled roof of c1970's construction. The property is situated within a primarily residential area (to the east of Newark off Beacon Hill Road) within the defined urban area. The property has a single storey flat roofed extension, which projects beyond the western side of the dwelling by approximately 4m. A tarmac driveway and gravelled area are situated to the front of the dwelling, with the principle garden area to the rear. The boundary treatment within the rear garden consists of c1.9m close boarded fencing with some evergreen hedging and tree cover present on the neighbouring boundaries.

The development site occupies a corner plot with the property to the east set slightly forward in its plot. To the west of the development site; the garden area of No. 7 Blatherwick Road abuts the side boundary fence of the development site, with the garden area of the development site bordering both the garden of this property and No. 5 Blatherwick Road, which is situated further to the northwest.

Relevant Site History

None

The Proposal

The application proposes the erection of a first floor element over the existing single storey side extension to provide an additional (fourth) bedroom with en-suite shower room.

The initial documentation submitted detailed the extension to have a ridge to match that of the existing dwelling and to the rear a gabled roof. The extension was proposed to measure 4m in width, 8.1m in depth and have a ridge height of 7m to match the host dwelling and the gable feature slightly reduced at 6.7m.

Concerns were expressed regarding the potential for the proposed extension to impact on the character of the area and amenity of neighbouring properties. Consequently revised plans have been received which now form the basis of this application. The proposal now details the extension to be 4m in width, but to be set back from the front of the dwelling by 1.1m with a ridge line approximately 0.2m lower than that of the existing dwelling. Furthermore, the previously

proposed large bedroom window looking out over the rear garden area has been replaced with an obscure glazed bathroom window.

No fenestration is proposed at first floor height on the side elevation. In addition to the rear facing bathroom window, a window is proposed on the front elevation to serve a proposed bedroom.

#### Public Advertisement Procedure

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

#### Planning Policy Framework

##### **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 Adopted (NPPF) March 2012

Planning Practice Guidance March 2014

Supplementary Planning Document 'Householder Development' Adopted November 2014

#### Consultations

**CLlr M Tribe has referred** this application to the Planning Committee as the recommendation is for approval.

**Newark Town Council** – No objection

**12 letters of representation have been received from 3 neighbouring properties** detailing the following summarised concerns:

- The proposed extension would result in a loss of neighbouring amenity through; overbearing, overshadowing, loss of light, loss of privacy and the potential for overlooking.
- The proposed extension would result in a loss of light to the garden area of the property to the northwest leading to a build-up of moss in the lawn area.
- The noise associated with the construction would have a negative impact on residential quality of life.

## **Comments of the 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.

Policy DM5 accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy.

### **Impact upon the Character of the Area – (Visual Impact)**

In terms of design; the revised extension with its 1.1m set back at first floor level and reduced ridge height in comparison to the host dwelling would appear as a subservient addition. Furthermore, the extension would be constructed of materials to match the existing dwelling which would be controlled by condition. The new fenestration proposed on the front and rear elevations would match that present on the current dwelling in terms of size of openings and materials and as such is considered to be appropriate.

It is considered that the proposed extension would not detrimentally impact on the surrounding character of the area and is compliant with the guidance in the recently published SPD on Householder Extensions as well as policies DM5 and DM6 of the Newark and Sherwood Development Plan Document 2013.

### **Impact upon Amenity – (Impact on Privacy, Loss of Light, Overbearing)**

#### **Privacy**

Detailed consideration has been given to the impact of the proposed development on the amenity of surrounding residential properties. Of principle consideration is the perceived impact on the closest residential properties to the proposed development, notably No's. 5 & 7 Blatherwick Road situated to the west and northwest of the development site.

Two existing windows (serving a bedroom and landing) are present in the side (western) elevation of the development site offering direct views over the garden area of No. 7 Blatherwick Road. No new windows are proposed on the western elevation of the proposed extension and as such it is considered that the development would result in an increase in neighbouring amenity by removing the possibility for overlooking of the garden area to the west which currently exists.

New openings would however be created at first floor level in the northern and southern elevations looking front and rear. However, the window in the northern (rear) elevation would serve a bathroom and be obscure glazed to a level of 3 or higher on the Pilkington scale of privacy and non-opening up to a minimum height of 1.7m. A condition to this effect would secure this in the interests of neighbouring amenity. The proposed window on the southern (front) elevation would offer views out over Hine Avenue; however the closest residential dwelling would be in excess of 30m away and as such the development is unlikely to result in any loss of neighbouring privacy. In any event the relationship between dwellings would be typical of many other dwellings on this estate and beyond.

### Overbearing and Loss of Light

It is considered that the proposed development would not result in any overbearing impact on No. 5 Blatherwick Road, given that the extension would be approximately 14m to the south east of this dwelling and partially screened by the existing boundary treatment. In terms of loss of light; the proposed development would result in the creation of an additional 25m<sup>2</sup> of floor space which would be approximately 6m southeast of the boundary of the garden area of No. 5 Blatherwick Road. Given the scale of the proposed extension, the degree of separation and the orientation of the extension in relation to this property it is considered that the proposed development would not result in a significant loss of day light to the property or garden area of No. 5 Blatherwick Road.

In terms of loss of light to No. 7 Blatherwick Road; the property and garden area are situated to the west of the proposed extension. The garden area is bound by hedging to the south but is still considered to receive substantial sunlight from this orientation. The extension may result in the loss of a small portion of morning light to the bottom half of the garden area but this is not considered to be significant.

In terms of being overbearing; the extension would result in the erection of a brick wall 4m closer to the property than that which already makes up the side elevation of the development site. The degree of separation from the rear of No. 7 to the side of the development site would be approximately 12m. For comparison, when viewed aerially a similar degree of separation can be seen between No. 3 Blatherwick Road situated to the north of the development site and its neighbouring property to the east No. 5 Ransome Close. Given the degree of separation between No. 7 Blatherwick Road and the proposed extension it is not considered that the proposed development would sufficiently detrimentally impact on neighbouring amenity through being overbearing or through loss of light to warrant refusal of the application.

In conclusion it is considered that on balance the proposed extension would result in an improvement in neighbouring amenity through the loss of current overlooking possible from windows at first floor level in the side elevation of the development site towards the garden area of No. 7 Blatherwick Road. The extension is not considered to result in a significant loss of neighbouring amenity through overbearing, overlooking, overshadowing or loss of light of the properties to the west to warrant refusal of the application. As such it is considered that the proposal would accord with policies DM5 & DM6 of the Newark and Sherwood DPD 2013.

### Other Matters

The comments from Nottinghamshire Wildlife Trust are noted; however given that the property is of relatively modern construction and in a good state of repair it is considered unlikely to form a suitable habitat for nesting bats. A note to applicant shall be added to any forthcoming permission, drawing attention to the Wildlife Trusts comments including the request that any necessary work to the roof area be undertaken by hand.

As such it is considered that there are no material considerations as to why planning permission should not be granted.

## Conclusion

In conclusion I consider that the design of the proposed extension would appear as a subservient addition, given the 1.1m set-back at first floor height and reduced ridge line.

Furthermore by way of the proposed extensions orientation and degree of separation from neighbouring properties to the west it is not considered that the proposed development would result in an unacceptable level of overbearing, overlooking, overshadowing or loss of light to the detriment of neighbouring amenity. The proposal would likely offer a betterment to overlooking as this scheme removes two first floor windows which have the ability to overlook properties to the west.

As such it is considered that there are no material considerations as to why planning permission should not be granted.

## **RECOMMENDATION**

**Approve, subject to the following conditions:**

### **Conditions**

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference(s) Drawing No. 1A/46/2014 received 15/01/15 Site Plan and Drawing No. 3A/46/2014 Revision A: 15/01/15 Plans & Elevations as Proposed 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 first floor window opening on the northern elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

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 development hereby permitted.

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

05

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in terms of type, colour and texture, size, profile and bonding pattern unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

### **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

Your attention is drawn to the attached comments of Nottinghamshire Wildlife Trust dated 19<sup>th</sup> January 2015 which include the following that any roof work should be carried out carefully by hand. Roof tiles (especially where the roofs are underlined) should be lifted vertically from their seats and not allowed to slide and any lead flashing and the soffits are removed with care to avoid harming bats. 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.

03

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

BACKGROUND PAPERS

Application case file.

For further information, please contact James Mountain on Ext 5841

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

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

Committee Plan - 14/02159/FUL



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<b>Application No:</b>	<b>13/01189/OUT</b>		
<b>Proposal:</b>	<b>Demolition of redundant agricultural buildings and replacement by 2 detached dwellings</b>		
<b>Location:</b>	<b>141 Caythorpe Road, Caythorpe, Nottingham</b>		
<b>Applicant:</b>	<b>Mr R Fletcher</b>		
<b>Registered:</b>	<b>31.10.2013</b>	<b>Target Date:</b>	<b>26.12.2013</b>

**The Site**

The application site relates to surrounding land and access situated to the west of No.141 Caythorpe Road, Caythorpe. The site is located in the Green Belt and is relatively flat. The land in question previously housed derelict agricultural buildings with one remaining standing and situated to the north of the proposed dwelling locations.

The initial planning application, originally submitted in October 2013 included a number of disused agricultural buildings on the site. In the past 6 months the applicant has cleared these. Upon undertaking the site visit it was also clear that the buildings attached to the main dwelling previously detailed as disused have been converted for residential use under permission 11/01095/FUL which was approved in October 2011.

The delay between submission of the application and the report reaching committee has arisen due to the applicants protracted discussions with the Environment Agency regarding the Flood Zone designation of the site.

The front of the application site consists of a grass lawn with sporadic tree planting and mature trees and a hedgerow denoting the front boundary with an open channel (Car Dyke). An open grass verge sits between the Car Dyke and the adjoining highway. Two storey residential properties adjoin the site at Moorfield Farm to the west and the existing dwelling at no.141 with hedge and tree boundaries. Agricultural land surrounds these properties. Residential properties are also situated opposite the site including The Croft, a Grade I Listed Building which is situated to the south west of the site. The proposed development site is located within Flood Zones 2, with land adjoining the site within Flood Zone 3.

**Relevant Planning History**

**11/01095/FUL** - Householder application for single & two storey extensions to dwelling, alterations to roof & conversion of outbuildings to habitable accommodation, alter driveway & gate access to highway. Approved October 2011

**10/01733/OUT** – Erection of two dwellings – Application withdrawn

## The Proposal

Outline planning permission is sought for the erection of 2no. dwellings with associated garaging. Approval is being sought for the proposed means of access; which although is an existing access, appears to have been unused in recent years. Matters relating to appearance, landscaping, layout and scale are reserved for subsequent approval.

An indicative layout has been submitted showing 2no. L-shaped properties. The layout has been revised since the original submission which detailed the application site to be in Flood Zones 2 & 3. It is now accepted by the Environment Agency that the proposed development would be sited in Flood Zone 2. However, the previously disused agricultural buildings as detailed on the original submission which were proposed to be demolished to partially accommodate the proposed dwellings have in recent months been cleared.

The proposed layout would now result in one property being situated to the rear (north) of the existing garden area of No. 141 Caythorpe Road, set back approximately 35m from the roadside and orientated sideways on to the road. The second dwelling would be located further to the north east and situated behind the converted outbuildings attached to No. 141 Caythorpe Road and set approximately 55m back from the roadside. The agent has confirmed by email that the ground floor level of the properties would be set by the topographical survey submitted and Flood Risk Assessment recommendations with the maximum height to the ridge of the properties being 14.0 metres from this.

The properties would be set back in relation to adjacent dwellings at Moorfield Farm and No. 141 Caythorpe Road and would be set back from the highway on Caythorpe Road by a minimum of 35 metres. The proposed dwellings would have attached garages and would be served by a shared access drive on the western boundary of the site which is proposed to be reinstated.

The application forms indicate that red brick would be used to elevations with pantile roofs.

The topographical survey submitted annotates a number of disused agricultural buildings, however only one of these appears to be still be present on the site with the other structures having been cleared.

A Topographical Survey, Tree Survey and Constraints Plan, Flood Risk Assessment and Flood Maps, and an Ecology and Habitat Report have been submitted as part of the application.

## Public Advertisement Procedure

Site notice posted 02.12.2013

Newspaper advertisement published 21.12.2013

Earliest Decision Date 24.12.2014

## Consultations

**Cllr R Jackson has referred** this application to the Planning Committee as the recommendation is for refusal.

**Caythorpe Parish Council** – Support the proposal with 1 abstention

## **Environment Agency**

Updated Comments December 2014 Based on the revised layout and the properties being situated within Flood Zone 2.

We object to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons:

### Reasons

The application site lies within Flood Zone 2 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a Medium probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out.

### Overcoming our objection

You can overcome our objection by providing evidence that the Sequential Test has been completed and demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

Initial Comments November 2013 having assessed the flood risk information provided the Agency object to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. The Agency recommend that until then the application should not be determined for the following reasons:

### Reasons

The application site lies within Flood Zone 3 & 2 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out.

The applicant can overcome the Agency's objection by providing evidence that the Sequential Test has been completed and demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

## **NCC Highways – Object**

The revised plan now shows the proposed dwellings are to be served by the existing access, instead of the new access originally proposed. A previous application (10/01733/OUT) showed a similar arrangement and the following comments were submitted and still remain in respect of this application:

The driveway intended to access this proposal is an existing driveway but has severely restricted visibility in the critical direction from the point of access due to the position of a hedge on the edge of carriageway to the adjacent property, Moorfield Farm.

The speed limit of the road fronting this site is 30 mph, therefore, in order to conform to current guidelines, minimum visibility splays of 2 metres x 43 metres should be provided to either side of the access in order to facilitate a safe access.

The visibility to the left for emerging vehicles from the site is more than adequate, however, visibility to the right for emerging vehicles is obstructed by the hedge of the adjoining property, known as Moorfield Farm, and only allows for approx. 17 metres of visibility in that direction instead of the 43 metres normally required.

As the application stands, the Highway Authority would raise objection to the proposed development on the grounds that the intended access would be unsuitable for intensification of use due to the limited available visibility.

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access which affords restricted visibility for drivers emerging from the access.

#### **NSDC Environmental Health – Contaminated Land Condition**

This application is for the demolition of large agricultural buildings and the construction of a two new residential dwellings. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then it is requested that the Council's standard phased contamination conditions are attached to any planning consent.

#### **Radon Advice**

Furthermore the proposed development is in a Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m<sup>3</sup>). Given the above the Environmental Health Officer advises that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at:  
<http://www.newark-sherwooddc.gov.uk/radon>

**NSDC Access and Equalities Officer** - A Building Regulation application would be required.

**Natural England** – Having considered the impact on statutory nature conservation sites Natural England raise no objection. Natural England requests that the Council considers potential impacts on protected species, local sites e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR). Natural England also request that the Council considers whether biodiversity enhancements and/or landscape enhancements can be incorporated into the design of the proposals.

**Nottinghamshire Wildlife Trust** – The Trust welcome the provision of the Phase 1 Habitat Survey and Ecological Appraisal (CJ Barker 2013) as this allows the nature conservation value of the site to be assessed and protected species to be properly considered in the determination of the planning application. This is in line with Government Circular 06/2005 that states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Having studied the ecological reports the Trust find that they are satisfied with the

methodology used to evaluate the existing habitats and the status of protected/notable species within the study area. The Trust therefore have no objection in principle to the application.

The Trust do however fully support the recommendations included in Section 5 of the report and request that all work be undertaken outside of the bird-breeding season, recommend that the significant Willow and Oak trees should be retained within any development proposal and that should any bat/s be found under any other aperture, work must stop immediately.

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

The site is located within the Board’s district with the area served by the Board maintained Car Dyke, an open watercourse which is located to the south of the development site.

The applicant states that surface water will be discharged via soakaway(s). The Board recommend that the suitability of new or existing soakaways is ascertained in accordance with BRE Digest 365 and to the satisfaction of the Local Authority. If the suitability is not proven the applicant should resubmit amended proposals demonstrating how surface water will be drained.

**Severn Trent Water** – No comments received.

#### Planning Policy Framework

##### **The Development Plan**

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

Spatial Policy 1 Settlement Hierarchy  
Spatial Policy 4A Extent of the Green Belt  
Spatial Policy 4B Green Belt Development  
Core Policy 9 Sustainable Design  
Core Policy 10 Climate Change  
Core Policy 12 Biodiversity and Green Infrastructure  
Core Policy 13 Landscape Character

##### **Newark and Sherwood Allocations & Development Plan Document (adopted July 2013)**

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

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

National Planning Policy Framework Adopted (NPPF) March 2012

Technical Guidance to the National Planning Policy Framework 2012

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

### **Appropriateness of Development and Impact on the Openness of the Green Belt**

The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 sets out that the construction of new buildings in the Green Belt is inappropriate other than a number of exceptions including:

- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This approach is consistent with Spatial Policies 1 and 4B of the Core Strategy.

Spatial Policy 4B states that within the Green Belt new housing and employment development will be focussed in the Principal Villages of Blidworth and Lowdham and the part of Bulcote which is attached to Burton Joyce. In or adjacent to the main built up areas of Caythorpe consideration will be given to the development of 'Rural Affordable Housing Exceptions Sites' to meet local housing need.

The proposal is not for uses covered by the first 2 criterion of paragraph 89 of the NPPF. The scheme does not comprise the alteration of the building nor replacement in the same use. Equally the application is not supported by any information to suggest that the proposal is for affordable housing or that there is a local need for affordable housing. The final matter detailed in this paragraph of the NPPF states that the redevelopment (complete or partial) of previously developed land need not be regarded as inappropriate if the proposal would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than existing development.

Whilst I am mindful that the description of the proposal includes the demolition of redundant farm buildings, these buildings have now been cleared from the site. It must firstly therefore be noted that as a matter of fact the proposed dwellings would create more encroachment and built form than present in this Green Belt location, resulting in a greater impact on openness.

I acknowledge that the proposed dwellings have been re-sited indicatively with one dwelling moved slightly to the east and to the rear of the garden area of No. 141 Caythorpe Road and with the other dwelling moved to be sited behind the built form of No. 141 Caythorpe Road.

The indicative layout for the dwellings shows 2no. dwellings each with a footprint of 117m<sup>2</sup> and attached garage of 38.5m<sup>2</sup> (total external footprint of dwellings and garages equates to approximately 311m<sup>2</sup>).

Whilst the re-sited dwellings would to a certain extent be screened from view by the on-site vegetation and built form of No. 141 Caythorpe Road, I consider that their setback location would result in the elongation of built form to the detriment of the openness of the surrounding Green Belt. Furthermore, the introduction of two new dwellings would reduce the spacing between dwellings on this side of Caythorpe Road which is characteristic of their Green Belt location.

Taking the above factors into account, I consider that the proposals would constitute an inappropriate form of development in the Green Belt by reason of siting and scale and resultant loss of openness through the introduction of built form on land which is currently open. In addition as per the guidance of the NPPF no very special circumstances have been provided that would outweigh such harm. Whilst it is not for the LPA to promote I have also considered whether such harm could be outweighed by the removal of the barn to the north. However, I do not feel that this in isolation would outweigh harm by reason of inappropriateness. The proposals are therefore contrary to Spatial Policy 4b and the guidance in the NPPF.

#### Impact on Visual Amenity

The NPPF and Development Management Policy DM5 states that good design is a key aspect of sustainable development and new development should be visually attractive and reflect local distinctiveness. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment and can include replacing poor design with better design and widening the choice of high quality homes. 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.

In considering the impact on the visual amenity of the area, I have given regard to the traditional character of buildings in the locality, the positioning of properties either side of the site, spacing between properties, and existing landscaping. The proposed dwellings would be set behind a substantial lawned area with front elevations closely aligned with the rear elevations of adjoining properties. The application forms indicate that traditional materials would be used and the maximum height of properties would be approximately 14.0 metres to the ridge (which is significant). A substantial Leylandii hedge to the rear of the garden area and forward of one of the proposed dwellings (outside the application site but within land in the applicant's control) would, if retained, reduce the possibility of open views from the main public realm. Furthermore the second dwelling would in the majority be screened from view by the built form of No. 141 Caythorpe Road and the attached threshing barn.

Whilst the scale and appearance of the proposal are reserved matters, I am satisfied that the dwellings could be designed to reflect local vernacular. However, given the scale of the proposals which could have a maximum height of 14.0 metres, their location occupying an existing gap between dwellings and that existing hedgerow and trees could be removed at a future date without control I consider that the proposed dwellings would have the potential to have a significant visual impact when compared with the existing soft landscaped nature of the site. I consider a condition to retain the hedge purely to screen the proposed development would be

flawed if there was subsequent pressure to remove the hedge due to the proximity to one of the proposed dwellings, it would be difficult to resist given the hedge in itself is not of significant merit in arboricultural terms.

Given the above considerations, I consider that the proposal would not constitute a sustainable form of development and its scale, design and layout would adversely impact on the rural character of the surrounding area. The proposal would therefore be contrary to the aims of Core Policy 9 and the sustainable development objectives set out in the NPPF.

#### Impact on Residential Amenity

The NPPF and Development Management Policy DM5 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings whilst protecting the amenities of neighbouring occupiers. The size of the site and layout of properties does not raise issues in respect of the amenities of future occupiers. I am also satisfied that given the orientation of the properties and distances between existing neighbours shown on the indicative layout, the dwellings including positioning of windows could be designed to preclude any undue overlooking, overbearing or overshadowing impacts.

#### Impact on Highway Safety

The initial application detailed a new access to be created through the existing garden area to the side of No. 141 Caythorpe Road to which the Highway Authority raised no objection. However, the revised siting of the properties involves re-instating a previous access on the western boundary of the site. The Highways Authority have raised an objection to the use of this access due to the presence of insufficient visibility splays when exiting the site to the right, due to the boundary hedge of Moorfield Farm limiting visibility.

As such it is considered that the traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the currently redundant access which affords restricted visibility for drivers emerging from the access. The proposal would therefore fail to accord with Spatial Policy 7 of the Core Strategy.

#### Flood Zone

The proposed development as originally submitted was located within Flood Zones 2&3. The revised site layout now sites the proposed dwellings as being located within Flood Zone 2. Sites located within Flood Zone 2 are defined as having a medium probability of flooding and a probability of between 1 in 100 and 1 in 1,000 of river flooding. The Technical Guidance to the National Planning Policy Framework advises that water compatible (e.g. flood control infrastructure etc.), less vulnerable (e.g. police, ambulance and fire stations which are not required to be operational during flooding) and more vulnerable uses (e.g. hospitals) and that highly vulnerable uses (e.g. police stations that are required to be operational during flood) are only appropriate if the exception test is passed. Both the sequential test and exceptions test therefore need to be passed, in line with NPPF guidance, paragraphs 100 to 102. This guidance is reflected in Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

The aim of the Sequential Approach is to ensure that sites at little or no risk of flooding (Flood Zone 1) are developed in preference to areas at higher risk (Flood Zone 2 and 3). The Applicant has



submitted a Sequential Test with the application, however this has only been applied at site level (which lies within flood zones 2 and 3) and does not consider alternative sites within the village or District. It is the responsibility of the developer to assemble the evidence for their application to allow the LPA to carry out the Sequential Test.

The Technical Guidance to the NPPF provides advice on defining the geographical area to which the sequential test should be applied and states that, at the local level it should be applied to the whole LPA area, as there may be lower risk areas, which are unsustainable for development in other ways.

District wide there are sequentially preferable sites and even in the housing sub area within the Core Strategy (Nottingham Fringe Area) there are sites less at risk of flooding including sites in Lowdham allocated for housing in the Council's Allocations and Development Management DPD.

For individual planning applications, the area to apply to the Sequential Test can be defined by local circumstances relating to the catchment area for the development. However, the site is not considered to be a sustainable location for new development given its location in the Green Belt and no special circumstances have been demonstrated to justify the provision of new dwellings in this location.

As such, it has not been demonstrated that there are no other reasonably available sequentially preferable sites, which are at a lower risk of flooding, where the development proposed could be located.

I therefore consider that there are sequentially preferable sites available at less risk of flooding and the proposals would therefore be contrary to the advice set out within the NPPF, Core Policy 10 and Policy DM5.

#### Ecology

In terms of ecology I note the advice received from Natural England and the Wildlife Trust. No specific objections have been raised and the site would be unlikely to significantly affect any protected species or their habitats. Biodiversity enhancements could be incorporated within the proposed buildings or landscape scheme and the advice set out by Nottinghamshire Wildlife Trust incorporated in any decision notice. I am satisfied the proposals would therefore not conflict with the aims of Core Policy 12 and Policy DM12 of the Allocations and Development Management DPD.

#### Conclusion

For the above reasons I recommend that the application is refused.

#### **RECOMMENDATION**

**That outline planning permission is refused.**

1. In the opinion of the District Council the proposed dwellings would constitute inappropriate development in the Green Belt and would result in harm to the openness of the Green Belt. The proposal would not constitute a sustainable form of development and its scale, design and layout would adversely impact on the rural character of the

surrounding area. There are no other considerations that would constitute very special circumstances weighing in favour of the proposal. The proposed development would therefore be contrary to Spatial Policy 4b and Core Policy 9 of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012).

2. The site is located in Flood Zone 2 and is therefore at medium risk of flooding. It has not been demonstrated that there are no other reasonably available sequentially preferable sites, which are at a lower risk of flooding, where the development proposed could be located. As such, the application fails the Sequential Test contrary to the National Planning Policy Framework, Core Policy 10 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).
3. The development has failed to demonstrate that the proposed access would afford sufficient visibility for vehicles exiting the site and joining the public highway. As such, traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway contrary to Spatial Policy 7 of the Core Strategy and Policy DM5 of the of the Allocations and Development Management Development Plan Document (DPD).

#### Note to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision will be subject to CIL. Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/).

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

National Planning Policy Framework Adopted (NPPF) March 2012 – Section 9 'Protecting Green Belt land'.

#### **BACKGROUND PAPERS**

Application case file.

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

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

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

Committee Plan - 13/01189/OUT



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<b>Application No:</b>	<b>14/02150/FUL</b>	
<b>Proposal:</b>	<b>Demolition of existing dwelling and the construction of a new replacement dwelling</b>	
<b>Location:</b>	<b>Hawton House, Chapel Lane, Epperstone</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Sheppard</b>	
<b>Registered:</b>	<b>8<sup>th</sup> December 2014</b>	<b>Target Date: 2<sup>nd</sup> February 2015</b>

The Site

The application site Hawton House (formerly known as Timcot House) comprises a two storey detached red/brown brick dwelling with associated garaging and carport, located on Chapel Lane to the north of the centre of the village of Epperstone.

The property is sited in an elevated position, approximately 4m higher than the land level of Chapel Lane. The property is accessed via a driveway to the south of the dwelling, with a grassed area with stone retaining walls separating the property from the roadside. Amenity space is provided to the eastern and western sides of the property and the applicant has use of the paddock on the western (rear) boundary.

To the south of the property are a range of dilapidated agricultural buildings which form Chapel Farm. The Pantiles, a 1 ½ storey dwelling is situated to the south of the development site at a lower land level to Hawton House and parallel with Chapel Lane. To the north of the development site is Brigholme; a red/brown brick dwelling of similar appearance to Hawton House.

The site is situated within the Epperstone Conservation Area and the Nottingham Derby Green Belt.

The Proposal

The application is for full planning permission for the demolition of the existing two storey detached dwelling and the construction of a replacement three storey dwelling.

The dwelling would be sited on the approximate footprint of the existing dwelling, albeit with an additional projection to the south. The ridge of the proposed dwelling would be approximately 0.85m higher at its highest point in comparison to the existing dwelling.

A subterranean garage is also proposed which would be accessed from the existing driveway and be sited on the eastern side of the proposed dwelling.

It is proposed that the replacement dwelling be finished in brick with grey aluminium framed windows and doors and a slate grey interlocking tile roof.

## Site History

14/01628/FUL - Demolition of existing dwelling and the construction of a new replacement dwelling. Withdrawn October 2014.

12/01676/FUL - Householder application for proposed conservatory and canopy to south elevation. Approved February 2013.

## Public Advertisement Procedure

Occupiers of eight neighbouring properties have been individually notified by letter and a site notice has been displayed at the site. An advert has also been placed in the local press.

## Consultations

**Epperstone Parish Council** – ‘Approves this application with some qualification regarding the overall size of the property.’

### **NSDC Conservation Officer- Objects**

‘Chapel Lane is an attractive part of Epperstone Conservation Area, being a narrow and informal road, with low density residential development and a holloway created by rising land either side of the road. Development has generally either been directly up against the street front, with historic buildings set gable end onto the road, or with a late C20 phase of larger properties set well back from the road in substantial plots with greenery around. The application site falls into the latter category. There is nothing specifically of architectural or historical interest but it is a relatively low impact property, having a neutral impact on the character and appearance of the conservation area. It does, however, sit on quite elevated ground and is clearly visible in vistas along Chapel Lane.

In principle I would have no objection to the loss of this building, subject to a suitable new-build scheme, if the important elements of this site were retained, being a low level impact and sense of informality and greenery.

The scheme has been discussed greatly at pre-application stage and I still retain concerns about this scheme. A lot of my initial concerns about the proposed subterranean garage are now resolved and I think the engineered appearance of this excavation will be mostly hidden from view and can be disguised and accommodated with green landscaping.

However, the sheer size and bulk of the building, in this raised location, are still a problem for me. The visuals above show just how much more imposing the new structure will be by its raised bulk to the rear and the raised bulk to the side. It will become far more imposing in the street scene and dominate the attractive one and a half storey property it sits next to. I appreciate there is some separation distance between the properties and that the new build is set to the rear edge of the neighbouring property, but in views like those above, i.e. as one progresses through the conservation area along Chapel Lane, the new build will be quite dominant and the step up in ridge height will be quite apparent.

While I reiterate that there are rendered and painted properties in Epperstone, with the exception of Epperstone Manor these tend to be very modest in scale and appearance. Certainly a stark

white rendered structure up on this elevated plot, in this form, would be very imposing. A muted buff render would help mitigate this specific concern, as would of course the use of red brick instead. I am also concerned about the proposed interlocking grey tiles for the roof, which are neither traditional nor particularly attractive. As I have mentioned before I am not very keen on the exposed chimney stack, which in the whole is not a traditional feature. If this were the only feature on an otherwise well-proportioned property it could no doubt be absorbed, but on a structure which already imposes with its height and form, the exposed stack will only add more emphasis to this new build.

I have concerns that the proposed new structure will not only be more imposing but too imposing for this particular location, which has a low density, informal and green character. I feel it will dominate the historic properties in this area and detract from the character and appearance of the conservation area. I am also concerned that the materials and design features will add to its incongruous impact. I am not aware of any public benefits which might mitigate this harm. As such I would recommend refusal of this application.'

#### **Nottinghamshire Wildlife Trust- Object**

'We would like to request that a protected species survey be carried out before a planning decision is made, as the possible presence of bats within the building should be a material planning consideration when deciding this application. Ariel views of the property indicate that the main building was constructed some years ago and has a slate pitched roof. This provides ideal access to the roof void for roosting. The application site is also close to open countryside which provides ideal foraging habitat for bats and increases the likelihood of bats being present in this building.

A protected species survey should be conducted before the application is considered by a suitably qualified ecologist (licensed bat-worker). All bat species are statutorily protected from reckless killing, injuring and disturbance, and damage and obstruction to roost sites by the Wildlife and Countryside Act 1981 (and as amended) and by The Conservation of Habitats and Species Regulations, 2010 (as amended). Note that even if bats are not present their roosts are protected *all year round*. The Countryside and Rights Of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

It is very important to make clear to the applicant that no work should commence until the Local Planning Authority has received and considered the results of the survey. In cases where you feel that there does not appear to be sufficient grounds to specify a bat survey we request you place a note on the planning permission informing the applicant of their legal obligation to stop work.'

#### **NCC Highways – No objection**

'This proposal is for the construction of a replacement dwelling following the demolition of existing. The proposed development, as shown on dwg. No. MS-02, is to make use of the existing access, with sufficient parking/turning facilities within the site.'

**NSDC Access and Equalities Officer** - A Building Regulation application is required

**Two letters of representation** have been received offering the following (summarised) concerns;

- The new dwelling which is already on high ground will be considerably larger and with a higher ridge line than that of the existing;
- The extension to the south will be overbearing;
- The proposed design is unsympathetic and would not be in keeping with the village conservation area;
- The northern boundary is already marked by a native hedge and there is no need to plant a Leylandii hedge ;

### Planning Policy Framework

#### **The Development Plan**

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

Policies relevant to this application:

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 4A Extent of the Green Belt
- Spatial Policy 4B Green Belt Development
- Core Policy 9 Sustainable Design
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment

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

Policies relevant to this application:

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

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

- National Planning Policy Framework Adopted (NPPF) March 2012 – Section 9 ‘Protecting Green Belt land’
- National Planning Policy Guidance, on-line resource 2014

### Comments of Business Manager, Development

I consider the key issues in assessing this application relate to the (1) appropriateness of development and impact on the openness of the green belt, (2) the impact upon the character and appearance of the Conservation Area, (3) the impact on residential amenity, (4) highway safety and (5) ecological issues. Each issue is discussed below in turn.

#### Appropriateness of Development and Impact on the Openness of the Green Belt

The proposal relates to a replacement dwelling, which is acceptable in principle subject to consideration relating to the impact on the green belt.



The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that the replacement of a building is not considered to be inappropriate development in the Green Belt, provided it is not materially larger than the one it replaces. The NPPF further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. This approach is consistent with Spatial Policies 1 and 4B of the Core Strategy.

Neither the NPPF nor the Core Strategy define what is meant by 'materially larger.' However generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floor space increase) in determining whether a replacement dwelling is materially larger than the original dwelling. However, what is materially larger in planning terms is essentially a matter of fact and degree and is not defined as either a quantitative (size, floor space, footprint, volume, etc) or qualitative (bulk, design, context) measure. Throughout the years there has been extensive case law on the subject with matters of interpretation varying.

Notwithstanding the degree of judgement involved in firstly determining whether a development proposal is inappropriate (by reason of being materially larger) it is useful to understand the size of the proposed dwelling compared to the existing dwelling. This is detailed in the table below.

**Table 1**

Existing dwelling floorspace (including 1 <sup>st</sup> floor, garage and carport)	Proposed 3 storey dwelling floorspace ( <b>Including</b> subterranean garage)	% increase
194m <sup>2</sup>	409m <sup>2</sup>	<b>111%</b>

**Table 2**

Existing dwelling floorspace (including 1 <sup>st</sup> floor, garage and carport)	Proposed 3 storey dwelling floorspace ( <b>excluding</b> subterranean garage)	% increase
194m <sup>2</sup>	374m <sup>2</sup>	<b>93%</b>

The floor space calculations indicate that the proposed dwelling would result in an increase in floor space significantly over the 50% typically used by local authorities to determine whether a replacement dwelling is materially larger than the original dwelling. In carrying out my calculations I have taken the provided measurements for the ground floor, garaging and carport and made an assumption for the existing properties 1<sup>st</sup> floor been the same as that of the ground floor. The subterranean garage has been included in the calculations for the proposed dwelling in table 1 and

omitted in table 2. The inclusion of subterranean structures and their impact on the openness of the Greenbelt is a matter of opinion. However, what is not is that regardless of whether the garage is included in the floor space calculations or not the proposed dwelling would still be significantly over the 50% typically used by local authorities to determine whether a replacement dwelling is materially larger than the original dwelling.

Given the above considerations, I consider the proposed replacement dwelling would be materially larger than the building it would replace both in floorspace and visual terms and would unduly impact on the openness of the Green Belt.

Paragraph 88 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is materially larger than the dwelling to which it would replace based on typically accepted limits, and the footprint size, bulk and massing of the dwelling would unduly impact on the openness of the Green Belt in this instance. No material considerations have been put forward by the applicant to justify a dwelling which is materially larger having a resultant impact on the openness of the Green Belt.

I therefore consider the proposed dwelling conflicts with national and local Green Belt policies (Section 9 of the NPPF and the Council's Spatial Policy 4B) which seek to preserve the openness of the Green Belt.

#### Impact on the Character and Appearance of the Conservation Area

Chapel Lane is a narrow road with a relatively low density, with properties on the eastern side generally sited within close proximity to the roadside and to the west generally set further back and on elevated plots. The existing property is believed to be of 1970's construction and of little architectural merit. However it is considered to offer a relatively neutral impact in terms of impact on the character and appearance of the Conservation Area.

An earlier application (14/01628/FUL) was withdrawn amid concerns that the proposed subterranean garage would appear as an over engineered structure requiring the use of large retaining walls. In addition the replacement dwelling was considered to appear as overly dominant and include elements of incongruous design which due to the elevated position of the dwelling would be prominent in the public realm. Subsequent to the withdrawal of this application discussions have been entered into with the applicant regarding the garage and Officers are now satisfied that the proposed garage should not be overly visible in the street scene and as such would not detract from the character and appearance of the Conservation Area. However, in the majority the current proposal is relatively unaltered from the previous submission with the exception of a slight reduction of the ridge height and a reduction in overall floorspace of approximately 6m<sup>2</sup>. As such it is not considered that the concerns that were raised in the initial application have been sufficiently addressed in this subsequent submission to the satisfaction of Officers.

With regards to the proposal which forms the basis of this application, concern is raised due to the perceived increase in bulk of the building in comparison to that of the existing dwelling which is further exacerbated by the sites elevated location. As discussed above the overall floorspace of the building is markedly larger than that of the existing dwelling which has the potential for the dwelling to appear as a dominant feature within what is currently a fairly attractive street within the Epperstone Conservation Area. The existing gable end of the dwelling would be replicated

through the proposed replacement dwelling in terms of approximate height; however the ridges beyond this to the west and south would be approximately 0.9m higher; to provide useable space within the roof thus resulting in a three storey dwelling. The increase in overall footprint of the dwelling combined with the increased ridge heights and elevated plot position in comparison to properties on Chapel Lane would result in a development which is considered to be overly dominant and would not positively contribute towards the character and appearance of the Conservation Area.

Concern is also raised regarding the proposed building materials. Since the withdrawal of the previous application discussions have been ongoing with the applicant in order to ensure the proposed development was appropriate for its setting. The existing building is constructed of a buff red/brown brick which whilst in my view is unattractive, has a decidedly neutral impact on the surrounding Conservation Area. Properties within proximity to the development site are in general constructed of red brick with either small roof tiles or larger curved pantiles, with the exception of one stone built dwelling. The original application detailed that the replacement dwelling would in the majority be finished in an off white render with stone detailing on the large external chimney stack and on the western gable end. The stone detailing has been deleted from this revised application and correspondence has been received from the applicant during the course of this report being written requesting a change of materials and that the render proposed be changed for brick. The roofing material would be a slate grey interlocking tile.

Whilst the deletion of the stone detailing and change of material finish from render to brick is considered an improvement, concern is still raised that due to the elevated position combined with the bulk of the proposed dwelling, the development would appear as an incongruous addition in the street scene and would detract from the character of the area. Furthermore the proposed interlocking roof tiles are considered to be overly urban in appearance and not an appropriate material for use within the Conservation Area.

As such it is considered that the proposed replacement dwelling by way of its bulk, design and roofing materials would be a dominant feature to the detriment of the street scene and surrounding Conservation Area and as such be contrary to policy DM5 and DM9 of the NSDC DPD.

#### Impact on Residential Amenity

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

Consideration has been given to the impact of the proposed replacement dwelling on the amenity of surrounding residential properties. Concern has been raised by a neighbouring property that the proposed southern elevation of the dwelling would be overbearing. This element of the proposed build would project approximately 7m further to the south than the existing dwelling. The degree of separation between this element of the building and the northern gable wall of the closest residential property to the south of the site (Pantiles) would be approximately 17m. Notwithstanding that the proposed dwelling would be situated on raised ground in comparison to properties to the south, due to the degree of separation it is not considered to overbear.

The closest windows on the proposed dwelling to Pantiles would be approximately 22m. As such the proposed development is not considered to result in overlooking of dwellings to the south. Four windows are proposed on the northern elevation at 1<sup>st</sup> floor height, however given that these would serve two bathrooms, a dressing room and a store it is considered that these would be obscure glazed. As such the proposed development would not result in overlooking of the garden area of Brigholme to the north. No overlooking is considered likely to the east given the nearest property would be approximately 26m away on the opposite side of Chapel Lane. Two balcony areas are proposed at first floor on the west elevation of the replacement dwelling. However, given that the land to the west is formed of open agricultural fields it is considered unlikely that the proposed fenestration and balcony areas would result in a loss of neighbouring amenity.

The proposal is not considered to detrimentally impact on surrounding residential amenity through overlooking, overbearing or loss of light and is therefore considered to comply with policy DM5 of the NDSC DPD.

#### Impact on Highway Safety

NCC Highways Authority has reviewed the submitted information and have raised no objection to the proposed development. As such the proposed development is considered to comply with spatial policy 7 of the Core Strategy.

#### Impact on Protected Species

Core Policy 12 of the Core Strategy and Policy DM7 of the DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. I have sought further clarification from Nottinghamshire Wildlife Trust with regards the need for a bat survey, however given the location of the dwelling in an area considered highly suitable for bat foraging and the gaps in the roofing tiles Nottinghamshire Wildlife Trust have confirmed that they require further assessment of the potential ecological impacts of the development in relation to its impacts upon potential roosting bats.

No ecological appraisal has been submitted with the application. Taking a precautionary approach it is considered that the applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

#### Conclusion

The proposed replacement dwelling is situated within the Nottingham Derby Green Belt where the principle of replacement dwellings which are not materially larger than the dwelling they are to replace is accepted. However, the proposed development is considered to be materially larger and no special circumstances have been provided to overcome this concern. The proposal is therefore considered to be contrary to the policy guidance provided in the NPPF and policy 4B of the NSDC Core Strategy.

In addition by way of the dwellings bulk, massing and proposed roofing materials it is considered to detract from the character and appearance of the Conservation Area and would appear as an incongruous addition. As such the development would be contrary to policy DM5 and DM9 of the NSDC DPD. Finally no ecological appraisal has been submitted in support of the application as such the applicant has failed to demonstrate that the proposed development would not detrimentally

impact on protected species and the development is therefore contrary to Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

### **Recommendation**

#### **Refuse, for the following reason;**

01

In the opinion of the Local Planning Authority the proposed replacement dwelling would be materially larger than the dwelling it is to replace and would therefore constitute inappropriate development which would have an undue impact on the openness of the Green Belt. There are no very special circumstances to outweigh this harm. The proposed development would therefore be contrary to Spatial Policy 4b and the National Planning Policy Framework (2012) a material planning consideration.

02

In the opinion of the Local Planning Authority the design of the proposal by reason of its massing, form and materials would be out of context with surrounding properties to the detriment of the Conservation Area. The proposed development would therefore be contrary to Core Policies 9 and 14 of the Newark and Sherwood Core Strategy (2011), Policies DM5 and DM9 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework (2012) a material planning consideration.

03

No ecological appraisal has been submitted with the planning application. As such the potential ecological impact of the development in relation to its impact upon any protected species is unknown. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

### **Informatives**

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 will be subject to CIL. 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 for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to overcome the reason for refusals. Unfortunately this has been unsuccessful.

## BACKGROUND PAPERS

Application case file.

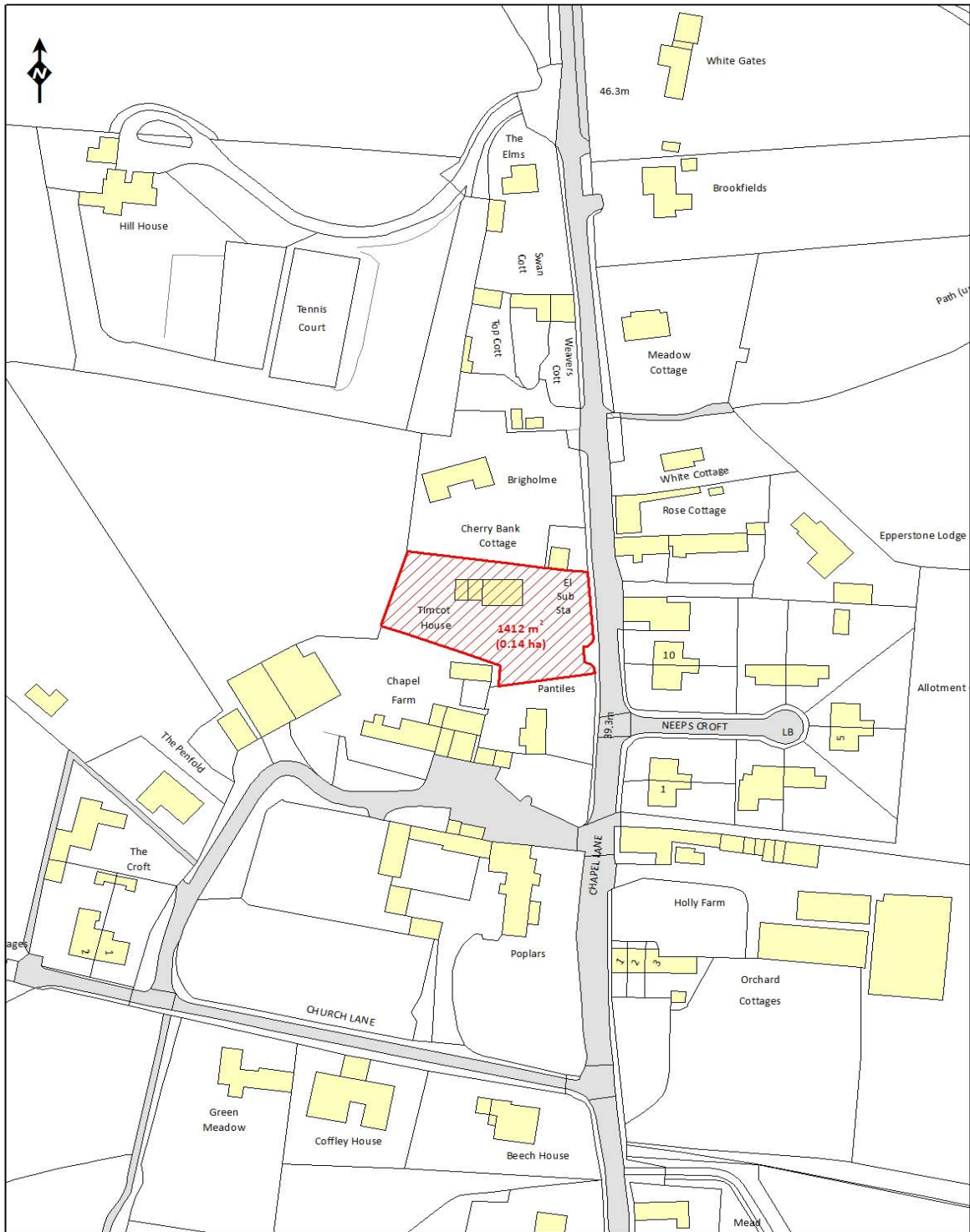
For further information, please contact James Mountain on Ext 5841

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

**K Cole**

**Deputy Chief Executive**

Committee Plan - 14/02150/FUL



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APPEALS A

**APPEALS LODGED (received between 16 January 2015 and 13 February 2015)**

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

**2.0 RECOMMENDATION**

That the report be noted.

**BACKGROUND PAPERS**

Application case files.

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

Matt Lamb  
Business Manager Development Business

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/W/14/3001852	14/00932/FULM	Mulberries Potter Hill Road Collingham Newark On Trent Nottinghamshire NG23 7PY	Proposed 71 bedroom, level 5 dementia care unit with a hospice, end of life wing	Written Representation
APP/B3030/W/14/3001855	14/00747/FUL	Orchard Stables Cottage Lane Collingham Nottinghamshire	Change of use of 6 existing stables to livery use, creation of 9 stables in existing barn and siting of temporary equestrian workers dwelling for a 3 year period	Hearing
APP/B3030/D/15/2230070	14/01916/FUL	40 Byron Gardens Southwell Nottinghamshire NG25 0DW	Householder Application for Ground Floor, First Floor, Side and Rear Extensions	Householder Appeal
APP/B3030/W/15/3003130	13/00889/FULM	Field Reference 8884 Cotham Road Hawton Nottinghamshire	The construction and operation of a wind farm consisting of four (4) 130 metre high to blade tip wind turbines, an 80 metre anemometry mast and associated infrastructure for a period of 27 years.	Public Inquiry

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

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
13/01167/FUL	Bowers Caravan Park Tolney Lane Newark On Trent Nottinghamshire	Change of use of former abattoir site and paddock to gypsy and traveller caravan site	APPLICATION WITHDRAWN	02.02.2015
13/01052/FUL	Land North Of Moorhouse Moorhouse Road Nottinghamshire (Grid Ref N475481 E367284)	Proposed erection of 1no 60m (hub) high. 86.45m (Tip) high wind turbine plus ancillary development	DISMISS	12.02.2015
14/00851/FUL	20 Pelham Street Newark On Trent Nottinghamshire NG24 4XD	Change of Use of Existing Outbuilding to Detached Single Bedroom Dwelling	DISMISS	04.02.2015
14/00409/FUL	Firs Farm Main Street Walesby Nottinghamshire NG22 9NU	Construction of 3 No. 4 bed detached houses	DISMISS	04.02.2015

App No.	Address	Proposal	Decision	Decision date
13/01428/FUL	Field Ref No 7178 Allesford Lane Edingley Nottinghamshire	Remove or vary conditions 1, 2, 4 and 7 of planning permission 11/00313/FUL to allow permanent or further temporary permission as a caravan site for occupation by a gypsy family with associated development (utility trailer, hardstanding for caravans, landscaping, septic tank) and to allow for stationing of four static caravans with brick skirting on the site.	ALLOW	04.02.2015
14/01190/FUL	7 Station Road Collingham Newark On Trent Nottinghamshire NG23 7RA	Two Storey Dwelling and Garage	ALLOW	04.02.2015

**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



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## Appeal Decision

Hearing held on 26 November 2014

Site visit made on 26 November 2014

**by Karen L Ridge LLB (Hons) MTPL**

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

**Decision date: 4 February 2015**

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**Appeal Ref: APP/B3030/A/14/2223935**

**Seven Oaks, Allesford Lane, Edingley, Newark NG22 8BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the grant of planning permission subject to conditions.
- The appeal is made by Mr A Webster against the decision of Newark and Sherwood District Council.
- The application Ref. 13/01428/FUL, dated 13 October 2013, was approved on 10 July 2014 and planning permission was granted subject to conditions.
- The development permitted is *'the removal or variation of conditions 1, 2, 4 and 7 of planning permission 11/00313/FUL to allow permanent or further temporary permission as a caravan site for occupation by a gypsy family with associated development (utility trailer, hardstanding for caravans, landscaping, septic tank) and to allow for stationing of four static caravans with brick skirting on the site'*.
- The condition in dispute is No. 1 which states that:

*'The use is hereby permitted until 30<sup>th</sup> September 2018. At the end of this period, unless a further planning permission has been granted, the use hereby permitted shall cease, all materials, associated elements, amenity facilities and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition. A scheme for the restoration of the site shall be submitted by 1<sup>st</sup> June 2018 and once approved in writing by the Local Planning Authority the site shall be restored in accordance with the approved scheme by 1<sup>st</sup> March 2019'.*
- The reason given for the condition is:

*'In the recognition of the current need for gypsy and traveller sites within the district and to allow for further assessment of alternative sites to meet this need and to protect the open countryside from inappropriate development in the longer term in accordance with the aims of Policy DM8 of the Newark and Sherwood Allocations and Development Management DPD (July 2013)' .*

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### Decision

1. **The appeal is allowed and the planning permission** reference Ref. 13/01428/FUL, dated 13 October 2013, for the use *as a caravan site for occupation by a gypsy family with associated development (utility trailer, hardstanding for caravans, landscaping, septic tank) and stationing of four static caravans with brick skirting on the site' is varied by deleting condition (1)* and adding the following condition:
  - (1) Within 3 months of the date of this decision a scheme for gaps to be inserted within the brick skirting of the mobile homes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within 3 months of approval and retained permanently thereafter.

### **Application for costs**

2. An application for costs was made by Mr A Webster against Newark and Sherwood District Council. This application is the subject of a separate Decision.

### **Procedural Matters**

3. Planning permission was first granted for use of the appeal site as a gypsy site by decision dated 10 November 2010. That permission<sup>1</sup> came about following an appeal against an enforcement notice and was for a temporary period of 3 years. A further application to vary one of the conditions on this temporary permission, to increase the number of caravans on the site, was refused by the Council and went to appeal. By decision dated 29 May 2012 a second appeal Inspector granted permission<sup>2</sup> to increase the number of caravans on the site. The condition limiting the period of use to 10 November 2013 remained unchanged.
4. By application dated 13 October 2013 the appellant applied to vary some of the conditions and to extend the 2012 planning permission to either a permanent use or for a further temporary period. The application for variation was successful and the Council also extended the temporary period until 30 September 2018. The appellant now appeals against this grant of planning permission subject to the condition limiting the use to a temporary period. Effectively he seeks a permanent consent.
5. Gypsies and travellers are defined in the Government's Planning Policy for Traveller Sites (PPTS) as persons of a nomadic habit of life whatever their race or origin. The Council does not dispute the gypsy status of the appellant and his family members and on the information before me, I am satisfied that the appellant and his family would fall within the PPTS definition.

### **Main Issue**

6. The Council contend that the condition restricting the use to a temporary period is necessary for two reasons; the site is in an inappropriate location having regard to development plan policies and secondly, the grant of permanent planning permission at this stage would pre-empt the consideration of a range of gypsy sites through the Site Allocations Development Plan process.
7. In the first appeal decision flood risk considerations were in issue between the main parties but such matters did not play any part in the second appeal decision because the Environment Agency did not raise an objection on the basis that the number of caravans was not to increase. In the context of this appeal, the Council's view is that the site is acceptable in flood risk terms. However, the Environment Agency has maintained an objection to the grant of a permanent permission<sup>3</sup>.
8. Having regard to all of the above I consider that the main issue is whether or not the condition restricting the use to a temporary period is reasonable and

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<sup>1</sup> Appeal reference APP/ B3030/C/10/2130848

<sup>2</sup> Appeal reference APP/B3030/A/11/2163507

<sup>3</sup> Environment Agency letter to Council dated 28 March 2014.

necessary having regard to the location of the site, the general allocation of sites and flood risk considerations.

## Reasons

### *Location of the site*

9. The appeal site comprises a triangular parcel of land along Allesford Lane. It is predominantly hardsurfaced with the mobile homes arranged around the site boundaries. The Cotton Mill Dyke runs along the north-western boundary.
10. The development plan for the area includes the Newark & Sherwood Core Strategy (CS) which was adopted in 2011. This document contains strategic policies to guide development, with more specific policies within the Council's Allocations & Development Management DPD (the Allocations DPD) adopted in 2013. I have been referred to CS policies 4 and 5. Policy 4 sets out requirements for the future provision of gypsy and traveller and travelling showpeople pitches in the district. It states that the Council will allocate 84 pitches to meet identified need through the Allocations DPD. CS policy 5 is a criterion based policy used to guide the allocation of sites and on proposals reflecting unexpected demand.
11. I have also been referred to policy DM8 of the Allocations DPD which sets out general principles regarding development in the open countryside. It states that development in the countryside will be limited to certain categories of development. Gypsy and traveller sites are not one of the specified categories. At the Hearing the Council explained that because gypsy and traveller sites are dealt with comprehensively at a strategic level in the CS, then there was no need for a specific policy in the Allocations DPD. The Council further confirmed that if the appeal proposal satisfied core policies 4 and 5, then policy DM8 would not be breached.
12. The National Planning Policy Framework (the Framework) advises that it should be read in conjunction with the PPTS which explains how gypsy and traveller accommodation needs should be assessed, and sets out relevant policies and criteria for considering such proposals. These national policy documents were not at large when the other applications were considered and I acknowledge that there is different wording and policy emphasis in some of the documents. I am bound to apply current national policy in my assessment.
13. The Framework identifies one of the core principles of the planning system as recognising the intrinsic character and beauty of the countryside. Policy H of the PPTS advises that development should be strictly limited in open countryside that is away from existing settlements or outside allocated areas, and that development in rural areas should respect the scale of the nearest settled community.
14. The Council considers the provision of a gypsy site in this location to be contrary to its settlement hierarchy and more particularly core policy 4. This policy anticipates that future pitch provision will be '*largely in and around the Newark Urban Area and Ollerton and Broughton areas*'. The word '*largely*' in this sentence is important; it indicates that most provision will be in these areas but by implication not all provision. There is scope for provision in other locations. I therefore do not find any conflict between the appeal proposal and core policy 4.

15. Core policy 5 contains a set of 6 criteria against which the location of gypsy sites will be assessed. At the hearing the Council confirmed that the appeal site was satisfactory in relation to 5 out of the 6 criteria but that it was contrary to criterion 2. This criterion requires sites to be reasonably situated, with access to essential services and to a range of basic and everyday community services and facilities.
16. The site has mains water and mains electricity and appropriate sewerage provision. It is located at the side of a rural lane in the open countryside between the villages of Edingley and Farnsfield, some 350 metres from the built up edge of Edingley. CS spatial policy 1 designates Farnsfield as a principal village with a good range of day to day facilities.
17. A public footpath traverses the fields on either side of Allesford Lane, leading to Edingley in a north-easterly direction and across to Farnsfield in a westerly direction. At the time of my site inspection the footpath to Farnsfield was across a muddy field, however I accept that in the summer months and in dry weather conditions the walk to Farnsfield would be an attractive proposition.
18. Local residents estimated that the walking distance from the site to Farnsfield along the main road is approximately 2 miles. I was told that the main road between Edingley and Farnsfield is a busy route and not attractive to walkers. However, it does have a footway and grass verge along much of its length. Whilst it may be noisy I consider that it would be possible to walk along this road to access services in the village. Given the presence of grass verges and the relative straightness of Allesford Lane from the site up to the main road I consider that walking along this route and on to Farnsfield via the main road would also be an acceptable walking route. In addition I was informed that a bus service operates from the top of Allesford Lane.
19. Having regard to the above matters I am satisfied that the site is reasonably situated in relation to a range of basic and everyday community facilities in Farnsfield as required by criterion 2.
20. Criterion 5 of core policy 5 requires sites to be designed to ensure that appropriate landscaping and planting would provide and maintain visual amenity. Some local residents have expressed concerns about the site causing harm to the character and appearance of the countryside. There is landscape planting along many of the boundaries, either within or just outside the site. This provides screening in most directions. The caravans are visible for a short stretch along Allesford Lane and from higher ground to the south there are partial views of the site at a distance. In addition there are partial views of the caravans from the surrounding public rights of way.
21. Taking all of the above into account I conclude that there would only be a limited impact on the visual amenity of the area and that the development is in broad accordance with criterion 5. I conclude that the proposal is in conformity with both relevant CS policies and it follows that it does not breach policy DM8.
22. With regard to national policy, I have already referred to the objective of strictly limiting new traveller site development in the open countryside. Paragraph 22 of PPTS also sets out relevant matters to be considered on individual applications. Criterion (d) refers to the locally specific criteria used to guide the allocation of sites which should be used to assess applications that may come forward on unallocated sites. I have already assessed the proposal



against these local criteria and found it to be acceptable. In addition the site is of a modest size and limited to 4 mobile homes and so the development respects the scale of the nearest settled community in accordance with PPTS objectives.

*The general need for, and allocation of, sites*

23. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, whilst protecting local amenity and the environment.
24. At the outset the Council has accepted that it does not have a five year supply of gypsy sites. CS policy 4 set out a general need for 84 pitches up to 2012 based on the now revoked East Midlands Regional Plan. The Council informed me that it had granted permission for some 93 pitches. Although at one point the Council believed that it had met the outstanding need, there is still a requirement for a five year rolling supply of sites to meet future need.
25. On behalf of the appellant I was referred to an appeal decision<sup>4</sup> dated 10 June 2014 granting temporary permission for a site off Tolney Lane. The issue of an existing unmet need figure was explored at that appeal. It was in contention between the parties and whilst it appears that no agreement was reached on an exact figure, in that appeal the Council conceded that there is a significant unmet historic need at the time. That decision is relatively recent and I have not seen anything in this appeal to substantially revise the position established then.
26. Paragraph 25 of the PPTS provides that where a Council cannot demonstrate an up-to-date five year supply of sites, this should be a significant material consideration when considering applications for the grant of temporary planning permission. In this case, the Council does not have a five year supply and effectively, a permanent planning permission is being sought. In these circumstances, I consider that the lack of a five year supply and the general unmet need attracts some weight in support of a permanent permission.
27. The Council has sought to be pro-active in obtaining an up to date picture on the general need for sites in the district by working on its own Gypsy and Traveller Accommodation Assessment (GTAA). This work is being done by Council Officers and whilst presently there is no published information in relation to the GTAA, I am informed that publication is expected in early 2015.
28. In addition the Council is seeking to progress its Preferred Approach Document which will draw on the GTAA to set out an assessment of need and the approach in terms of providing sites to meet the identified need. The leader of the Council helpfully explained that the Gypsy and Traveller DPD has been somewhat delayed when it became apparent that the sites to be allocated were focussed on one part of the district and it was felt that this was not sustainable. Therefore further work was needed. I am informed that an Issues paper went out to consultation in October 2013. The next stage of the process will be publication of the Preferred Approach Document in early 2015, followed by a

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<sup>4</sup> Appeal reference APP/B3030/C/12/2186072.

further round of consultation before another publication stage and finally submission for examination.

29. Whilst the Council is hopeful of submitting the Preferred Approach Document sometime in 2015, this may be somewhat optimistic given the relatively early stage of the process and the number of stages still to go through. Part of the Council's case in this appeal relies on the progression of the Approach Document to guide the future allocation of gypsy sites and the argument that individual sites under consideration now in individual planning applications should not pre-empt this process. Rather the Council advocates that all sites should be considered together through the development plan process since there may be other sites which are better located than the appeal site.
30. I now turn to consider the question of whether the Council is justified in withholding a permanent permission pending consideration of the site through the development plan process.
31. National Planning Practice Guidance (NPPG) sets out guidance when determining planning applications. It confirms that the Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development it states that arguments that an application is premature are unlikely to justify a refusal of planning permission.
32. The NPPG gives examples of situations where it may be justifiable to withhold permission on the grounds of prematurity. These are where the development proposed is so substantial or its cumulative effect so significant that to grant permission would undermine the plan making process AND where the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
33. In this case the Council has not withheld permission but instead has given a temporary planning permission. The proposal is not substantial and would not have a significant cumulative effect. In addition the emerging Allocations DPD is not at an advanced stage. I therefore conclude that, in the event that all other matters are acceptable and in the face of a current unmet need there can be little justification for withholding permanent permission on the basis that to grant a permanent permission would compromise the site allocations process.
34. I have seen a Council argument to the effect that the appellant applied for either a permanent or a temporary consent and the Council was granting permission for precisely what was applied for. However, it is reasonable to assume that in describing the application for permission in the alternative, the appellant was first seeking a permanent consent and only if that was inappropriate was he asking for a temporary consent. Similarly I consider it was incumbent on the Council to assess the proposal first having regard to the appropriateness of a permanent permission.

*Flood risk considerations*

35. The Technical Guidance to the Framework classifies caravans and mobile homes intended for permanent residential use as highly vulnerable development. Such development is acceptable in flood zone 1 and acceptable in flood zone 2 if the Exception Test is passed. Table 3 of the guidance

confirms that highly vulnerable development should not be permitted in flood zone 3.

36. During the 2010 appeal there was a dispute between the appellant's flood risk expert and the Environment Agency (EA) representative regarding the designation of the site in terms of flood zones. The appellant claims that the whole site is in flood zone 1 on the indicative flood maps and is at the lowest risk of flooding. The EA contend that part of the northern section of the site is in flood zone 3, with the remainder in zone 1. This dispute has continued within this appeal. The 2010 appeal Inspector concluded that without further modelling he could not be satisfied that the site was not at risk of flooding and adopted a precautionary approach.
37. When the EA was first consulted about the appeal proposal it indicated that a further temporary consent would be acceptable given that the FRA showed floor levels which would be above any flood levels and that safe access and egress would always be available in a northerly direction along Allesford Lane. For its part, the Council indicate that it is difficult to establish the flood risk from the web-based maps but now accepts that it would appear that the risk of flooding to the site is shown as very low to low risk with parts of Allesford Lane being at low to medium risk.
38. In an attempt to resolve the question of the correct flood zone, an updated flood risk assessment (FRA) accompanied the application which led to this appeal. The FRA included hydraulic modelling of the dyke which adjoins the site. The EA questioned certain data inputs and asked that more conservative data be used. One of its main concerns related to a potential blockage of the culvert under Allesford Lane in close proximity to the site. The Addendum to the FRA confirms that a series of alternative models were run in accordance with the EA requests. The report confirms that whilst the different variables were inputted, there were certain limitations in that the model is one dimensional. It assumes that all of the water in an extreme event would flow through the culvert, when in reality if the culvert is fully filled excess water would overtop the roadway and west bank of the dyke.
39. Even using the conservative variables, the appellant's expert indicates that on a worst case scenario the site would fall within flood zone 2 but using the most likely variables the site is more likely to lie within flood zone 1. The appellant's expert appears to have done all that was asked of him in terms of running alternative and more sensitive modelling. I have seen no evidence to contradict these findings. The findings are cogent and persuasive and given all of the above I am going to accept them.
40. I have seen evidence from local residents and local Councillors about problems with flooding in Edingley. Whilst one or two people informed me that they have seen standing water on the appeal site, this is disputed by the appellant. It is not surprising that there has been flooding in Edingley as some of the area is located in a higher flood zone as indicated by the flood maps. On the basis of the evidence before me it would appear that the difficulty with assessing the appeal site is that it is on the cusp of a higher flood zone as depicted on the maps. Nevertheless I am satisfied that the detailed modelling which has taken place provides a more accurate and reliable picture of the likelihood of flooding on the site and I attach more weight to this evidence.

41. The appellant's expert confirms that there is no significant risk since even on a worst case scenario surface water flooding would remain below the freeboard level of the mobile homes. On a worst case scenario the site lies within flood zone 2 where the Exception Test should be applied. The Council has already confirmed that if the site is in flood zone 2 the Exception Test is met because there are no other alternative available sites on land in flood zone 1. I have no reason to disagree with that assessment.

### **Other Matters**

42. Some local residents have expressed concerns about the narrowness of Allesford Lane and the increase in traffic but the lane is lightly trafficked and there were no objections from the Highways Authority. Concerns about a possible business use have been expressed but the permission has a specific condition precluding any commercial or industrial activities on the land.

43. Others have expressed concern that the site could be purchased by a member of the public and a house built but there is a condition limiting use of the site to gypsies and travellers. At the hearing I was also asked about the site layout but this was not one of the conditions in dispute between the parties. The Council's planning permission had a condition requiring the site to be laid out in accordance with an approved plan. It is a matter for the Council to enforce that condition if there is any breach of it.

### **Overall Conclusions**

44. I have concluded that the development is in conformity with local and national policies with regard to its location and flood risk matters. Having regard to the advice in the NPPG and the current position on the Council's site allocations document I conclude that the development is not one which could be said to be premature or one which would prejudice the site allocations process. In all of the circumstances I consider that the condition limiting the use to a temporary period is not reasonable or necessary. The appeal should be allowed and the condition removed.

45. In coming to this view I have taken into account the previous appeal decisions relating to development on the site. In the first appeal a temporary permission was granted because of uncertainty regarding the appropriate flood zone. The Inspector concluded that he could not clearly conclude that the site is no one which is vulnerable to flood risk. I am now satisfied in relation to this matter given the additional evidence which has been provided.

46. The second appeal related to an application to vary conditions on a temporary permission in order to increase the number of caravans on the site, there was no attempt to challenge the condition limiting the use to a temporary period and therefore this matter was not considered. Therefore whilst I have had regard to these previous decisions the context in which the current appeal is made and the evidence available is different and has led me to a different conclusion.

### **Conditions**

47. In the event that the appeal is allowed the Council asked me to consider imposing one additional condition relating to a scheme to be submitted requiring gaps to be reinstated in the brick skirtings around the mobile homes. Such a condition was not considered on the grant of planning permission

because of its temporary nature. On balance and taking a more precautionary approach with regard to flood risk matters I am satisfied that it is reasonable to impose such a condition and I shall do so.

*Karen L Ridge*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mrs Alison Heine	Planning Consultant, Heine Planning Consultancy
Mr A Webster	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Russell	Senior Planning Officer, Newark and Sherwood District Council
Mr Richard Exton	Senior Policy Planning Officer
Councillor Blaney	Leader of the Council

### INTERESTED THIRD PARTIES

Mrs Diana Poole	Chairman Edingley Parish Council
Mr Derek Bradford	Local resident
Councillor Laughton	Local councillor
Mrs Tyler	Local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 LPA Rebuttal to Appellant's Costs Application, submitted by the Council.
- 2 Map showing location of the appeal site, submitted by the Council.
- 3 Copy letter Prior Associates to the Environment Agency dated 1 July 2013.
- 4 Copy letter Environment Agency to Prior Associates dated 3 June 2013.
- 5 Footpath map, submitted by the Appellant.
- 6 Extract of Nottinghamshire County Council Footpath Map, submitted by the appellant.
- 7 Updated Flood Risk Assessment, updated April 2013, submitted by the appellant.
- 8 Extract from Newark and Sherwood Core Strategy, submitted by the Council.



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## Appeal Decision

Site visit made on 6 January 2015

**by Mike Hayden BSc DipTP MRTPI**

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

**Decision date: 4 February 2015**

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**Appeal Ref: APP/B3030/A/14/2228410**

**7 Station Road, Collingham, Newark, Nottinghamshire. NG23 7RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Graham Crawford against the decision of Newark & Sherwood District Council.
  - The application Ref 14/01190/FUL, dated 2 July 2014, was refused by notice dated 28 August 2014.
  - The development proposed is new 2 storey house and garage, rear of 7 Station Road, Collingham.
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### Decision

1. The appeal is allowed and planning permission is granted for new 2 storey house and garage at 7 Station Road, Collingham, Newark, Nottinghamshire, NG23 7RA in accordance with the terms of the application, Ref 14/01190/FUL, dated 2 July 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L(08)01 Rev A and L(08)02 Rev A.
  - 3) No other part of the development shall take place until the access has been completed in accordance with the approved plan L(08)01 Rev A.
  - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the roofs and walls of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping to replace any trees to be removed as part of the development hereby approved and to supplement the existing landscaping. Details of landscaping works in the scheme shall include a planting plan showing the location, species, sizes and numbers of trees, together with measures for the protection of trees and hedgerows to be retained in the course of development.
  - 6) All planting, seeding or turfing comprised in the approved plans and scheme of landscaping to be submitted in accordance with condition 5

shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or hedgerows which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

### **Main Issue**

2. The main issue in this case is whether the proposed development would preserve or enhance the character or appearance of the Collingham Conservation Area.

### **Reasons**

3. The appeal property is located within the eastern fringe of the Collingham Conservation Area. It comprises a detached Victorian villa, set on a long linear plot fronting Station Road. It is one of several similarly proportioned plots on the north side of Station Road, developed in the late Victorian and Edwardian period, which were included in a 2006 extension to the conservation area.
4. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There are three main points of dispute between the parties in terms of the effect of the proposed development on the character and appearance of the conservation area:
  - a) Whether the backland form and layout of the development is sympathetic to the character of the area;
  - b) The effect on the medieval field pattern of the conservation area;
  - c) The effect on the significance and setting of the Victorian villa.

#### *Backland*

5. Whilst the long linear shape of the existing plot is a characteristic of this part of Station Road, is not typical of the rest of the conservation area. The general character of the conservation area in terms of layout is of varied plot size and orientation, as the village has been subject to piecemeal infill development over time. The appeal proposal would subdivide the garden of 7 Station Road, forming a new plot and dwelling to the rear. Whilst this would result in backland development, there are other examples of backland development within Collingham, along Station Road and off High Street and Low Street within the conservation area. These indicate that backland development is in part characteristic of the way Collingham has evolved over time. Therefore, I consider that the form of development proposed, in terms of its density and layout, would be in keeping with the general character of development in this part of Collingham and the conservation area as a whole.

#### *Medieval field pattern*

6. The special interest of the Collingham Conservation Area, as defined in the Collingham Conservation Area Appraisal (CCAA), derives in part from its medieval history, including two Grade 1 listed churches, as well as its stock of



C16th, C17th and C18th buildings. Reference is made to the medieval field pattern as a distinctive part of the character of the conservation area, linked to the old farm complexes within the village, albeit many of the fields within the village have been subdivided and infilled with residential development over time.

7. There is historical mapping evidence to indicate that the boundaries of the appeal property have been established since the Victorian period. Whether these are part of the original medieval field pattern or a subdivision of a larger medieval field is unclear from the evidence presented. However, what is evident is that the plot boundaries are marked on the ground by substantial mature hedgerows, which the appeal proposals would retain. Therefore, whilst the existing plot at No. 7 would be subdivided, the physical features which indicate any original field pattern would remain intact. Accordingly, the appeal proposals would not cause any further erosion of the medieval field pattern in this part of the conservation area.

#### *Setting of Victorian villa*

8. The CCAA identifies the appeal property, along with 3 and 5 Station Road, as Buildings of Local Interest. From the description of Station Road and my observations on site, it appears that the significance of the appeal property to the character and appearance of the conservation area is its attractive, original Victorian architecture fronting the street. The appeal proposals would not affect the existing street frontage of the property other than a slight widening of the driveway. I recognise that the existing substantial rear garden adds to the setting of the villa and that the proposed new dwelling would be seen from the street. However, the appeal proposals would retain a significant depth of garden for the villa, along with much of the existing mature landscaping and the new dwelling would be seen at a distance within this landscaped setting. Conditions could be imposed to ensure a suitable landscaping scheme to complement the setting and replace any trees or shrubs lost as a result of the development.
9. The design of the proposed dwelling would also be sympathetic to the character and appearance of the villa and conservation area. The proposed use of a steep roof pitch, gables, bay windows, red facing bricks and brick detailing to the eaves and window and door headers reflect the style of the Victorian and Edwardian properties fronting Station Road. Accordingly, the proposed development would not cause harm to the significance or the setting of the Victorian villa.

#### *Other matters*

10. Although the proposal is backland development, I am satisfied that as sited and with the retention of the mature hedged boundaries as proposed, it would not harm the living conditions of the occupants of adjoining properties, in terms of overlooking or noise and disturbance. I also note the Council's concern about precedent, but this appeal must be determined on its individual merits and there is nothing to suggest that as designed this proposal would result in the subdivision of other gardens in the area.
11. In conclusion, I consider that the proposed development would be an appropriate addition to the area, which would preserve the character and appearance of the Collingham Conservation Area. Accordingly, it would comply

with Core Policies C9 and C14 of the Newark and Sherwood Core Strategy DPD March 2011, policies DM5 and DM9 of the Newark and Sherwood Allocations and Development Management DPD July 2013 and paragraphs 131-135 of the National Planning Policy Framework.

12. For the reasons given above I conclude that the appeal should be allowed subject to a number of conditions as follows. A condition limiting the life of the permission in accordance with the requirements of the Act. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition requiring that samples of the external materials to be used for the dwelling be agreed with the Council is necessary given the importance of facing materials to the character and appearance of the conservation area. Finally, whilst details of the trees to be retained and removed are shown on the submitted plan, two conditions are attached to ensure a suitable landscaping scheme is implemented, including the replacement of mature trees, given the importance of the landscape setting of the villa. A condition requiring details of external windows, window and door heads and cills and rainwater goods recommended by the Council is not necessary as these are shown in sufficient detail on the approved plans.

*M Hayden*

INSPECTOR