

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, 6 December 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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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.

None

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 1 November 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

ALSO IN

ATTENDANCE: Councillor: D.J. Lloyd

99. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors: R.V. Blaney and G.P. Handley.

100. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

101. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

102. MINUTES OF THE MEETING HELD ON 4 OCTOBER 2016

Minute No. 98 – Urgent Item of Business – The Plough, Main Street, Coddington

The Chairman commented that he had left the meeting prior to the matter being debated and therefore the minutes should be amended to reflect that it was the Vice-Chairman who had agreed to accept the item as an urgent item of business.

AGREED that, subject to the above amendment, the minutes of the meeting held on 4 October 2016 be approved as a correct record and signed by the Chairman.

103. THE RED LION PUBLIC HOUSE, HIGH STREET, SOUTH CLIFTON (16/01052/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for a material change of use of a public house to a dwelling, removal of a prefabricated garage and single storey extensions and also to form a new garden from land formerly part of the Old Farm House.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant and the Red Lion Reloaded Group.

Councillor E. Swain representing South Clifton Parish Council spoke against the application stating that the nearest alternative public house was 4 miles away and could not, therefore, be viewed as part of the village community. He also stated that if the premises were trading as a community public house it would be financially viable. He added that it was the intention of the Red Lion Reloaded Group to purchase the building and run it as such a facility but this could only be achieved if the application was refused.

In considering the application, Members commented that the site visit had been of benefit adding that the objectors concerns about losing a village public house were understandable. However, it was noted that any decision by the Committee must be based on planning law and guidance and that many of the objections received did not comply with that. Members agreed that the village had an openness to it and therefore the proposed height of the wall should be reduced and that, if possible, the siting of the garage within the plot be revised by negotiation with the applicant. The Chairman advised that should the Committee be minded to grant the application, an additional condition could be added in relation to the height of the wall but that the siting of the garage within the plot could not be secured. However, if the applicant were willing to engage that could be subject to separate negotiation between the applicant and Planning Officers.

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

- (i) restrict the height of the wall; and
- (ii) Further negotiation outside of this application to consider the re-siting of the garage or achieving greater animation with the blank wall fronting the road.

104. FORMER SQUINTING CAT PUBLIC HOUSE, MANSFIELD ROAD, CLIPSTONE (15/01153/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for a change of use from the current vehicle sales site for redevelopment for 5 no. houses and 4 no. shop units with flats.

Members considered the application, raising concerns about current parking issues on the adjacent Central Drive. It was noted that the existing vehicle sales added to this by parking vehicles on double yellow lines and that although several enforcement orders had been issued, these had been ignored. Members also commented that if the application was approved, deliveries to the shop units must be closely restricted to avoid any disruption.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and subject to an amendment to condition 8 to include a requirement for clear delineation of the direction of traffic within the site.

105. ALLOTMENT GARDENS, BARNBY ROAD, NEWARK ON TRENT (16/01245/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought approval for the erection of a detached dwelling and detached garage.

Councillor D.J. Lloyd, Local Ward Member, spoke against the application, referring to the comments in the report of the Nottinghamshire Wildlife Trust. He stated that the proposed development area was the last piece of land and open space used for habitat and foraging for the registered common toad and grass snakes. He asked Members to consider refusing the application and to include an additional condition stating that the site would never be approved for development. Officers advised that an additional condition could be added in relation to loss of character.

AGREED (with 12 votes for and 1 against) that full planning permission be refused for the reasons contained within the report and the following additional condition:

- (i) refusal relating to the impact on the character of the area given the site forms the last open space.

Councillor Mrs M. Dobson left the meeting at this point and did not take part in the debate or voting for any of the following items..

106. SHERWOOD FOREST HOLIDAY VILLAGE, OLD RUFFORD ROAD, RUFFORD (16/01195/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for 28 new lodges and additional parking including re-planning Of the driving range and creation of new woodland.

Members considered the application and were in agreement that the applicant had created significant employment in the area and had also increased tourism which brought with it added economic benefits to the area. They agreed that the Parish Council's objections in relation to over intensification of the site and increased traffic were incorrect. It was stated that traffic congestion had been largely eradicated by the installation of the traffic lights on the A614.

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

107. 6 DALE LANE, BILDWORTH (16/01343/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission to construct a detached 4 bed house with garage and off street parking and turning for 3 vehicles.

Members considered the application and raised concerns about the siting of the house and garage within the plot, adding that it appeared to be too close the rear boundary.

AGREED (unanimously) that full planning permission be refused for the reasons contained within the report.

108. LAND OFF PRIVATE DRIVE, LOWER KIRKLINGTON ROAD, SOUTHWELL (16/01388/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for a phased development of 4 no. detached dwellings and alternations to existing access and driveway.

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

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and subject to an amendment to condition 5 to clearly define that the access constitutes the first phase of development and that this should be completed prior to commencement of development on any housing plots.

109. APPEALS LODGED

AGREED that the report be noted.

110. APPEALS DETERMINED

Members noted the outcome of the Appeal in relation to The Old Vicarage, Church Lane, South Scarle (15/02125/FUL) which had been allowed.

The Business Manager – Growth & Regeneration advised that following notification of the decision he was to hold discussions with the Deputy Chief Executive and the Chairman of the Planning Committee with a view to writing to the Planning Inspectorate Quality Assurance Unit and the Local Government Association about this matter and previous decisions taken.

AGREED that the report be noted.

The meeting closed at 6.03pm

Chairman

Application No:	16/01745/FUL	
Proposal:	Erection of two, two-bedroomed dwellings and associated access	
Location:	Land Adjacent Cherry View Bilsthorpe Road Eakring Nottinghamshire	
Applicant:	Mr J Meanley	
Registered:	19.10.2016	Target Date: 14.12.2016

This application is being referred to the Planning Committee given that Officer's recommendation differs to that of the Parish Council.

The Site

The application site is located on the western edge of the settlement of Eakring and within the Conservation Area. The site itself is approximately 0.19ha in area and is relatively flat, and mostly grassed with mixed native hedging marking the boundaries. The site is described in the Design and Access Statement as being used as garden in association with Ashcroft, a cottage which is situated to the east. However, it would not be considered as residential curtilage in planning terms and it has since been established that the application site is now in separate ownership. Access to Ashcroft is gained from an unnamed, unmade vehicular track which runs in an east-west direction (forming the northern boundary of the application site) and which runs from another unnamed, largely unmade vehicular track which continues for approximately 1km to the north and re-joins Red Hill Lane. The track off Bilsthorpe Road currently serves 3 other properties and also forms part of Eakring footpath 22.

Residential properties and their residential curtilages are situated to the south, east and west and are typically of traditional cottage proportions and constructed of red brick with clay pantile roofs. Immediately to the south of the site is the two storey rendered residential property known as Cherry View. This property is orientated onto Bilsthorpe Road and is served by a detached red brick garage on the northern boundary and set within an extensive plot of comparable size to the application site. To the north of the site the land opens to agricultural fields.

The site is situated within Flood Zone 1 according to the Environment Agency Flood maps.

Relevant Planning History

There is no formal planning history on the site albeit pre-application advice for a dwelling was sought prior to the submission of the current application.

The Proposal

The proposal seeks full planning permission for the construction of a pair of semi-detached residential cottages. The properties would at the closest point be set back approximately 4m from

the access track and would be orientated east to west. The properties would have a floor space of approximately 95m² each split over two floors. The properties would provide sitting room and kitchen/diner at ground floor and 2 bedrooms at first floor.

To the rear are proposed detached L-shaped buildings providing a single spaced car port and garage and small store to serve each unit which would be accessed from driveways situated to the sides of the properties. It is proposed that the properties be constructed from red brick and lime mortar using English Garden Wall brick bond. Clay pantiles are proposed for the roof coverings to match surrounding properties and windows would be flush fitting timber casements.

Supporting information has been submitted within a Design and Access Statement and Heritage Impact Assessment.

Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert placed in the local paper.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

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

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM9 – Protecting & Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Eakring Conservation Appraisal 2001
- Eakring Parish Survey
- SP3 Guidance Note

Consultations

Eakring Parish Council – Objection

The parish could not support the application and have major concerns about the access track from Bilsthorpe Road. Amongst other issues if this site was accepted it would set a precedent for future potential development along the lane. Also it was pointed out that Eakring was classed as an 'unsustainable village' lacking the facilities for new houses and another scheme almost on the opposite side of Bilsthorpe Road was turned down last month partly because it was too near the edge of the village.

NSDC Conservation Officer – No objection, subject to condition

The Eakring Conservation Area (CA) was first designated in 1974, and was extended in 1988 so as to include the entire built up area of the village as well as landscape setting to the south. The Council adopted a CA Appraisal for the village in 2001, and this document includes a useful summary of the character and appearance of the CA.

Eakring is essentially a medieval settlement within open countryside. The landmark 15th century Church of St Andrew is a focal building at the heart of the village. The medieval street pattern of Eakring is evident in the remnants of plots in a grid layout between Kirklington Road/Main Street and Church Lane/Back Lane. In this context, the rural hinterlands of the village are an important element of the CA's setting.

The older, typically red brick buildings are an important feature of the CA. Apple Cottage to the west of the proposal site is a good example of this. The building is identified as a local interest building within the adopted Eakring CA Appraisal (2001): "Plain but attractive cottage built in brick with a pantile roof. Brick gable chimney stacks. Front porch brick with a pantile roof and timber planked door. Catslide roof to rear over single storey outshot. Segmental brick arch lintels with flush timber casements." Similarly, Ashcroft and the adjoining 2 Bilsthorpe Road are identified as buildings with Local Interest.

The proposal site contributes to the setting of the historic cottages in this part of the CA, notably Ashcroft and Cherry View. The land appears to have been orchard land following enclosure in the 18th century, and before that part of a medieval croft. The village earthwork survey from the 1990s identifies the plot at Cherry View as being part of a building platform and track (as identified in the HER). The submitted Design and Access Statement and Heritage Impact Assessment (HIA) conclude that the archaeological potential of the site is nonetheless low and that a suitable scheme for mitigation and recording could be conditioned. I concur with this view.

The layout of the development references the traditional plan form of cottages within the CA. The gable widths of the main cottages reflect traditional dimensions, giving the impression of modest cottage vernacular and appropriately steep roof pitches. The building palette, which includes red brick and clay pantiles, is also sympathetic to the historic environment values of the CA.

The ancillary components, including the rear additions to the cottages and the garages, have been carefully designed so as to be subservient and in-scale with the plot and cottage proportions of the host dwellings. The landscaping strategy appears to maintain the openness of the plot, and the reinforcement of hedgerows will help integrate the development into the CA.

On balance, this scheme is well-considered and will not harm the character and appearance of the CA. The design, scale and layout of the proposal reflects the historic pattern of cottage building within the village, and the indicative materials and detailing generally references the architectural interest of the CA.

The proposed development will not harm the character and appearance of Eakring Conservation Area and will have no material adverse impact on the setting or significance of any other heritage assets. It is accepted that archaeological potential is low and can be dealt with via a suitably worded condition. The development therefore complies with the objective of preservation set out under section 72 of the Act. The proposal also accords with conservation objectives contained within CP14 and DM9 of the Council's LDF DPDs as well as section 12 of the NPPF.

NCC Highways Authority – No objection

This proposal is for the construction of two dwellings, with vehicular access from an unnamed, unadopted lane off Bilsthorpe Road, which is also a Public Right of Way (Eakring Footpath). It is noted that the Rights of Way Officer has submitted comments for this application. The lane currently serves 3 dwellings and this proposal, for a further two dwellings only, is considered acceptable to the Highway Authority. Therefore, there are no highway objections to this proposal.

NSDC Strategic Housing – Support

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The Parish of Eakring were recently surveyed regarding their need for housing by an independent body (agreed by the Council). The survey was conducted on behalf of a private client who has now made the survey findings available to the public. The survey identifies a very limited need for affordable housing (which can generally be met by existing stock turnover) but refers to need for market housing. The survey suggests that there is some demand for smaller homes which the application seeks to address. However, I cannot comment on the affordability of the proposal but would suggest that the inclusion of a garage would add to the overall value and reduce the affordability for many.

I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Eakring is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Eakring has a good supply of this type of housing and they appear on the open market for sale. Currently there are 8 properties for sale ranging from 2– 5 bedrooms at values from £285,000 to £650,000. There may be a case that the need for larger properties could be met through existing stock, but it appears that smaller 2 bedroom dwellings are not available that would be considered affordable on the open market. I would therefore suggest that the proposal contributes towards meeting this need.

Nottinghamshire Ramblers – No objection

Eakring footpath 22 will be affected by this development. I note in para 4.5 of the Design and Access statement that the development will not cause any obstruction to the footpath. It is also important that the footpath remains open during the construction process and that the safety of walkers is given appropriate regard during this period.

NCC Rights of Way Officer – No objection

This application impacts on Eakring Parish Foot Path No 22, which forms part of the entrance to the site as shown on the attached working copy of the definitive map.

This access is referred to as an 'unnamed lane' at Para 2.3 of the Planning, Design & Access Statement but no mention is made of it being a public footpath. The planners should satisfy themselves that the applicant has authority to access this lane with a motor vehicle otherwise a criminal offence under section 34 of the Road Traffic Act 1988 may be committed.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

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

One letter of representation has been received raising the following objection:

- The proposed development would not accord with the aims of policy SP3 in that it does not result in sustainable development, as there are a lack of services situated within Eakring specifically a shop and school and does not demonstrate it will contribute to a local need for housing.
- The proposal for the erection of a pair of semi-detached dwellings each with their own separate garages is unlikely to meet the need for more 'affordable' smaller dwellings in the settlement. Furthermore as the dwellings are two storey these properties are unlikely to suit the needs of elderly residents. It is as such considered that the proposal does not meet the needs of residents of Eakring village. Whilst the development provides two bedroom properties it is identified that almost 20% of existing dwellings in the village are already two bedroom properties and whilst there is a need for low cost housing that suits the needs of an ageing population the development is unlikely to meet these needs.
- The proposed development would alter the open rural fringe of the village, harming the dispersed setting to the village & changing the traditional arrangement of buildings to the detriment of this characteristic village. The proposal it is considered would adversely impact on the Eakring Conservation Area resulting in harm which outweighs any perceived housing benefit.

- The access track along the northern boundary of the site which currently provides access to a neighbouring property is not separated from the grassed garden land which forms the basis of this application. The development will result in the separation of the access track from the grassed land which will restrict the ability of occupiers of the neighbouring property to turn their vehicles. It is requested that if this application is approved that the applicant provide some land on which occupiers of the neighbouring property can turn vehicles which have accessed their property, which will reduce the impact on residential amenity of this proposal.
- The development will result in the grassed site being divided from the shared access track through the erection of boundary hedgerow. This will have amenity issues for occupiers of a neighbouring property as will result in the need to reverse the whole length of the driveway in one direction as there will be nowhere for them to turn vehicles. This is a particular concern in relation to oil tankers which deliver to the property.
- There is no established access to the land which forms the basis of this development. Even if it was considered that vehicular access to the site was established via the shared access track the proposal still results in the addition of a new access point onto the track for unit 1. This is considered to be unacceptable as it will result in a new vehicular access across a public footpath. The proposal will also result in the increase in vehicular movements along this track, which is not suitable considering its current status & condition.
- No assessment is made of the value or ecological potential of the hedgerow along the western boundary of the site a portion of which will be lost to facilitate access. We request that a full assessment of this is undertaken prior to permission being granted.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the principle of new dwellings in this location, the impact on the character and appearance of the conservation area and visual impacts, residential amenity considerations, footpath impacts, effects on ecology and highway safety concerns.

Principle of Development

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

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

Five Year Land Supply

The Council's 5 year housing land supply is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement

presented to June's Committee this year. I will not rehearse the position in full, save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (we are out to consultation until the 23rd September on the Preferred Approach - Strategy Consultation (29th July - 23rd September 2016) the Council is of the opinion that paragraph 14 of the NPPF is not engaged. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, including in circumstances where local need has been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN).

Location of Development

The critical consideration in the determination of this application is whether the application site is located within the main built-up area of the village or in the open countryside. This, of course is a matter of judgement as the application site is right on the edge of the settlement. Historically if one looks to history as a guide, the village envelope of Eakring set out within the 1999 Local Plan, the site was outside the envelope. However, a case can also be made that as the site is surrounded by existing residential curtilages on three sides that the site could also be seen to be within the main built-up area.

If the site is considered to be within the open countryside, the principle of the proposal would be assessed against Policy DM8 of the Allocations and Development Management DPD and the paragraph 55 of the NPPF. DM8 states that "*planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.*" The proposal in this case is considered to only accord with the last criteria listed.

Paragraph 55 of the NPPF states "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances." The only circumstance listed that could apply to this proposal is "the exceptional quality or innovative nature of the design of the dwelling." The proposed dwellings reflect the traditional form and proportions of existing vernacular buildings in the Conservation Area but cannot be said to be exceptional or innovative.

Consequently, if Members consider that the application site is within the open countryside, the application would be contrary to local policies and national guidance and should be refused planning permission, in line with the recent application for 9 eco-homes on the opposite site of Bilsthorpe Road (16/00819/FULM).

However, the judgement on whether the site lies within the main built up area or the open countryside is not straight forward and is a matter of judgement on which not all professional opinion may come to any agreement. Indeed from officer's experience, even appeal decision have been received where some Inspectors may agree to the squaring off of similar pieces of land to be defined within village built up areas and equally other Inspectors have commented that such an approach could all too easily be repeated elsewhere and lead to an unacceptable encroachment into the open countryside.

A pre-application enquiry was submitted on this site earlier this year, prior to the eco-homes development, in which the view of the officer was that the site could be considered as being within the main built-up area of the village and a favourable response on the principle of the development was advised. It was also considered that the built form, from a conservation area impact should seek to address and be in close proximity to the road frontage rather than set back into the site. Therefore, in the interests of natural justice, officers offer a recommendation to Members based on the fact that the site is within the main built up area. If Members concur with officers and accept that the principle of the development is reasonable, there will clearly be an acceptance in design terms that the built form in this area will increase to the west and north.

If it is considered that the site is within the main built-up area of the village, the principle of the proposal would be assessed against the five criteria outlined by SP3, which are location, scale, need, impact and character.

Location of Development

The application site is on the western edge of Eakring and accessed from a track off Bilsthorpe Road. Residential properties are situated to the east, west and south of the site with the north open to agricultural fields. Whilst it could be considered to be outside the main built up area of Eakring, it is on the very edge and in the majority surrounded by other residential properties.

In addition to the above, the locational criterion of SP3 requires the site to have access to local services in order to reduce the need for a reliance on the use of a private car. With this in mind it is noted that Eakring has a public house as well as a local church and village hall which are within walking distance of the site. Whilst it is acknowledged that this would not meet the day to day living requirements for occupiers of the new dwellings, there are good public transport links to other villages including Bilsthorpe, Ollerton and Southwell with bus stops located approximately 150m to the east of the site. In light of the above, the proposal is considered to meet the locational criterion of SP3.

Need for Development

In the context of the above discussion and on the basis of the Council's current position on housing supply, it is considered that in settlements such as Eakring which have some locally available facilities – regular bus services to other settlements, a public house, church and village hall that a pragmatic view in relation to the need element of policy SP3 can be reached. However, notwithstanding this, reference is made within the applicants supporting Design & Access Statement to an independently undertaken housing needs survey submitted in support of a recently approved application for a single dwelling within the village (16/00585/FUL). Whilst not commissioned on behalf of the current application, the LPA were already aware of this survey through dealing with the previous application. This document brings together evidence from a variety of sources, including a village household survey, to determine the housing requirements of local households over a five year period. The document was compiled through discussion with colleagues in Strategic Housing who confirmed as part of the previous application that the housing stock in Eakring has a very limited amount of smaller properties such as bungalows and affordable homes. It is noted that the current proposal does not address this issue in terms of bungalows but does seek to deliver two x two bedroom units which would meet the aspiration in terms of being small scale. This is considered to meet a high priority need in the village as defined by the survey submitted to accompany the aforementioned planning application. Whilst I am mindful that a handful of applications have in the last 6 months been approved within Eakring for small units (1 x

two bed bungalow at land off Mill Lane, 2 x two bed & 1 x 3 bed at Tenters Cottage) it is not considered reasonable to assume that the need for smaller units in the village has now been met based on these applications as at present extant consents exist but are yet to prove deliverable as they have not yet been implemented.

The objection received in relation to the proposed dwellings not meeting an affordable need or being unsuitable for elderly residents are noted, however in light of the current uncertainty in relation to the Five Year Land Supply and the comments received from NSDC Strategic Housing it is considered that the proposed development could accord with the need element of Policy SP3 of the Core Strategy in this case at this present time.

Scale and Impact of Development

The guidance note to accompany SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. Two additional dwellings on a site of approximately 0.2ha is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that two additional dwellings are unlikely to materially affect the capacity of the transport network in dealing with the increased volumes of traffic levels.

The site is located within Flood Zone 1 of the Environment Agency flood maps and as such is at low risk of flooding from river and coastal sources. The site is also at very low risk of flooding from surface water according to the Environment Agency surface water maps and thus the additional built form is unlikely to result in adverse impacts from surface water runoff that could not be adequately mitigated against. It is therefore recommended that drainage details be agreed by condition.

Impact on Character/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. This assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. The site's location within the designated conservation area is also important to consider and the council's conservation team have been consulted in this regard and detailed pre-application discussions have been undertaken to ensure that any new development reflects the character of the immediate area.

The detailed comments of the conservation officer are referred to in the consultee section of this report. These allude to the negotiations which have taken place with the applicant at pre-application stage and the design evolution which has formulated in the current submission.

It is also acknowledged that the current site comprises a grassed field/paddock bounded by hedging/planting along all boundaries. The proposed built form will have an impact on the open, undeveloped character of the site. The track to the west of the site provides a physical barrier to any further built form further west and the track to the north provides a physical barrier to any further built form to the north. Although there would be a notable impact on the open visual amenities of the area, the two small scale cottages reflect the low density development and

substantially sized plots associated with an edge of settlement location and as such, on balance, is considered to that the proposal would generally assimilate into the character of this fringe location.

Whilst the comments received from the objector in relation to perceived impact on the rural fringe of the village are noted, I concur with the above assessment undertaken by the conservation officer and consider that subject to appropriate conditions to agree finer detail and materials, the development is considered to comply with the objective of preservation required under section 72 of the Act. The proposal is also considered to comply with heritage policies contained within Core Policy 14, Policy DM9 of the Council's LDF DPD and section 12 of the NPPF as well Policy DM5.

Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. In the context of the current application, consideration of amenity requires deliberation to the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

Dealing firstly with neighbouring occupiers, the proposed properties would be relatively well removed from neighbouring dwellings with Cherry View situated approximately 25m to the south of unit 1 and the rear garden areas for the properties abutting the existing garden area of Ashcroft to the east. The garage building for unit 1 has been approximately aligned with that of Cherry View. Apple Cottage is situated approximately 30m to the south of the development site with the associated red brick garage situated to the rear of the property. Some views would be possible from the first floor windows of the proposed dwellings towards the rear garden of Apple Cottage; however these would be towards the area of land situated to the rear of the garage and at a distance of approximately 20m. This part of the property's garden is not considered to be the most private and given the separation distance it is not considered that views towards the garden area would significantly detract from the amenity of neighbouring occupiers. It is not considered that the proposed development would result in a significant loss of amenity for existing residential properties.

In terms of amenity for future occupiers of the dwellings; the proposed properties would be aligned with the majority of the fenestration orientated east to west. Unit 1 would project further to the east than unit 2, however the projection would be a gable with lower roofline which it is considered would ensure that unit 2 would not result in a significant loss of light.

Overall I have identified no detrimental amenity impacts which would warrant a resistance of the proposal on grounds of impact on residential amenity. The proposal is therefore deemed to comply with the relevant amenity criterion within Policy DM5.

Impact on Right of Way

Access to the proposed properties is from a lane accessed from Bilsthorpe Road which also serves as Eakring footpath 22. Concern has been raised by the Parish Council in relation to the properties being accessed from a lane which also serves as a footpath. Further concern has been raised by an

objector in relation to an established right to access the land which forms the basis of the site and the resultant impact of a further dwelling on footpath users. The NCC Rights of Way Officer and Nottinghamshire Ramblers Association have also been consulted. No objection from either body has been received, albeit comments have been made in relation to the applicants having authority to access the lane with a motor vehicle and ensuring that the availability of the path is not affected or obstructed during the construction phase and once the development is completed.

In relation to access along the lane with a motor vehicle; whilst this would not strictly form part of the application determination given that it is more of a legal consideration than a planning one, the applicant has provided a covering letter to address the matter. The letter states that the land in question along with the right to pass along the lane which would form the access to the proposed development site were conveyed as part of the purchase arrangement in the 1950's. It is also stated that since the purchase there has been continuous access to the rear of Ashcroft and the application site. In addition, given that the lane is currently used for vehicular access by 3 other properties it is not envisaged that the provision of 2 further dwellings using the lane will result in any conflicts with users of the right of way. In relation to ensuring the lane remains available to users of the footpath, it is not considered that the proposed development would result in obstructions to the lane, albeit for clarity a note to applicant to this effect would be added to any forthcoming decision notice.

In conclusion it is not considered that the proposed development would detrimentally impact upon users of the footpath.

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 proposal would amount to two additional dwellings utilising an access along an un-adopted track off Bilsthorpe Road. The track currently provides access to 3 other dwellings. The lane also serves as a public right of way (Eakring Footpath). Unit 2 would also share the access track which runs along the north of the site with occupiers of Ashcroft situated to the east. No objection to the proposed development has been raised by colleagues at NCC Highway Authority as listed in the consultation section of the report.

The comments raised by the objector in relation to the proposed development resulting in the restriction of turning area and access for vehicles accessing Ashcroft are noted; however it is considered that on this basis the occupiers of Ashcroft are using land beyond their ownership for vehicle movements. The request for a condition to provide land for an area for vehicle turning should consent be granted for this scheme is not considered necessary as part of the determination of the application, but could be provided between the applicant and neighbouring property should the applicant be so inclined. In relation to vehicles having to reverse along the access track; this has been discussed with the Highway Authority and whilst not ideal, it is not considered to result in significant highway safety concerns given that the access track is a private track onto an un-adopted lane.

It is therefore considered that the proposal does not result in any highway safety issues and complies with SP7 and Policy DM5 of the Core Strategy and DPD respectively.

Impacts on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12.

The existing site comprises a grassed, mown surface with hedging and planting forming the boundaries. The proposal would result in the loss of 3m of existing hedge. The proposal would also result in the creation of new boundary treatments including considerable lengths of new hedge planting.

The objection raised in relation to the removal of a section of boundary hedging is noted. It is acknowledged that the application has not been supported by any ecological assessment, however, given the mown and well managed appearance of the site, it is considered that the site is unlikely to support significant ecological interest. However, it is acknowledged that the proposal would also result in the removal of a small section of mixed native hedge which could be attractive to nesting birds. On the basis that this could cause a disturbance, a number of conditions have been imposed to seek to mitigate this potential ecological impact, including preventing removal during bird nesting season and provision of a bird and bat box on the site. In addition to this a considerable level of new hedging is proposed which would compensate for the small level of loss and can be conditioned to provide appropriate native species.

Subject to the above conditions I consider that the proposal would not adversely affect the ecological significance of the site and is conditioned to provide positive benefits and is therefore compliant with Core Policy 12 and Policy DM7.

Other Matters

I have noted the comments of the Parish Council in relation to the development setting a precedent for future development along the lane; it is considered that any future application would be viewed on its individual merits. In relation to the site being an unsustainable location and the application that was recently refused on land opposite the site; Members will recall the application for 9 eco homes (16/00819/FULM) which was refused in accordance with the officer's recommendation at the October committee meeting. Whilst the application site is within a reasonable proximity to that site, being on the southern side of Bilsthorpe Road, it was considered that the proposed eco homes site was situated some distant from the historical village envelope identified in the 1999 Local Plan and as such would represent isolated dwellings within the open countryside. It is considered that this proposal for 2 dwellings represents more of an infill development within the main built-up area and adjacent to the historic village envelope and whereby the site is surrounded on 3 sides by existing residential development. Although, as discussed at the beginning of these comments Members could come to a different view on the principle of the development and whether it is in fact in the open countryside and therefore represents inappropriate development.

Overall Conclusion

Being located on the edge of a rural village, the proposal for an additional two dwellings would in some circumstances be resisted in principle. However, it must be acknowledged that, at the

current time there is a degree of uncertainty associated with the Council's ability to demonstrate a five year housing supply. In attaching significant weight to the housing delivery which the proposal offers, the development is considered to be acceptable in principle. Having carefully considered all other site specific impacts including heritage, amenity, impact on public footpath, ecology and impact on highway safety, I have identified no other material circumstances which would outweigh the benefits of the scheme in terms of its contribution to the District's housing supply as well the benefit of introducing 2 x 2 bed market dwellings into the village which were identified to be required by respondents to the village housing needs assessment.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

Conditions

01

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

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

02

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

- Floor Plans, Elevations & Site Plan as Proposed. Drg No: 110136-500A
- Existing & Proposed Block Plans & Location Plan Drg No: 110136-501B

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

Reason: So as to define this permission.

03

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

Facing materials

Bricks

Roofing tiles – clay non interlocking

Garage timber cladding

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods – cast metal or mock cast in black on rise & fall brackets with round down pipes

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Chimney construction

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

The brick bond used in the construction of the dwellings hereby approved shall be English Garden Wall unless otherwise agreed in writing with the planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

06

No development shall be commenced until a brick work sample panel showing brick work bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

07

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

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

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

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

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: Installation or alteration etc of solar equipment on domestic premises.

Class B: Installation or alteration etc of standalone solar on domestic premises.

Class C: Installation or alteration etc of ground source heat pumps on domestic premises.

Class D: Installation or alteration etc of water source heat pump on domestic premises.

Class E: Installation or alteration etc of flue for biomass heating system on domestic premises.

Class F: Installation or alteration etc of flue for combined heat and power on domestic premises.

Class G: Installation or alteration etc of air source heat pumps on domestic premises.

Class H: Installation or alteration etc of wind turbine on domestic premises

Class I: Installation or alteration etc of stand-alone wind turbine on domestic premises.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation in the interests of the character and appearance of the conservation area.

08

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)

- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

09

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

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

010

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

011

No building on site shall be occupied until details of one bird and one bat boxes and/or bricks have been submitted to and approved in writing by the local planning authority. The agreed boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

012

No development shall take place until the applicant or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The programme shall thereafter be carried out in accordance with the approved details, prior to the commencement of development within the defined area, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Notes to Applicant

01

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

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

02

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

03

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the public footpath which crosses the access lane to the front of the development site. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences.

BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01745/FUL



Application No:	16/00902/FULM		
Proposal:	Construction of 24 two bedroom apartments and 27 three bedroom houses		
Location:	Land Opposite Darwin Court, Darwin Drive, Sherwood Energy Village, Ollerton, Nottinghamshire		
Applicant:	Mr Christopher Wilson		
Registered:	14.07.2016	Target Date:	13.10.2016
	Extension of time: Agreed in principle		

The Site and Surroundings

The site is crescent shaped and forms approximately two-thirds of a central doughnut shaped parcel of land at Darwin Drive, Sherwood Energy Village. The remaining third of the land has been developed for office use at Ollerton House and Welbeck House. A circular area of open space containing an existing skate park sits adjacent to the site.

Sherwood Energy Village is situated on land formerly occupied by Ollerton colliery. Neighbouring residential development to the south east of the site on the opposite side of Darwin Drive is sheltered housing consisting of bungalows and apartments. The site area equates to approximately 1.52Ha and consists of grassland with a swale for the existing site drainage located along the front boundary of the site.

The site is located within the urban boundary for Ollerton and Boughton and is identified on the proposals map within the Newark and Sherwood Allocations and Development Management DPD as being an 'Employment Site with Planning Permission'. The site is situated within Flood Zone 1.

Relevant Planning History

There have been several applications at Sherwood Energy Village. The applications most relevant to the application site are as follows:

01/00875/OUT – Outline planning permission was granted in April 2003 for 'Sherwood Energy Village (mix of industry, commerce, housing, recreation, education and associated works)'.

01/00942/FUL – Full planning permission was granted in July 2001 for 'Proposed new access road and associated infrastructure to serve proposed development'.

The Proposal

Full planning permission is sought for the erection of 24 two bedroom apartments and 27 three bedroom houses with associated amenity space, access and parking. The application site would be developed at a density of 33 units per hectare and this is considered in detail later in this report.

The applicant has stated that the development would be provided on the basis of starter homes and this proposal is considered further under the developer contributions section of this report.

The 24 two bedroomed apartments would be provided within 2 x three storey buildings each containing 12 apartments. Apartment block 1 would be located to the northern end of the crescent adjacent to the boundary with Welbeck House and Apartment block 2 would be located to the southern end of the crescent adjacent to the boundary with Ollerton House. The apartment blocks would be identical in footprint and would comprise 2 roughly rectangular elements joined by a central section providing a circulation area within the building. The apartment buildings would have maximum dimensions of 33.0m width x 10.0m depth and the buildings would have a flat roof measuring some 9.3m in height. The front elevation of the apartment blocks would face Darwin Drive and materials would be buff brickwork with slate grey cedar board cladding to the central section. Revised plans have been submitted showing 18 parking spaces to serve each apartment building. In each case 6 of these spaces were shown to be situated on land partly occupied by the existing swale. The applicant has advised that this was an oversight and revised plans are being prepared to show these 6 spaces to be parallel parking.

The two apartment buildings would be served by vehicular access points which also serve 4 three bedroomed dwellings (plots 1 to 4) adjacent to apartment block 1 and 3 dwellings (plots 25 – 27) adjacent to apartment block 2. These dwellings would be provided as terraced blocks with front elevations facing the highway on Darwin Court. The dwellings would be gable fronted measuring a maximum 8.30m in height to the ridge and hipped either end of the terrace. Revised plans have been provided showing these dwellings to have stone heads and cills to windows. At ground floor level an access is positioned centrally within the terrace providing a through route to rear gardens to assist bin storage. Brickwork facades and tiled roofs are indicated with a central brick design feature to end elevations. Frontage parking is provided with a ratio of 2 spaces per dwelling.

4 x terraced blocks each consisting of 5 dwellings are located within the remaining central portion of the application site (plots 5 – 24). These would be provided in two groups with respective gardens backing on to each other. The terraced blocks would be positioned side on to Darwin Drive but given the circular nature of the road would be seen as positioned at a slight angle. The dwellings would be gable fronted measuring a maximum 8.30m in height to the ridge and hipped either end of the terrace. Revised plans have been provided showing these dwellings to have feature windows to the side elevation facing the highway and blank side elevations facing the central open area. Stone heads and cills would be provided to all windows. Within each terrace 2 ground floor access points are shown providing a through route to rear gardens to assist bin storage. 3 vehicular access points are shown to frontage parking serving these dwellings at a ratio of 2 spaces per dwelling.

Revised landscape drawings have been provided including additional details confirming details of hedges to screen boundary fencing serving units 5 – 24. The hedges are proposed to be planted in a double staggered row at 600 - 800mm in height given planting of a more mature plant would increase the fail rates. Around 61 trees mostly new would be planted with the few young existing trees to be retained along with wild grass to communal areas and wild flower seeding. A Landscape Management Specification has been submitted confirming that communal space will be maintained by a management company. The agent has confirmed that this can be secured as part of a legal agreement required as part of any planning permission.

A site section has been provided showing land levels relative to the residential development to the north east at Poplar Street with land levels gradually reducing and intervening swales, open space and bund. Topographic surveys of existing ground levels have been provided.

A Phase 1 Habitat Report, A Flood Risk Assessment, Gas Monitoring and Site Investigation Reports and Drainage Layouts have all been submitted.

The application is also supported by a Planning Statement as well as Design and Access Statements and Visual Impact with supporting vistas and visuals which have been revised during the course of the application.

Departure/Public Advertisement Procedure

Occupiers of 56 neighbouring properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Area Policy Shap2 Role of Ollerton and Boughton

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance (web based resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)

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

Consultations

Ollerton and Boughton Town Council – Objection for the following reasons:

- Inappropriate design for this area of land as it is already designated as commercial use.
- Over intensification of site if existing planning consent for residential units is taken into account.
- Goes against the original concept of SEV where residential/commercial use was strategically balanced.

Case Officer comment - The Town Council have been re-consulted with the revised plans showing amendments to the proposed landscaping and elevational treatment of buildings and any further comments received will be reported as a late item to Planning Committee unless the Town Council remove their objection, in which case the application could be withdrawn from the agenda and dealt with as a delegated item.

Nottinghamshire County Council (Developer Contributions) – ‘In respect of education, a proposed development of 51 dwellings would yield an additional 11 primary places. The County Council would therefore wish to seek an education contribution of £126,005 (11 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education the proposed housing development is in the catchment of The Dukeries Academy, for which any contributions would be covered by CIL.’

Further information about the contribution sought and the justification for this is contained within a document attached to the County Council’s response.

‘In respect of libraries; at an average of 2.4 persons per dwelling a development of 51 dwellings would add 122 to the existing library’s catchment area population. We would therefore seek a developer contribution for the additional stock that would be required to meet the needs of the 122 population that would be occupying the new dwellings. This is costed at 122 (population) x 1,532 (items) x £12.50 (cost per item) = £2,336.’

Nottinghamshire County Council (Strategic Planning Observations) –

‘County Planning Context

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. The Planning Statement submitted by the applicant does not take account of these Plans.

Waste

In terms of the Nottinghamshire Waste Core Strategy (December 2013), there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.’ In accordance with this, as the

proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Minerals

The proposed site does not lie within close proximity to any existing or proposed mineral extraction sites, or within a Mineral Safeguarding and Consultation Area. The County Council does not, therefore, wish to raise any objections to the proposal on mineral safeguarding grounds.

Strategic Planning Issues

Public Health

The local health report provided in Appendix A identifies that many of the health indicators are worse or similar to and not better than the England average. Premature mortality for all causes aged under 65 and 75 are both significantly worse than the England average for this area. Both healthy life expectancy (the average number of years a person would expect to live in good health based on contemporary mortality rates and prevalence of self-reported good health) and disability free expectancy are significantly worse than the England average.

As set out above, the National Planning Policy Framework seeks to promote healthy communities and at paragraphs 69-78 sets out the ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way.

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>.

This states the importance that the natural and built environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-andwellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. The document provides guidance on addressing the impact of a proposal or plan on the health and wellbeing of the population and provides a planning and health checklist to be used when assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>.

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing

harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is significantly worse than the England average. It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' –

http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf

are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Given that limiting long term illness or disability is significantly worse than the England average, the development needs to ensure that it is age friendly providing good access to health and social care facilities.

Strategic Transport

The County Council does not have any strategic transport planning observations to make on this proposal.

Transport and Travel Services

The proposed access point(s) will be from the Darwin Drive as it circles the site. The nearest current serviced bus stop is approximately 450 metres from the site on Rufford Avenue.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Stagecoach East Midlands are the commercial operator in this area. Services 14 and 15 combine to provide a 30 minute service to Mansfield. Sherwood Arrow provides an hourly service to Nottingham and links to Worksop, Retford and Tuxford every 2 hours.

Additional services are provided by Travel Wright and the Nottinghamshire County Council fleet under contract to the Local Authority which serve the nearest stop on Rufford Avenue. These services have recently been the subject of a service review in which significant cuts were made to the County Council local bus service budget.

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

Infrastructure

Current Infrastructure

The current infrastructure observations from Transport & Travel Services' photographic records are as follows:

NS0666 The Circle – Bus Stop Pole. (Not currently served)

NS0305 Rufford Avenue – Bus Stop Pole, Polycarbonate Bus Shelter and Raised Boarding Kerbs.

Possible Infrastructure Improvements

Transport and Travel Services request the following improvements:

NS0666 The Circle – No improvements required. (Not currently served and unlikely to attract sufficient funding for a diverted bus service)

NS0305 Rufford Avenue – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Enforceable Bus Stop Clearway.

Transport & Travel Services request that should planning permission be granted it is subject to a condition which states:

No part of the development hereby permitted shall be brought into use unless or until improvements to the bus stop on Rufford Avenue (NS0305) have been carried out to the satisfaction of the Local Planning Authority and shall include real time bus stop poles & displays including associated electrical connections and enforceable bus stop clearways.

Reason: To promote sustainable travel.

Further information can be supplied through developer contact with the County Council's Transport & Travel Services (tel. 0115 9774520, email ptdc@nottscc.gov.uk).

Nature Conservation

An Extended Phase 1 Habitat Survey of the site has been carried out, as was requested at the preapplication stage. This indicates that the application site is of low ecological value, although it does have some potential for ground nesting birds. A standard condition should be used to control vegetation clearance during the bird nesting season (which runs from March to August inclusive). In addition, a single clump of frog spawn was found in the boundary ditch, which it is understood will be retained.

The development provides an opportunity to enhance the ecological value of the site, as follows:

- Integrated bird and bat boxes should be incorporated into the fabric of a proportion of the proposed buildings, the former targeting house sparrow, starling and swift; the apartment buildings would be suitable for this purpose. It is requested that a condition is used to secure this.

- Areas of greenspace around the development could be significantly enhanced for wildlife, and to provide a more attractive and inspiring living environment. It is requested that a condition requires the submission of a detailed landscaping scheme, covering the following:

- o The seeding of a native wildflower seed mix on areas of greenspace (excluding the swales)

- o Planting pockets of native scrub beside the swale to provide nesting habitat for birds

- o Species should be native and appropriate to the local area, selected with reference to species lists provided in the Nottinghamshire Landscape Character Assessment (see:

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>)

- A basic landscape management specification would also be required, to ensure that created habitats are managed appropriately, again secured through a condition.

Developer Contributions

See comments on Education and Libraries above

Conclusion

The County Council does not wish to raise any objections on strategic planning policy grounds. However, it is recommended that any permission granted should be subject to a number of conditions to protect and enhance the ecological value of the site, as outlined above and subject to a condition to promote sustainable travel as detailed above. The County Council will also seek developer contributions for education and libraries provision as outlined above.

Nottinghamshire County Council (Landscape) – Initially commented as follows:

'Pre Application conclusion

To summarise, at the pre application stage requests for information were included in the response of the Landscape and Reclamation Team (now Environmental Design and Management Team); these have not been provided by the applicant in the information presented with this application and until the information requested is provided we will not be able to support the scheme. As a general point there appears to be a conflict of interest between the location of new housing adjacent to the existing skate park which is located in the centre of the site. These comments are reiterated and expanded below.

Visual Impacts

The proposed development comprises 2 apartment blocks, 3 storeys in height, with 24 apartments in each; and 27 houses, 2 storeys in height. The apartment blocks in particular are likely to have a visual impact on the surrounding area. In our previous comments we said that although a full Landscape and Visual Impact Assessment was not necessary, the applicant should provide information in the Design and Access Statement, or a separate document, about the visual impact of the development on surrounding sensitive receptors, including an indication of the degree of visual impact. We had identified these as surrounding residential areas such as on the south side of Poplar Street and PROW Footpath Ollerton and Boughton 24.

Landscape Impacts

As we have commented previously the analysis of the landscape impact of the proposals should make reference to the Newark and Sherwood Landscape Character Assessment which is part of the adopted Local Development Framework. The site is located in Sherwood Landscape Policy Zone 27 Ollerton Estate Farmlands (attached to previous comments). The Landscape Action for the Policy Zone is 'Conserve and create'. The opportunity should be taken in this scheme to create new landscape features within the development. An illustrative master plan should be provided which shows the design philosophy of the project and show how the transition between this residential development and the surrounding countryside is managed as well as any features to mitigate the visual impacts identified above.

Landscape Treatment

Very limited information has been provided by the applicant regarding the landscape treatment of the proposed development. The proposed site layout (DL Design Studio – DL/306/201 rev B) shows an illustrative scheme only, this includes tree planting, and ground cover planting only, with details to be confirmed.

A detailed landscape proposals drawing should be provided which illustrates the landscape

treatment, including a planting schedule, specification and tree pit details for the proposed trees. The proposed site layout plan (DL Design Studio – DL/306/201 rev B) is inadequate in landscape terms, it is spartan and unimaginative and would form a bleak prospect for both residents and visitors to the site.

An echo of the internal circular ring of tree planting could be repeated to either the internal or external line of the swales, providing landscape structure and give these homes a 'sense of place', rather than setting the buildings in a barren landscape. The trees can be relatively widely spaced to retain clear lines of sight into and out of the development and should have a strong clear form to give a distinctive identity.

The planting plan should make reference to the species list for the Sherwood Landscape Character area (see previous comments), but should avoid the use of Ash as a native tree at the present time due to the prevalence of *Hymenoscyphus fraxineus*.

The Design and Access Statement describes that the rear gardens will be turfed using 'premium' turf, and communal areas will be seeded or turfed with 'wild' grass. A full specification for the premium turf should be provided. If the communal areas are intended to be seeded with wild flower seed, then full specification details should also be provided together with details of how these areas will be managed, as they will require cutting at particular times to allow the flowering of meadow species. Wild flower meadow seeding to the small island beds between the parking bays and paths is impractical and will not establish effectively and be difficult to maintain.

It would also be worth considering low hedges to edge the external boundaries of the gardens rather than ground cover planting, this would provide greater security and would be easier to maintain.

Boundary treatment to the rear gardens is shown as 1.2 metre-high fencing (DL Design Studio – DL/306/202 rev B), this will not provide sufficient privacy to these gardens and should be at least 1.8 metres in height.

A maintenance specification and programme of works for any soft landscape works should also be provided. The applicant also needs to provide details of how the maintenance of the scheme will be funded such by means of a section 106 agreement or similar

Sustainable Urban Drainage (SUDs) features

The Flood Risk Assessment (Keith Simpson Associates Ltd - July 2016 – ref 16.4477) describes how surface water runoff from this development will be connected into the existing swale network around Darwin Drive.

Any details of planting such as around the margins of the swales should be provided on the detailed landscape proposals drawing. As above, a maintenance specification and programme of works should be provided. The applicant also needs to provide details of how the maintenance of the SUDs features will be funded such as by means of a section 106 agreement or similar. If this proposal relies on the maintenance of the existing swales to function effectively, then details of the existing maintenance arrangements should be included in the application and confirmation that these can accommodate the additional runoff from the proposed development.

It is noted that knee rail fencing has been included in the design to prevent access to the swales

Summary

To summarise the following information needs to be provided by the applicant: -

- An assessment of the visual impact of the proposals.
- A detailed Landscape Proposals Drawing including all of the information detailed above, which has been revised to show a scheme which provides a landscape setting to the proposed development.
- Maintenance details for the soft landscape treatment of the site and confirmation of the funding arrangements for the soft landscape treatment
- Details of how the existing swales are maintained and confirmation that the swales can accommodate the increased surface water runoff as a result of the proposed development.
- Details of any financial contribution to the maintenance of the existing swales.'

Following the provision of revised landscape drawings and supporting visual impact information the County Council provided the following further comments:

'Visual Impacts

A Visual Impact Assessment has been provided by the applicant, this consists of a series of photographs from and towards the receptors identified in our previous comments. However, the document does not contain any additional information to accompany the photographs, and any interpretation to indicate the degree of visual impact on the identified receptors. We would request that the applicant provides further information to identify the visual impacts of the proposals in the form of explanatory text and sections through the proposed site.

Landscape Impacts

The planting proposals provided, contribute significantly to the landscape actions for Sherwood Landscape Policy Zone 27. Most of the species used are compatible with the species list for the Sherwood Landscape Policy Zone and are accepted.

Landscape Treatment

The drawings provided satisfy the requirement for a detailed landscape proposals drawing. Additional information is also provided on both the turfing of the private rear gardens, the seed mix for the front gardens (British Seed Houses A16 Low maintenance mix) and the treatment of the wildflower seeded areas (British Seed Houses W3 wild flower mix for neutral soils), these proposals are accepted. Wild flower seeding to the small island beds has been removed.

Low Beech hedges have been added to edge the external boundaries of the gardens rather than ground cover planting to provide additional security.

The 1.2-metre-high fencing to the boundaries does not appear to have been revised and should be at least 1.8 metres in height.

A maintenance specification and programme of works for soft landscape maintenance has been provided, this is accepted. However, although it is stated that a management company will take over the management of the site, no indication of how this maintenance will be funded has been provided.

Sustainable Urban Drainage (SUDs) features

No details have been provided about the maintenance of the existing swales and how this will be funded. It has been confirmed that the swales were designed to accommodate runoff assuming that the whole area was to be developed.

Summary

Whilst some information has been provided by the applicant, some has not, this is summarised below: -.

- An assessment of the visual impact of the proposals. – additional information has been provided but clarification is required from the applicant on the visual impact that the proposals will have on the identified receptors.
- A detailed Landscape Proposals Drawing including all of the information detailed above, which has been revised to show a scheme which provides a landscape setting to the proposed development. – this has been provided and is accepted
- Maintenance details for the soft landscape treatment of the site - this has been provided and is accepted and confirmation of the funding arrangements for the soft landscape treatment, this has not been provided
- Details of how the existing swales are maintained this has not been provided and confirmation that the swales can accommodate the increased surface water runoff as a result of the proposed development – this has been provided and is accepted
- Details of any financial contribution to the maintenance of the existing swales, this has not been provided

To conclude, the Environmental Design and Management Team still have outstanding concerns about the visual impact of the proposals on adjacent housing and Public Rights of Way, but this must be weighed against other planning considerations to be taken into account in the determination of the application.'

Access and Equalities Officer – Observations in respect of the Building Regulations requirements.

Community, Sports and Arts Development Officer – No objection to the proposals subject to a Community Facilities contribution in accordance with the Supplementary Planning Document such contribution to be used to improve the community facilities in Ollerton in consultation with Ollerton Town Council and other community partners.

Natural England – 'The Conservation of Habitats and Species Regulations 2010 (as amended) Wildlife and Countryside Act 1981 (as amended)

Internationally designated sites

The application site is within or 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 and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh; and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSI). 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.

No objection

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.

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.

The SAC is notified for old acidophilous oak woods and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage. Based on the scale of the development and the distance from the SAC we do not consider that there will be any significant impact on the notified features.

National Sites

No objection – no conditions requested

This application is in close proximity to Birklands and Bilhaugh; and Birklands West and Ollerton Corner Sites 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(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

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.

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

We note the proposed development is located in the Sherwood Forest area in proximity to habitats identified as important for breeding nightjar and woodlark. Therefore we refer you to Natural England's Advice Note (March 2014) in respect of this matter which encourages Local Planning Authorities to follow a risk-based approach, ensuring that proposals are accompanied by robust assessments of the likely impacts arising from the proposals on breeding nightjar and woodlark and include measures to minimise any potential direct, indirect and cumulative impacts that are identified.

Protected Species

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

Natural England has published Standing Advice on protected species.

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

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

'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'.'

Parks and Amenities Officer – Note your comments about viability and contributions. It may be that off-site contributions towards the proposed play facilities on the central park area could be agreed at a lower rate but this will need to be weighed in the planning balance.

It appears the amenity open space is being provided on site and the application documents talk about swales and 'wild grass' so perhaps the Natural & Semi Natural Green Space element is covered on site as well.

Shares concerns over the proximity of houses/apartments to the skatepark. Fields in Trust guidelines say that there should be a 40m buffer zone between facilities such as skateparks and neighbouring properties and there is nothing like that here – it looks like less than 20m. Given the problems that Edwinstowe Parish Council have experienced with their skatepark and neighbouring apartments considers this needs to be addressed.

Environmental Health (Contaminated Land) – This application is for the construction of residential dwellings on a former colliery site. There is clearly the potential for contamination to be present from this former use, I would therefore request that our standard phased contamination condition is attached to the planning consent.

Environmental Health Officer – No comments to make.

Nottinghamshire County Council (Highways) – Commented as follows in respect of the original plans:

‘Edison Rise, to the west of the site, is severely congested late afternoon from 1630hrs, up to both the Tesco and Forest Road roundabouts as vehicles exit Sherwood Energy Village. This proposal may go some way to alleviate this to maintain traffic flow at the roundabouts due to this being a residential application, i.e. vehicles will be entering the site as others are exiting.

The two bedroom apartments, shown as 2 separate apartment buildings on site layout plan DL/306/201 rev. B, only provide 1 parking space per unit. It is considered reasonable to expect that 2 spaces per 2 bedroom unit are provided.

There are no visitor spaces shown within the application site. If insufficient parking for residents is also provided, as currently shown, an increase in on street parking would occur by the residents, where limited parking already exists.

The proposed access to the west of the site is directly opposite an existing business access. It is recommended that this be slightly relocated to provide a ‘stagger’.

Could the applicant/agent consider the above and address the concerns raised.’

Revised plans have been provided following consideration of the Highways comments. Any further comments will be reported as a Late Item to the Planning Committee.

Nottinghamshire Wildlife Trust – No comments received

Severn Trent Water – ‘NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as

reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

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

Environmental Services (Contaminated Land) – This application is for the construction of residential dwellings on a former colliery site. There is clearly the potential for contamination to be present from this former use, I would therefore request that our standard phased contamination condition is attached to the planning consent.

Nottinghamshire County Council (Flood Team) – Originally objected to the proposals as the Flood Risk Assessment states that the site has been redeveloped to allow surface water from the proposed development to be discharged to the existing swales. The Flood Team were concerned that the FRA provided no evidence of this.

Following sight of the original design document for the site the Flood Team confirmed that they had no objections given the swales etc were all designed to cope with flows from the site once it was all developed.

Strategic Housing – No comments received.

Comments from neighbours/interested parties – 3no. written representations have been received (one of which has circa 40 signatures from local residents). The following concerns have been raised:

- The central play space away from housing with more facilities set to be placed there is eminently sensible and gives youngsters in the area somewhere to congregate without disturbing other residents. Private dwellings surrounding the skate park will lead to its closure as tenants won't tolerate the noise.
- The infrastructure in Ollerton is already at breaking point. It's already difficult to make a Doctors appointment. The dentist doesn't take new patients. The schools are already overloaded.
- There is only one access to this site and that is off Tesco roundabout. At peak times in to this industrial estate, traffic is already horrendous from both commercial and residential traffic. 51 more homes will greatly increase this and impact on highway safety.
- The meadow where the proposed dwellings are to be built is the home to skylarks, toads, newts and other species.
- Would prefer an enlargement of the skateboard Park for use as an area where families can sit and relax. Landscaping and gardens would be a better alternative than more houses.
- Flood risk as the swales already fill with water and development of the land will negatively impact on the site drainage.
- It was understood that the land benefitted from a permission for commercial use and therefore is it appropriate to change this use?

- There is no comparable high status site for employment use and it is important that the Energy Village fulfils its function as a place for commerce and light industry.
- There are newts living on the land.

Comments of the Business Manager

Principle of Development

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Development Plan for Newark & Sherwood. The site is located within the urban boundary of Ollerton and Boughton which is defined as a service centre in the Core Strategy settlement hierarchy. 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.

Residential development here is therefore acceptable in principle subject to site specific impacts and considerations. In this instance regard must also be had to the planning history of the site.

I am mindful that the A&DM(DPD) indicates that the land is an Employment Site with planning permission. The original outline permission at Sherwood Energy Village was for a mix of industry, commerce, housing, recreation, education and associated works and development that has come forward on the site thus far reflects this mix. The site was indicated for B2 employment uses on the approved masterplan, however reserved matters were not submitted for this part of the site and the outline permission in this regard is no longer extant. The situation is not dissimilar from that on the land opposite the site which was indicated as being for B2 uses and a Biomass Station but has subsequently been developed for sheltered housing. At the time planning permission was granted on the neighbouring site, the Council was satisfied that there was an adequate supply of employment land remaining on the Energy Village.

Recent commercial permissions have also been given at Sherwood Energy Village further adding to the mix; for example at Latimer Way planning permission was granted in April 2016 for the erection of 3 No. buildings, comprising 10 separate units (B1 light industrial/ B2 general industrial use) of approx. 2970m² (Planning ref.15/01979/FULM). I am also mindful that the Council has allocated an appropriate level of employment land across the District. Alternative development on the site may therefore be acceptable particularly if the original intentions for mixed use including employment uses at Sherwood Energy Village can still be realised and provided that neighbouring uses are compatible. Regard also needs to be given as to whether any alternative use to the B2 uses originally envisaged may have other benefits for the final mix and proportional split of uses, for example reducing traffic movements at peak periods (this particular issue is considered further below).

5 Year Housing Land Supply

There has been a recent change to local planning policy circumstance on the basis of a recent appeal decision for residential development for 48 dwellings in Farnsfield. The impacts and our approach are set out below.

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy,

providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

It is a matter of fact that the CS adopted housing target is out of date and thus, so too, are targets contained within relevant policies. It is equally a matter of fact that the NPPF at paragraph 47 requires delivery against housing requirements (including associated buffers as required) to be updated annually in terms of supply of deliverable sites within a 5 year period. There are thus two elements of relevance to the Council's position in terms of whether it has a 5 year supply; 1) Whether the Council's assumptions on delivery rates on sites over a 5 year period are appropriate and 2.) What is the OAN requirement against which delivery should be judged.

With respect to point 1, the Council has recently published its 5 Year Land Supply Position Statement. The Council is satisfied that it has taken a robust position with regard to the lead in times and delivery rates for the housing supply over the next five years. The key issue for decision making is therefore what housing requirement should be used against which to judge such delivery.

In order to address its housing requirement the Council, as it is required to do under the NPPF (in both identifying an OAN and under the Duty to Cooperate) has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date).

The OAN has not yet been tested through the Local Plan Review process. At a recent Appeal in Farnsfield, one Inspector disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available, a reasonable assessment of the Full Objectively Assessed Need for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council, as Local Planning Authority, does not agree with the Inspectors reasoning in this matter and assumptions made by this appeal Inspector will be addressed via supporting information submitted for Plan Review in due course. However, in decision making terms, the appeal decision does form a material planning consideration which will need to be weighed in the balance along with other relevant planning policy as part of the decision making process.

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme would positively contribute to the 5 year land supply. This matter is weighed in the balance at the end of this report.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the

community.

Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. An appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

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

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

Core Policy 1 requires affordable housing provision in the Newark Urban Area on sites of 10 or more dwellings with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought reflects a 60% social rented and 40% intermediate mix.

The proposal comprises a mix of 24 two-bedroomed apartments and 27 three-bedroomed dwellings. The number of units proposed would result in the site being developed at a density of 33 dwellings per hectare. The housing mix and density complies with the aims of the above policies in that the development would provide the family housing and smaller housing required in the District and would accordingly provide a much needed boost to housing supply in the District. The density proposed also indicates that the site would be developed in a way that efficient use is made of the land.

The scheme does not propose any affordable units and would therefore not comply with Core Policy 1. The viability case set out later in this report considers this issue and the non-delivery of affordable units needs to be weighed against the other developer contributions requested and any other planning considerations.

The applicant is promoting a scheme of 100% Starter Homes. A requirement for new housing developments to provide a quota of Starter Homes is brought forward through the Housing and Planning Act (2016), however the secondary legislation required to enact this requirement is not yet in place. Legal advice has been sought during the course of the application and it has been confirmed that this offer cannot currently form a material planning consideration in the determination of this application given that until the regulations come into force the composition of starter homes has not yet been confirmed and therefore could not be reasonably secured through an accompanying legal agreement.

I am satisfied that the housing mix and density meets to aims of Core Policy 3. Contrary to Core Policy 1, no affordable units are proposed and this will need to be weighed in the planning balance.

Design/ Character of the Area/Landscape

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 and includes that new development should reflect the local distinctiveness of the District's landscape and character of built form.

In considering this aspect of the proposal consideration should be given as to how the density, design and layout will reflect the current character of the Energy Village.

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

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

The relevant Landscape Policy Zone for the site is Sherwood Landscape Policy Zone 27: Ollerton Estate Farmlands. Landscape condition is defined as moderate and landscape sensitivity with regards to visibility into and out of the area is moderate. Landscape actions for the area are to conserve and create and new development should respect the scale, design and materials used traditionally.

I note that the site layout has been designed with the apartments at either end to aid the transition from the existing commercial properties to the two-storey dwellings. The scale of the proposals is not out of context with the scale of residential buildings on the opposite side of Darwin Drive which comprises of sheltered housing in the form of bungalows and apartments. The proposed apartments are three storey with flats roofs and front elevations would address the street. Hard surfaced frontage parking is proposed. I am satisfied that the scale of these buildings would appear consistent with the scale of the buildings on adjoining sites and that the delineation, angled facades and materials proposed in the elevations will add visual interest. The retentions of the existing grassed swales and tree planting proposed will help to provide a visual break from the hard surfacing which itself will also be broken up with sections of soft landscaping. Similarly I consider the access and parking to the terraced blocks of dwellings adjacent to the apartment buildings would be acceptable within the street scene. These dwellings would have an adequate degree of separation from the apartments and the revised plans to include stone heads and cills to windows has improved the quality and appearance of these units.

Consideration has been given to the four rows of terraces within the central part of the application site and the design of these properties which are proposed to be laid out to sit side on to the road. Whilst a continuation of buildings with front elevations facing the road might help to address the street, such a layout would also reduce the number and size of visual breaks within the development dramatically. The layout proposed provides significant breaks between the built form both from distance and adjacent to the site offering an appreciation of the central open area beyond. Given the circular nature of the site, the rows of terraces would not sit perpendicular to

the adjoining highway, rather at a slight angle and therefore as one makes the transition around the adjoining highway there will be an appreciation of front elevations and glimpses of the space beyond as indicated on the submitted 'Vistas and Visuals Plan'. Side elevations have also been redesigned to include hipped roofs to reduce the bulk of the proposals as well as the incorporation of windows with heads and cills and a brickwork design feature.

The materials indicated are largely traditional consisting of brick and tile other than the apartments which would have a central cladded feature and flat roofs and I am satisfied that such an approach reflects the landscape actions for the area in the Council's Landscape Character Assessment. Final details of materials could be conditioned to ensure the chosen materials best complements the appearance of the area.

With regards to the comments of the County Council's Landscape Officer following further details being provided on the visual impact of the scheme and the landscape proposals, whilst I note that the Landscape Officer recommends further clarification on the visual impact that the proposals will have on identified receptor, I am satisfied that the level of information provided within the planning submission gives a strong indication of the likely visual impact and I am satisfied the proposal and been designed to assimilate the proposal into the surrounding landscape with buildings comparable in scale to neighbouring sites, laid out to provide spacing between the buildings and will a substantial amount of planting including numerous trees to the site frontage and hedgerows to mitigate the impact of boundary fencing. A maintenance plan including details of the existing swales and drainage has been provided and confirmed as acceptable by consultees and the applicant has also confirmed that they are happy to enter in to a legal agreement to secure a management company for future site maintenance. Provided conditions and any associated legal agreement secure provision and maintenance of the landscaping details submitted, I am satisfied that the details will be sufficient to ensure the landscape scheme is appropriate and also enhances biodiversity on the site in accordance with the aims of Core Policy 12 and Policy DM7.

Overall, from a design perspective I am satisfied the proposed development would complement the design approach for the wider Sherwood Energy Village as well as the requirement in the NPPF for proposals to optimise the potential of the site to accommodate development. The scale and layout of the development along with the soft landscaping proposed will also help to minimise the impact of the development on the wider landscape in accordance with Policies DM5 and Core Policy 13.

Amenity

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

In terms of the impact on neighbouring residential amenity, the proposed dwellings will only share boundaries with other properties on the proposed development. Back to back distances from rear elevations are shown to be 22.0m and I am satisfied that this along with the position of the apartments and immediately adjacent terraced units will ensure that there are no significant overbearing, overlooking or overshadowing impacts for potential occupants.

Policy DM5 also requires private amenity space to be proportionate and appropriate to the development it is intended to serve. I am satisfied that the amount of rear amenity space to each of the proposed properties is acceptable. Communal space is also provided for the proposed apartment buildings. Further shared amenity space is also available immediately adjacent to the site within the central park.

Whilst I consider the level of amenity afforded by the development for future occupants is acceptable, I consider it would be reasonable and necessary to remove permitted development rights for extensions to the dwellings to ensure a suitable level of amenity is retained.

I note the comments received in respect of the proximity of the proposed dwellings to the existing skate park and concerns that this would lead to an undesirable relationship for future occupants and put the long term use of the skate park in to doubt. The Parks and Amenities Officer has referred to Fields in Trust Guidelines for recommended buffer distances between such facilities and residential properties. Having checked these standards I note the actual recommended distance is 30m minimum separation between activity zone and the boundary of dwellings. At their nearest point the proposed dwellings/boundaries are situated between only 10 and 15.m from the skate park.

Initially the applicants advised they would commission a noise survey to fully establish the likely relationship with the proposed new residential properties. However the agent has since provided an update advising that they have discussed the proposals with their sound consultant and propose the following amendments:

- Removal of all windows to the side elevations to plots 5, 10, 15 and 20 (as per the latest submitted drawings. The removal of these windows does not affect the internal amenity of the rooms.
- The upgrade of the window specification to the rear of plots 1 to 4 and plots 25 to 27 (These are properties which would have rear elevations facing the central space which contains the skate park).

The applicant has also advised that they understand that the skate park does not have planning permission and these amendments are not necessary. However the applicant has stated they wish to work with the Council in order to provide a solution which will assist with the progress of the development whilst improving the relationships between live, work and play.

Whilst I consider the provision of a noise survey would have provided a more robust basis on which to consider the potential noise impacts, I consider that the proposed mitigation measures will assist in noise mitigation and suitable conditions could be attached to any permission requiring precise details of these measures. Furthermore precise details of boundary treatments to these properties to consist of fencing designed to attenuate noise could also be conditioned. These properties would also be buyer beware in that potential occupants would be aware of the proximity of the skate park.

The skate park was positioned on site on the understanding that it fell within permitted development rights. In the event that the final built scheme falls outside these permitted rights it is also worth noting that it was sited here with the applicant for this planning application's consent. I also understand the Town Council has funds to develop the central space and any further funds for children's play space secured through a legal agreement would also be specifically directed to this area. This could be used by the Town Council to reconsider spacial distribution of play facilities on the site if they so desire, although I appreciate this is not a matter that can be enforced through any planning permission on the application site.

Overall, whilst the proximity of the skate park to the proposed residential properties is not at the optimum distance, I consider that the range of mitigation measures that can be undertaken have the potential to improve this relationship to an acceptable degree in this instance.

On the basis of the above I am satisfied that the proposed plans can accord with the objectives of Policy DM5 and achieve an acceptable level of amenity.

Highway Matters

Spatial Policy 7 states that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD also requires the provision of safe access to new development and appropriate parking provision.

I note the concerns raised within written representations in respect of existing traffic levels in the area and the potential for the development to exacerbate the situation and lead to congestion and highway safety issues. As part of the wider Sherwood Energy Village, the site has always been anticipated for development. The Highway Authority have commented that Edison Rise, to the west of the site, is severely congested late afternoon from 1630hrs, up to both the Tesco and Forest Road roundabouts as vehicles exit Sherwood Energy Village. This proposal may go some way to alleviate this when compared with any commercial development that may have come forward for the site in terms of maintaining traffic flow at the roundabouts due to this being a residential application, i.e. vehicles will be entering the site as others are exiting.

The applicant has amended the layout plans to provide 1.5 spaces per apartment unit and 2 spaces per dwelling. The proposed access to the west of the site has also been re-sited so as not to sit opposite to an existing business access. These amended plans have been sent to the Highway Officer for comment and an update will be provided to the planning Committee. It has also been brought to the agent's attention that the revised parking included some parking on the location of the swales which are to be retained. The agent has confirmed that this was an oversight and a revised plan is to be submitted which provides parallel parking so that the swales are unaffected.

Provided the Highway Authority are satisfied that the amendments to the plans have adequately addressed their concerns to alleviate the potential for on street parking, I am satisfied that the proposal would be acceptable from a highway perspective. Any reasonable conditions requested by the Highway Authority can also be attached to any favourable decision.

With regards to the collection of waste, the submitted plans have been updated to include bin stores for the apartments and access to the rear of the dwellings to provide opportunities to store

bins to the rear of properties. The Council's Waste Collection team have been consulted on these plans and any comments will be reported as a late item to Committee.

I note the County Council's comments with regards to improvements being carried out to the bus stop on Rufford Avenue. The County Council estimate that the cost of these works would be in the region of £7,500. Given the viability situation, I do not propose to include a condition requiring these works in this particular instance.

Overall I am satisfied that the proposal would be sustainable in highway terms and subject to the highway authority being able to accept the revised plans provided, I consider the proposed access and parking arrangements would meet the requirements of Spatial Policy 7 of the Core Strategy.

Ecology

Habitats 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 & 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).

Natural England have identified that in order to determine whether the development would be likely to result in significant effects, based on the information provided:

- 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.

Natural England have also advised the SAC is notified for old acidophilous oak woods and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage. Based on the scale of the development and the distance from the SAC Natural England do not consider that there will be any significant impact on the notified features.

The site is in close proximity to Birklands & Bilhaugh and Birklands West & Ollerton Corner Site of Special Scientific Interest (SSSI). Natural England are 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. I therefore consider that the SSSI should not represent a constraint in determining this application.

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

Sherwood Special Protection Area (SPA)

Nottinghamshire Wildlife Trust have not provided comments, however, I am aware of the site's location 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 SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annex 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.

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 does not mention the pSPA but the Trust has advised in considering other applications at Sherwood Energy Village the adjacent Ollerton Colliery LWS is recognised for its bird nesting interest and given that ground nesting birds including woodlark are known to be within the area, the rough grassland at Sherwood Energy Village could provide nesting/foraging opportunities.

The applicant has included retention of the soft landscaped swales within the scheme, wildflower seeding, low beech hedges and the planting of numerous trees. The Phase 1 Habitat survey also notes that the existing trees and scrub within the application site have no potential to provide suitable habitat for nesting birds although it does acknowledge that as the grassland grows longer, it could provide suitable nesting habitat for ground nesting passerines and therefore recommends that any works likely to cause disturbance to these areas should ideally avoid the nesting season for birds. A suitable condition could be attached to any planning permission.

I am mindful the proposal relates to a single plot within Sherwood Energy Village which has been identified for development since the outline permission for the wider site, is not in itself within land recognised for bird nesting interest and that mitigation is proposed through soft landscaping. The mitigation proposed will assist in ensuring any limited 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 mitigated to some degree by the close proximity of the open area and relatively easy access to a range of parkland in the area.

Other Ecology Matters

I note the comment received in written representations from interested parties with regards to newts living on the land. The Phase 1 Habitat Survey submitted states that there was no particularly suitable terrestrial or aquatic habitat for great crested newt within the survey area, and no records of this species within 1km of the site were found. No concerns have been raised in the ecology comments made within the County Council's response in this regard.

I note the comments received from the County Council and consider it would be reasonable to attach the suggested conditions relating to vegetation clearance outside the bird nesting season and the provision of integrated bird and bat boxes. I note that scrub planting has been included within parking areas and adjacent to the apartment building but a condition can also require exploration as to whether there are opportunities for any additional additional scrub planting adjacent to the swales to provide further nesting opportunities. The revised landscape drawings

also include a significant number of trees and hedgerows to be planted as well as wildflower seeding and greenspace in and around the development including to the existing swales. The landscape drawings and maintenance specification can be secured by condition and the future management of communal areas can be controlled through a supporting Section 106 Agreement.

Given the above considerations I am satisfied that the proposals comply with the aims of Core Policy 12 and Policy DM7 and that biodiversity enhancements have been incorporated into the scheme in accordance with Paragraph 118 of the NPPF.

Flooding/Drainage

The NPPF directs development away from areas at highest risk of flooding employing a sequential approach. Core Policy 9 requires new development proposals to proactively 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 however, given the size of the site is over 1Ha, a Flood Risk Assessment has been provided in accordance with the requirements of the NPPF. Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

Following receipt of the Lead Local Flood Authority's original holding objection, they have since had sight of the original drainage plans for Sherwood Energy Village and are satisfied that the site was designed to accommodate development. The applicant has submitted drainage plans as part of the application and this includes retention of the existing swales. On this basis the Lead Local Flood Authority have raised no objections and are satisfied with the drainage plans submitted. I also note the comments from Severn Trent Water raising no objection to the proposals subject to suitable drainage plans for foul and surface water drainage being approved by the Council and they suggest a suitable condition. I note the plans provided already provide these details and therefore I consider the suggested condition is not required in this instance and the drainage plans can form part of any approved plans condition.

On this basis I am satisfied that the proposals will meet the policy requirements set out above.

Coal Mining

Given the former use of the site, the standard informative should be attached to any planning permission drawing the applicant's attention to the fact that the proposed development lies within a coal mining area and that account should be taken of any coal mining hazards to stability in their proposals.

Land Contamination

Policy DM10 requires development proposals with the potential for pollution should take account of and address their potential impacts in terms of health, the natural environment and general amenity. Where a site is known to be, or highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

The applicant has submitted a Site Investigation Report and consultation has been carried out with the Environmental Health team. Given the previous use of the land as a colliery, I concur with the Environment Health Officer's comments and consider it would be prudent to attach the standard

phased contamination condition to deal with any potential contamination on the site as part of the development process.

On this basis I am satisfied that any contamination can be adequately mitigated in line with the aims of Policy DM10.

Developer Contributions

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

The developer contributions requested are set out under the Consultations section of this report. A viability assessment for the site has been undertaken and the applicant advised that the scheme is not capable of supporting an affordable housing contribution if the scheme is to remain viable nor any other developer contributions. The viability appraisal submitted has been independently reviewed by the Council’s appointed Viability Consultant and the conclusion is that the development could support a level of contributions totalling £188,274. This has been relayed to the agent for the application who in turn has confirmed that their client accepts this level of contributions could be made.

The following contributions are therefore considered the most appropriate way to distribute the maximum level of contributions under which a viable scheme for 51 dwellings on the application site could be delivered:

Fig.1

Contribution	Policy requirement	Anticipated distribution of available funds	Monitoring Contribution
<ul style="list-style-type: none"> Affordable housing (affordable rental and shared ownership) 	30%	Affordable housing would render the scheme unviable unless capped at £188,000. It is proposed that 0% affordables are provided to ensure the necessary education contribution can be made with any surplus divided between remaining requests given this would not achieve anything substantial in affordable housing terms	N/A
<ul style="list-style-type: none"> Education 	£126,005 (11 primary places x £11,455)	£126,005 (plus indexation)	Financial Contribution £91
<ul style="list-style-type: none"> Libraries 	1,532 (items) x £12.50 (cost per item) = £2,336	£2,336 (plus indexation)	Financial Contribution £91

<ul style="list-style-type: none"> • POS On site and formula for shortfall of full amount on site 	<ul style="list-style-type: none"> • Provision for children and young people would need to be provided off site at £903.22 per dwelling TOTAL FOR 51 dwgs = £46,064.22 plus maintenance contribution of £1004.50 per dwelling (plus indexation) TOTAL FOR 51 dwellings = £51,229.50 (plus indexation) <p>Therefore total cost of provision and maintenance off site = £97293.72</p> <ul style="list-style-type: none"> • Amenity Open Space 14.4 sm/unit or £275.63 per dwelling provision (TOTAL 14,057.13) and £275.47 per dwelling maintenance (TOTAL 14048.97) • Natural and semi natural green space (£100 per dwelling provision and £100 per dwelling maintenance TOTAL FOR 51 dwgs = £10,200) <p>Grand Total = £135,599.82</p>	<p>OFF SITE CONTRIBUTION FOR PROVISION AND MAINTENANCE TO BE SPENT ON THE ADJACENT CENTRAL PARK OF £59,659 (plus indexation) (i.e. a reduction of the SPD requirement by £37,634.72 given monies available if the scheme is to be viable)</p> <p>On site provision including retention of swales (circa 765 sq m and incidental space to front of dwellings) and wild grass. Maintenance by a management company to be secured as part of any S106</p>	<p>Financial Contribution £92</p>
<ul style="list-style-type: none"> • Off-site financial contribution to community facilities in the locality 	<p>£1,181.25 per dwelling = £60,243.75</p>	<p>£0 given a specific project has not been identified and in any case would not be viable given the maximum level of contributions available and the specific requests made relating to education, libraries and open space</p>	<p>N/A</p>

TOTAL	£310,127.44	£188,000 in financial contributions plus provision of amenity space and natural and semi natural green space on site and a management company to maintain communal areas of landscaping (i.e. equal to the maximum level of contributions assessed as being viable in this instance - £274 to be used for monitoring)	£274 (The remaining amount of available money in the viability appraisal divided over the three contributions to be monitored)
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I note the comment raised with regards to the impact on the local Doctor's surgery, however the level and nature of development proposed would not trigger a developer contribution for Health provision under the triggers in the Developer Contributions SPD.

CIL

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

Planning Balance and Conclusion

The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. The proposal is for new housing in a sustainable location within the settlement hierarchy. This comes at a time when the Council considers it has a 5 year land supply but this is yet to be ratified by an Inspector as part of the Plan Review process.

The site was originally identified for commercial development within the masterplan as part of the wider outline permission for the Sherwood Energy Village. However, this plan was theoretical only and the outline permission has since lapsed. In any case a significant amount of commercial development has been realised and the application site itself sits adjacent to existing offices and an area of open space and would consequently provide a physical and visual representation of mixed uses at Sherwood Energy Village. Additionally the site would be developed at a density which is compliant with the Core Strategy requirement and represents an efficient use of the land.

The applicant has amended the scheme during the application process to incorporate additional design features to the dwellings to provide visual interest, enhanced soft landscaping and additional off street parking to serve the development. There is also a commitment to incorporate noise attenuation features to the dwellings closest to the open space/skate park. It is considered these amendments adequately address the visual impact of the proposal as well as the impact on amenity. Subject to the Highway Authority confirming the revised plans adequately address their previous comments, the proposal will also be acceptable from a Highway safety perspective.

The applicant has put forward a viability case and it has been verified that the full level of developer contributions cannot be achieved. The lack of provision of affordable housing needs to be weighed in the planning balance taking into account that the full level of education and library

requirements can be met as well as a substantial contribution towards future provision and maintenance on the central park.

On balance, subject to the Highway Authority confirming their acceptance of the revised plans, I consider that the provision of 51 units in a sustainable location and the contribution this would make to the Council's 5 year housing supply as well as the reasonable level of contributions to support infrastructure in the area outweighs the lack of provision of affordable housing in this particular instance.

For these reasons it is considered that the proposals substantively accord with the Policies within the Development Plan and a recommendation of approval is made.

RECOMMENDATION

Approve, subject to:

- (a) the following conditions;
- (b) the inclusion of any reasonable conditions requested by the Highways Authority; and
- (c) the completion of a S106 Agreement to secure the developer contributions set out in figure 1 in the Committee Report and requiring a management company to be set up for maintenance of communal areas and adjacent swales.

Conditions

01

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

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

02

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

- REVISED LANDSCAPE GENERAL ARRANGEMENT PLAN Drawing no.9D/90/001 REV C
- REVISED LANDSCAPE PLANTING PLAN1 OF 2 Drawing no.9D/90/002 REV C
- REVISED LANDSCAPE PLANTING PLAN 2 OF 2 Drawing no.9D/90/003 REV C
- LANDSCAPE MANAGEMENT SPECIFICATION SEPTEMBER 2016 REV A
- REVISED PROPOSED SITE LAYOUT Drawing no.DL/306/201 REV D (**Subject to highway authority agreement**)
- REVISED PROPOSED BOUNDARY TREATMENTS Drawing no.DL/306/202 REV C
- REVISED PROPOSED VISTAS AND VISUALS PLAN Drawing no.DL/306/203 REV C
- SITE SECTION A - A Drawing no.DL/306/204
- REVISED PLOTS 5-24 GROUND AND FIRST FLOOR PLANS Drawing no.DL/306/220 REV B
- REVISED PLOTS 5-24 ELEVATIONS Drawing no.DL/306/221 REV B
- REVISED PLOTS 1-4 GROUND AND FIRST FLOOR PLANS Drawing no.DL/306/222 REV B

- REVISED PROPOSED PLOTS 1-4 ELEVATIONS Drawing no.DL/306/223 REV B
- REVISED PLOTS 25-27 GROUND AND FIRST FLOOR PLANS Drawing no.DL/306/224 REV B
- REVISED PLOTS 25-27 ELEVATIONS Drawing no. DL/306/225 REV B
- PROPOSED APARTMENT BLOCK PLANS AND ELEVATIONS Drawing no.DL/306/230 REV B
- DRAINAGE LAYOUT Drawing no.16.4477/DR01 P2
- DRAINAGE LAYOUT Drawing no.16.4477/DR02 P2
- DRAINAGE LAYOUT Drawing no.16.4477/DR03 P2

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

Reason: So as to define this permission.

03

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

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

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

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

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

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

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

04

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

Reason: To ensure the development is carried out within a reasonable period and thereafter properly maintained and to ensure the proposals conserve and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

05

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on the new housing/apartment buildings or within the perimeters of the development and opportunities for any additional scrub planting adjacent to the swales on site and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes and any additional scrub planting shall be erected/planted in accordance with the approved details.

Reason:

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

06

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

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

07

Unless otherwise agreed in writing 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 Contamination

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 by 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 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 justification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification 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 and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

08

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.

09

The development hereby permitted shall not commence until precise details of the window specification and acoustic fence boundary treatments to plots 1 to 4 and plots 25 to 27 and the acoustic fence boundary treatments to plots 5, 10, 15 and 20 on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. The windows and boundary treatments to these properties shall be designed so as to reduce external noise emanating from the adjacent central open space. Once approved in writing the windows and boundary treatments shall be implemented and retained in accordance with the approved details at all times.

Reason

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

010

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

Facing materials

Bricks

Roofing tiles

Cladding

Render

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

011

Before development is commenced, precise details of the culvert design at the proposed vehicular access points shall be submitted to and approved in writing by the Local Planning Authority. Once approved the access points shall be constructed prior to occupation and retained in accordance with the approved details.

Reason

In order to ensure a satisfactory development with suitable access provision and drainage in accordance with the aims of Core Policy 9 and Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

012

Before development is commenced details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

013

No development shall be commenced until the trees shown to be retained on the approved drawings have been protected by the following measures:

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

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

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

Informatives

01

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

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

02

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

03

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

04

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

BACKGROUND PAPERS

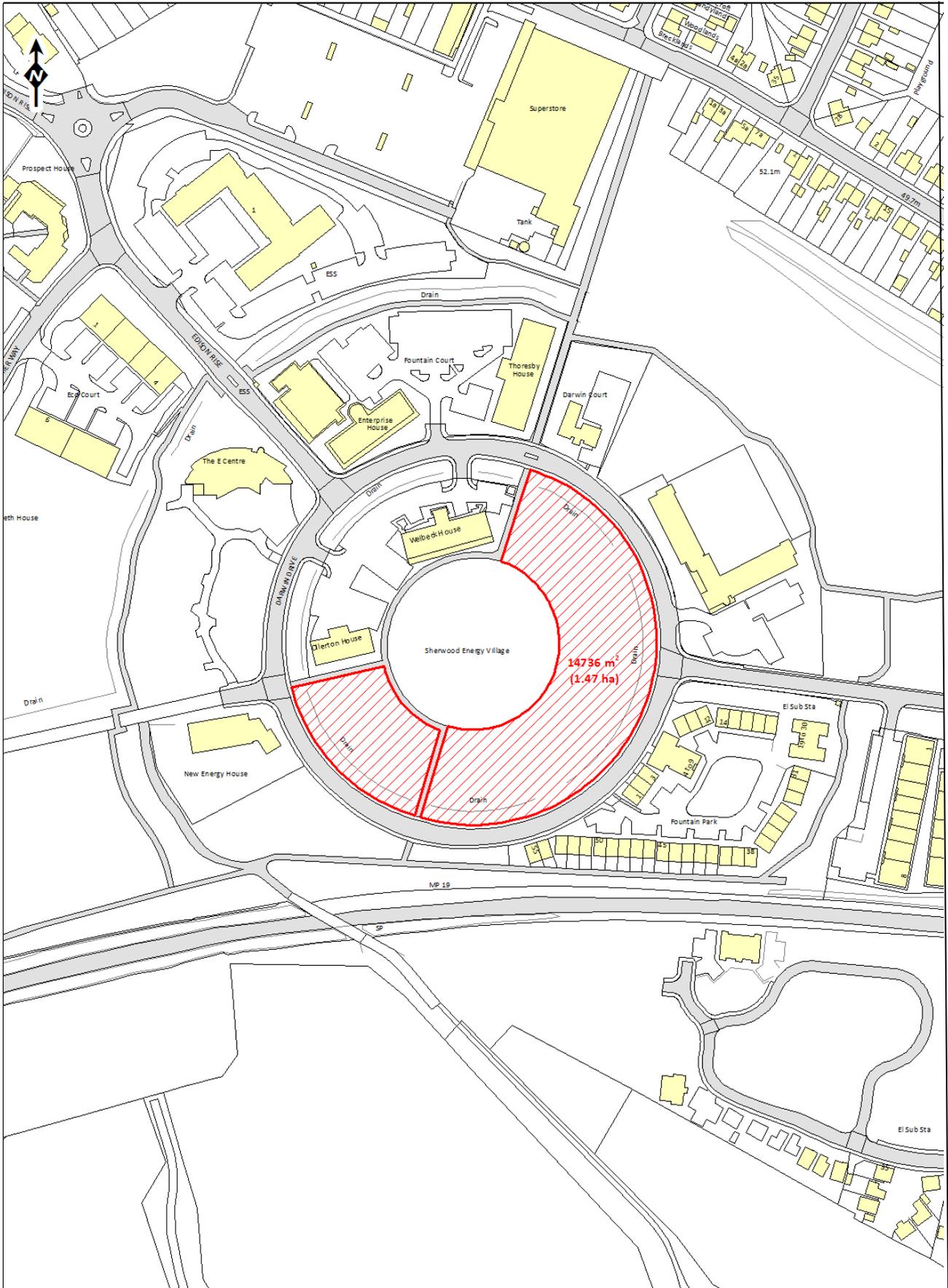
Application case file.

For further information, please contact Martin Russell on 01636 655837.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00902/FULM



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Application No:	16/01424/FUL	
Proposal:	Extension to Annexe to create a 4 bedroom dwelling and erection of a new garage.	
Location:	Annexe Burgage Cottage, Burgage Lane, Southwell, NG25 0ER	
Applicant:	Mr & Mrs Freeman	
Registered:	23 September 2016	Target Date: 18 November 2016

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

The Site

The site is located within the main defined built up area of Southwell and within its Conservation Area. The property itself is not listed but it is surrounded by 5 listed buildings and associated walls.

The site is currently occupied by a two storey part rendered and part brick property located on the back edge of the public highway to the south of the site in use as a dwelling. It has a detached outbuilding to the east which is part two storey however a mezzanine has been inserted on part of the top floor served by a third floor window in the north elevation. The outbuilding is currently used as an annex (bedroom, with internal mezzanine area above, study and shower room) and additional ancillary accommodation (games room).

The property is accessed directly from the highway through an existing gated vehicular and pedestrian timber gate sited between the existing dwelling and the outbuilding.

The only amenity space is located to the north of the property and is mainly laid to lawn with gravel paths. There is a timber pergola to the north of the outbuilding over an existing external seating area and a detached small modern outbuilding (attached to the rear boundary (listed wall) which is used to store garden equipment.

The rear garden is bounded by a 2-2.5m high boundary wall (as experienced from within the garden of the host property) which in some parts is listed in its own right, or listed through attachment to listed structures.

Relevant Planning History

04/03019/FUL - Extension and alterations to existing annexe to form separate 3 bed dwelling and new garage (re-submission of 04/01294/FUL) – Approved 21.03.2005 but not implemented.

04/01294/FUL - New dwelling (separating existing buildings onto two plots) creating extension and

alterations to provide 3 bed dwelling – Refused 05.08.2004

04/01293/FUL - Erection of an extension to existing dwelling – Approved 05.08.2004

900750 - Conversion and extension to form annexe – Refused 28.05.1991

The Proposal

Full planning permission is sought for the erection of an extension to the existing annexe to create a new 4 bedroomed dwelling, separate the annexe garden to divide the plot into two associated amenity spaces. The proposal also includes the widening of the existing driveway by removal of the existing brick pillars and gate and insertion of new, and the erection of a new detached garage to the north of the site with a new access driveway to it.

The new dwelling accommodation comprises the following facilities. On the ground floor there is a lounge, dining room, kitchen, utility, W.C, 2 bedrooms, bathroom and dressing room. On the first floor there are 2 bedrooms, one en-suite and dressing area and one bathroom.

The application is supported by a combined Planning Statement and Design and Access Statement in which it states that because of a diagnosis of Parkinson's and Dementia it is necessary for the applicant to live in the extended annex accommodation where bedrooms will be provided on the ground floor together with a disabled accessible bathroom. The first floor accommodation is for family members visiting the property.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 14 – Historic Environment

Allocations and Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Southwell Neighbourhood Plan (adopted 2016)

Policy SD1 – Delivering Sustainable Development

Policy DH1 – Sense of Place

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Southwell Town Council - Agree to support the planning application.

NCC – Highway Authority – The shared access to this site is poor in terms of:

- Its width and the ability for two cars to easily pass one another, particularly at the Burgage Lane end where, if two vehicles were to meet, one would have to reverse, and potentially do so on the highway.
- Visibility for drivers emerging from the access to see vehicles approaching on Burgage Lane.
- The gated access which requires a driver to leave their vehicle on the carriageway whilst opening or closing the gates.
- Its position on a narrow street with on-street parking occurring on the opposite side of the road which severely restricts the ability to turn in/out of the access.

Given the above, any lack of accessibility could also lead to drivers parking their vehicles on-street to the detriment of other users of the highway. Any intensification of this access should be resisted.

Therefore it is recommended that this application be refused on the grounds that the intensification of vehicle movements associated with the proposal would be detrimental to highway safety.

NSDC - Conservation - The application site is a complex of traditional buildings within Southwell Conservation Area. There is the main house, a roofed gated enclosure which retains rounded brick piers internally and a further two storey structure, which is currently used as an outbuilding but which once had its own curtilage, according to historic maps, and was probably once a separate cottage. While the outbuilding has a modern single storey addition now (seemingly built off the boundary wall), its footprint seems to mirror the historic footprint suggesting the outbuilding used to be an L-shaped building.

The main house and outbuildings are positive historic buildings within the Conservation Area of Southwell.

To the east is the Grade II listed house The Burgage. The boundary wall to the south of The Burgage is specifically listed in its own right, the extent of this listing is shown to stop at west side of the gate, but on site there did not appear to be any obvious break in the listed boundary and the wall of the outbuilding (although the ivy cover was quite dense). As such I believe the proposal

to take down and rebuild the street facing wall of the attached outbuilding will need Listed Building Consent as it ties directly into the listed wall and details would need to be sensitively controlled if this application is allowed.

I think there is scope to extend the existing outbuilding to create a separate dwelling here and it appears to have been a separate property once. However, I am concerned the proposed additions are out of scale and of an incongruous form for this modest structure.

I have no objection to the raising of the ridge of the existing single storey section of the outbuilding, to create a one and a half storey structure, and this elongated catslide pantile roof seen from the road is not necessarily out of character, with many traditional and vernacular buildings having cat slide roofs. I also appreciate that the ridge would be kept below the ridge of the main part of this outbuilding. I also have no objection to windows being inserted into the roadside elevation, which may once have had this kind of appearance as the historic plans suggest there was a structure here. I would rather see the rooflights pushed to the rear elevation to avoid an overly modern appearance on the street front.

The issues come from trying to create a footprint far in excess of what a modest cottage could have created, which has led to a flat roofed section, roofed with two high level lanterns. I appreciate this allows two complementary roof pitches but the flat roofed area in between is incongruous, as are the high level roof lanterns.

I also feel the large, rear, gabled extension, at right angles to the host building, is out of character. The resultant gable width is far in excess of those traditionally seen on the host building and on historic buildings generally, and is giving it a modern and overly imposing feel. The venetian style window and door arrangement is also overly grand for what appears to have been a modest structure.

A more minor point, but a loss nevertheless, is that the proposed widening of the street facing gates will remove the attractive rounded gate piers which would be a nice feature to retain.

While there will be scope to extend and reconfigure the existing outbuilding/former cottage, I think the proposals as submitted harm the simple and modest form and scale of this structure and would need to be re-thought as to the level of accommodation this structure is capable of yielding. I do appreciate that the majority, although not necessarily all, the proposals will not be visible from the public realm, however conservation status is very clearly about character and appearance, and this traditional building contributes directly to the character of the area.

I think the proposals would fail to meet the statutory test of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and would harm the character and appearance of the Conservation Area of Southwell by eroding a character property which contributes positively to the area.

I have no objection to the proposed demolition of the modern concrete block outbuilding to the rear of the plot. This is of no special architectural or historic interest. The structure is joined, albeit by virtue of flashing, to the wall at the rear, which forms the enclosure to the listed cottage behind. Again, its removal would be best covered by a Listed Building Consent, and this should ensure the retention of the large pillar in this area. This pillar will need to then be capped in some way to provide weatherproofing, as it is currently flat topped but protected by the modern structure.

If these are to become two separate dwellings how is the curtilage going to be divided up?

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

NSDC - Access and Equalities officer – Observations regarding inclusive access and facilities for all and compliance with Approved Document M of the Building Regulations.

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

- No objections to the plans but seek clarification on the following points:
 - a) Will the new garage be detached from the listed party wall and will there be sufficient space should any repairs be needed?
 - b) Will the gable end overshadow neighbouring properties?
- Garage is twice the size of the existing store and will have an overbearing impact on surrounding properties;
- Position of the garage will overshadow surrounding properties and gardens;
- Garage will affect the foundations of the listed boundary wall and property;
- Surface water run-off from the parking area would cause dampness to their garden and the boundary wall;
- Not in-keeping with the character of the area;
- Potential damage to the root system of the trees within The Burgage (lime trees);
- Increase in noise and light pollution due to the siting of the parking area and garage to the rear of the site;
- Would lose the view of the Southwell Minister from inside certain rooms of neighbouring properties.

Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) the impact on the conservation area and listed buildings, 2) the impact on the residential amenity of surrounding occupiers, and 3) the impact on highway safety.

Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Spatial Policy 1 and 2 state Southwell plays a Service Centre role within the hierarchy of settlements. Service Centres have a good range of local facilities including schools, good public transport and local employment. Its main focus is for service provision for a large local population and the rural hinterland as well as specifically providing 15% of Service Centre housing growth. The application site is located within the main defined built up area of Southwell and therefore it is considered that the principle of new residential development in this location is considered to be acceptable. Nonetheless other material planning considerations are still applicable and these are outlined in detail below.

Impact on the Conservation Area and Listed Buildings

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy Core Policy 14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Core Policy 9 of the Core Strategy states that all new development proposals will be expected to contribute to and sustain the rich local distinctiveness of the District and achieve a high standard of sustainable design that is appropriate in form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that the rich local distinctiveness of the District's character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

As an unlisted building in the conservation area, the existing building contributes positively to the character and appearance of the Conservation Area. Paragraph 137/138 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. The legal framework is set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that with respect to any building in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The two storey outbuilding has an existing single storey side extension to which the southern elevation forms the boundary of the site with the public highway. The proposed extension to the east of the existing outbuilding is higher than the existing single storey to create accommodation above and single storey to the north. The proposed side extension has raised considerable concerns from the Council's Conservation officer due to the impact on the appearance of the wider conservation area. The two storey extension, due to the scale and form, is considered to be out of character with the traditional design of the original outbuilding. The design includes a footprint far in excess of what a modest cottage could have created which has led to a flat roofed section, roofed with two high level lanterns. Although this injects a contemporary touch to the design, the roof pitches and the flat roofed section are incongruous, as are the high level lanterns. The proposal also includes new windows facing Burgage Lane but to which the Council's Conservation officer raises no objection.

The new single storey extension to the rear has a wide footprint which leads to a wide gable end which dominates the north (rear) elevation, and this coupled with the two storey side extension erodes the original scale, form and detailing of the original outbuilding. In fact the original outbuilding is completely hidden by the proposed alterations and the result is an incongruous and disjointed property which is at odds with and harms the character and appearance of the surrounding conservation area. The outbuilding originally was a modest cottage however the extension appears to try to gain too much accommodation from it. The mock venetian windows on the rear of the single storey extension are an incongruous feature within a traditional cottage and are at odds with the original building and harm the simple and modest form and scale of this structure.

The existing outbuilding to the north of the site is a modern addition built against the existing listed wall and no objection is raised to its demolition although due to its connection to the listed

wall, listed building consent would be required prior to its demolition. The replacement structure however is a proposed double garage which is detached from the existing boundary walls. The garage is approximately 2m above the boundary wall which adjoins to The Grey House and Burgage Cottage which are both Grade II Listed. I do not consider the siting of the new garage building to be harmful to the character or appearance of the conservation area or to cause harm to the special architectural or historical significance and setting of the surrounded listed buildings.

The existing vehicular access includes two attractive rounded gate piers which contribute positively and add to the character of the existing buildings, and the proposed widening of the existing access, would result in these attractive architectural features being lost.

The Council has recently adopted the Southwell Neighbourhood Plan which forms part of the Development Plan. Policy DH1 (Sense of Place) states *"it is important that new development takes account of the opportunities and constraints offered by individual sites and by the wider settlement, to deliver contextually responsive design solutions that will stand the test of time."*

Policy SD1 (Delivering Sustainable Development) states *"proposals for sustainable development will only be supported where they demonstrate"* (amongst other criteria) *"that account has been taken of the Southwell Design Guide to help ensure that it is appropriate to the location, enhances the natural and built environments and is energy efficient."* The Southwell Design Guide states that *"all new development should respond to the unique characteristics of the site and its context. Proposals should take the lead from the local vernacular of existing buildings when considering orientation, form, density, mass, height, layout, building line)..."* *"Development inappropriate or uncharacteristic within the context of Southwell in its design should be avoided."*

These policies are considered to only enhance the conclusion that the proposed inappropriate extensions to the existing outbuilding and the loss of architectural features of the existing access would cause harm to the character and appearance of the surrounding conservation area. As such, under Section 72 of the Act, the proposal is considered to be contrary to Core Policies 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the ADMDPD, Policies DH1 and SD1 of the Southwell Neighbourhood Plan as well as the NPPF and PPG which are material planning considerations.

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 and light upon neighbouring development.

Concern has been expressed during the processing of the application that the proposal would cause harm to the amenity of surrounding occupiers. I do not consider that the proposed extensions to the existing outbuilding would cause specific harm to the amenity of surrounding occupiers; however the erection of the garage does cause concern due to the siting, scale and the ground levels change between the application site and adjoining properties of Grey House and Burgage Cottage.

The application site is located on land approximately 1m higher than the courtyard of Burgage Cottage. The proposed garage has a ridge height of approximately 2m above the height of the boundary wall, even with the garage being dug down into the ground by 0.6m. Taking this into

consideration and levels difference between the application site and Burgage Cottage I consider the garage would cause significant direct harm to the amenities of the occupiers of Burgage Cottage, with regard to overshadowing of principle habitable rooms and overbearing impact, due to the height, massing and siting of the garage. Burgage Cottage, a Grade II listed building, has a small courtyard to the rear of the property which is approximately 1m in depth to the boundary wall and is a traditional cottage with the kitchen to the rear. The proposed garage would result in an imposing development which would harm the amenity of the occupiers.

It is also considered that The Grey House would be impacted negatively from the erection of the garage. The Grey House is Grade II Listed and has windows facing the application site. The height, massing and siting of the garage would cause a loss of light and overbearing impact to the detriment of the amenities of the occupiers. The Grey House abuts the corner of the boundary wall where the proposed garage is proposed to be sited and as such there would be a direct harmful impact.

As such the proposal is considered to cause significant harm upon the amenities of the adjoining occupiers of Burgage Cottage and The Grey House which is contrary to policy DM5 of the ADMDPD.

Highways and parking

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 application has received a strong objection from Nottinghamshire County Council Highway Authority. Although the site already has an existing vehicular access this only serves one property. The existing access is already below the standards required by highway guidance to serve housing development and to intensify that substandard access is considered to cause an increased risk to highway safety. Cars would have to wait on the highway to access the site due to the presence of the gates, the visibility for drivers emerging from the access to see oncoming vehicles is compromised due to the existing built development around the access. In addition, the width of the access and inability for two cars to pass one another particularly at the Burgage Lane end. If two cars meet, one would have to reverse potentially out onto the highway, and access into and from the site is compromised due to the parking of on-street vehicles on Burgage Lane which is particularly narrow.

Therefore the use of the existing access to serve more than one property is considered to be detriment to highway safety which is contrary to Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD.

Flood Risk and Drainage

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. However, Southwell has experienced problems with surface water flooding in recent times which is a concern. The proposal would not result in a considerable increase in the amount of hardsurfacing and there would still be a significant degree of permeable surfaces into

which surface water would be able to soak away. It is therefore considered that the proposal would not significantly increase the surface water run-off to the detriment of the surrounding area.

Overall, the development accords with Policy Core Policy 9 and 10 of the Core Strategy.

Impact on Trees

In accordance with the aims of Core Policy 12, Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Concern has been expressed with regard to the presence of a row of mature lime trees that run along the other side of the eastern boundary of the application site and the impact of foundations of both the extension to the outbuilding and the proposed double garage on the longevity of these trees. No information has been submitted to demonstrate that the proposals would have no impact on the health and wellbeing of these trees and whether any mitigation measures would be required. As such, it is considered that the lack of supporting information to ascertain the impact on trees represents a further reason for refusal of this application as being contrary to Core Policy 12 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD and.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The site was deemed unlikely to be used by protected species and the proposal would not have an adverse impact upon ecology in accordance with the aims of Core Policy 12.

Other issues

The Conservation Officer has noted that the boundary wall to the front of the site may need to be taken down and re-built to construct the extension. The wall to the east of the site belongs to The Burgage which is Grade II Listed and there does not appear to be an obvious break in the wall to insinuate two different walls. Therefore to enable the wall to be removed and the extension constructed, listed building consent would be required to rebuild the outbuilding street facing wall.

The personal circumstances of the applicant have been noted, however, this cannot outweigh the planning considerations that currently weigh heavily against the proposal.

Conclusion

In conclusion it is considered that the design of the extension to the outbuilding would cause substantial harm to the character and appearance of the conservation area, the scale, massing and siting of the garage building would cause harm to the amenities of the adjoining properties and the intensification of the access would cause a detrimental impact upon highway safety due to its substandard width and access and egress on Burgage Lane.

RECOMMENDATION

That full planning permission is refused for the following reasons;

01

In the opinion of the local planning authority, by virtue of the inappropriate scale, massing and design of the extensions to the detached outbuilding and the loss of architectural features, the proposal would erode the original modest and traditional character of this building, which contributes positively to the area, to the extent that the character of the outbuilding which would be dominated and over-powered by the incongruous new additions.

As such the proposal is considered to cause less than substantial harm to the character and appearance of the conservation area which is contrary to Core Policies 9 and 14 of the Core Strategy DPD, Policies DM5 and DM9 of the Allocations and Development Management DPD, Policies DH1 and SD1 of the Southwell Neighbourhood Plan and the NPPF which is a material planning consideration.

02

In the opinion of the local planning authority, by virtue of the height, massing, orientation and proximity of the proposed double garage, this element of the proposal would result in an overshadowing, loss of light and over-bearing impact on habitable room windows serving the dwellings directly to the north and north-east of the application site.

As such the proposal is considered to be detrimental to the amenities of occupiers of these dwellings and therefore contrary to Policy DM5 of the Allocations and Development Management DPD and the NPPF, which is a material planning consideration.

03

The existing access to and from the site is currently inadequate, by virtue of the width of the access, the restricted visibility when leaving the site onto Burgage Lane, the presence of the gate on the back edge of the highway and enclosing the access which results in vehicles having to wait on the public highway for the gate to open when vehicles seek to enter the site from Burgage Lane. Burgage Lane is a narrow lane with on-street parking making which severely hinders access and egress to and from the site. The proposal will result in an additional dwelling using this existing sub-standard access and this intensification would result in a detrimental impact upon highway safety.

As such the proposal is considered contrary to Spatial Policy 7 of the Core Strategy DPD and Policy DM5 of the Allocations and Development Management DPD and the NPPF which is a material planning consideration.

04

There is a row of mature lime trees that run along the other side of the eastern boundary of the application site, in close proximity. Both part of the proposed extension to the outbuilding and the construction of the double garage would be in close proximity to the eastern boundary of the

application site. No tree survey has been submitted to demonstrate the impact the proposals would have on these trees and as such, the local planning authority is unable to come to an informed view on this material consideration.

As such the proposal is considered to be contrary to Core Policy 12 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD and SD1 of the Southwell Neighbourhood Plan.

Notes to Applicant

01

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

02

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

BACKGROUND PAPERS

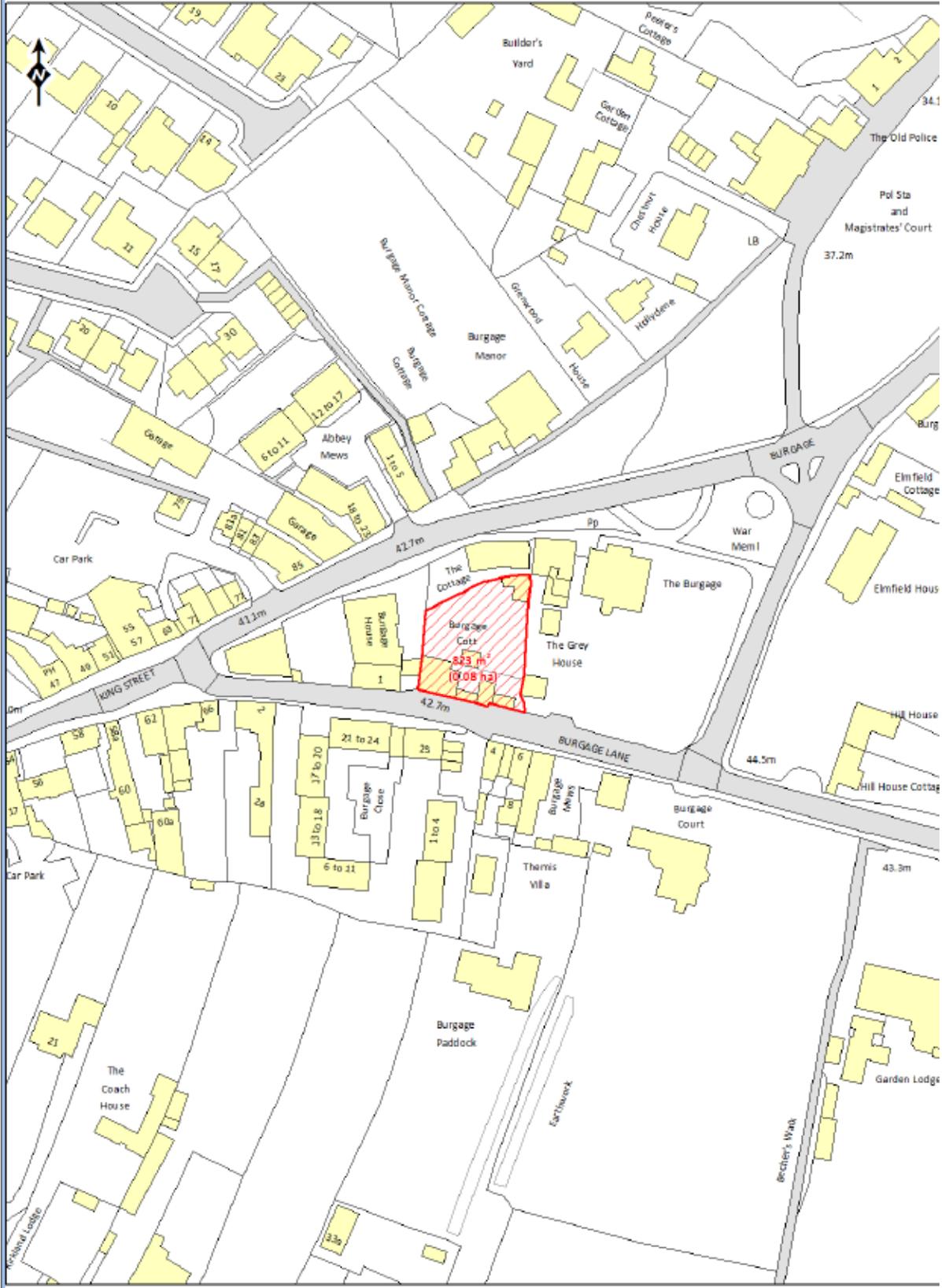
Application case file.

For further information, please contact Lynsey Tomlin on ext 5329.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01424/FUL



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Application No:	16/01563/FUL	
Proposal:	Demolition of the existing dwelling and proposed replacement dwelling	
Location:	Orchard End, Bishops Drive, Southwell, Nottinghamshire, NG25 0JP	
Applicant:	Mr Lenagh	
Registered:	4th October 2016	Target Date: 29th November 2016

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

The Site

The site is located within the settlement envelope of Southwell and within the boundaries of the Southwell Conservation Area. The existing dwelling lies immediately northwest of Bishop’s Drive which itself is a single track road, leading southeast off the main A612.

The site’s access runs directly off Bishop’s Drive through a gap in the front boundary hedge. The building is currently renovated and there are containers and hoarding to the frontage of the site in connection with the building works. The current dwelling is sat forward of the plot at the frontage with a substantial rear garden commensurate with the size of the remaining plots running southwest towards the memorial ground.

Relevant Planning History

16/01378/NMA - Application for a non-material amendment to planning application 15/02243/FUL to amend the roof over the proposed garage and details of proposed materials – Refused September 2016.

15/02243/FUL - Householder application for proposed two storey extensions to the front, side and rear, single storey rear extension, internal alterations and boundary wall (re-submission of 15/00631/FUL) – Approved March 2016.

15/00631/FUL - Planning permission refused for the erection of two storey extensions to the front, Side and rear, a single storey rear extension, internal alterations and a boundary wall – June 2015, and dismissed at appeal.

06/01158/FUL - Planning permission granted for the demolition of the existing southwest boundary wall and rebuilding on new concrete foundations – September 2006

06/01159/CAC - Conservation Area Consent granted for the demolition of boundary wall – September 2006

08/00282/CAC - Conservation Area Consent granted for the demolition of the existing house and garage – April 2008

08/00283/FUL - Planning application withdrawn for the erection of a replacement dwelling – April 2008

08/01743/FUL - Planning application withdrawn for the erection of a replacement dwelling – October 2008

09/00108/FUL - Planning permission granted for erection of replacement dwelling – March 2009

12/00316/FUL - Renew the 2009 permission – 13 June 2012

The Proposal

Planning permission is sought for the demolition of the existing property and a replacement detached dwelling.

The proposed dwelling will be rectangular in shape with the front projection of a 1.5 storey attached garage on the eastern elevation. The house as a whole will measure approximately 17m wide and 10m long. It will feature a pitched roof measuring 5m to the eaves and a total height of 7.2m high to the ridgeline.

The 1.5 storey front extension for the garage and bathroom above will project 5.65m from the main front elevation of the property, it will be 6.34m wide and measure 2.4m to the eaves and 5.4m to the ridgeline. The garage is proposed to have two projecting gables and will sit approximately 2.3m from the front common boundary.

The house is very similar in design to previously approved extensions under application 15/02243/FUL, approved in March 2016, the main change to the overall design being an amendment to materials and a new roof formation for the front projecting garage. The design also includes the addition of a chimney on the side gable elevation. The house has been designed to have a two storey pitched glazed feature to the frontage with two gable end features to the rear elevation.

The proposed materials for the development will feature brick, render and timber cedar panels with a tiled roof. Solar panels are also proposed to be installed on the roof.

The proposed boundary will feature a wall clad with cedar (1.9m high) to match the dwelling and it will also include an electric gate.

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Strategy 1: Settlement Hierarchy

Spatial Strategy 2: Spatial Distribution of Growth

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

SoAP1: Role and Setting of Southwell

Allocations & Development Management DPD (adopted July 2013)

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Southwell Neighbourhood Plan (adopted October 2016)

Policy SD1 – Delivering Sustainable Development

Policy DH1 – Sense of Place

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Southwell Conservation Area Appraisal 2005

Historic Environment Good Practice Advice in Planning – Note 2 – Managing Significance in Decision-Taking in the Historic Environment

Historic England Advice Note 2 – Making Changes to Heritage Assets

Consultations

Southwell Town Council – The Planning Committee objected unanimously to the application for the following reason:

The fence is a dominant feature on a narrow road and has an enormous and detrimental impact on the streetscape.

NCC Highway Authority - This proposal is for a replacement dwelling, following demolition of existing. There is a new access proposed onto the public highway, which should be constructed in accordance with the specification of the Highway Authority.

Therefore, there are no highway objections to this proposal subject to the following:

- 1. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan. Reason: In the interests of highway safety.*
- 2. No part of the development hereby permitted shall be brought into use until the existing access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority. Reason: In the interests of highway safety.*

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

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

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

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

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

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

similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

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

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

NSDC Contaminated Land – The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). 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.

NSDC Conservation Officer – Orchard End is located within Southwell Conservation Area, on a quiet informal lane leading to the main public recreation ground in Southwell, which is Memorial Park. Memorial Park forms part of a wider tract of land which once comprised a medieval hunting park. The site is also in close proximity to the Grade I listed Bishops Manor as well as other Grade II listed properties along West Gate. Bishops Drive gave access to the Manor and in the C20 received various infill properties behind historic buildings on Westgate. These C20 properties are relatively large detached buildings, but with limited impact on the public realm, being set back from the street front and single storey in some cases. This retains the informal quality of Bishops Drive, in keeping with the adjacent open park. The host property Orchard End is a C1960s/70 detached dwelling of no particular architectural or historic interest. I have no objection to demolition and replacement of this building, subject to design.

There has been extensive planning history at this site and the principle of a radical and contemporary alteration has already been approved. The Council won an appeal a previous refusal, the key feature being the impact of a proposed tall gable extension brought close to the pavement edge. This feature was amended in a subsequent approval.

I see that this application is similar to the previous approval, although for a new house rather than extensions, but the finished house is very similar. I also believe it sits in the plot in the same location and does not alter in height or location the front gable, which was the subject of the above appeal. The main difference is a slight amendment to materials and a new roof formation for the front projecting garage, which has now gained two projecting gables. This change in roof design for the garage does give this section of roof a rather unusual form, but it is on a host building with an overtly modern appearance which can more readily accommodate unusual features, than say a very traditional historic cottage. The house is also adjacent to other modern

properties so has no need to be an overtly traditional form. The two additional gables are set back from the front gable edge of the garage, and then are pitched back into the house, so the additional bulk will not be imposing from the road. I do prefer the earlier approved scheme, but do not think this revised scheme will cause harm to the character and appearance of the conservation area as I do not think it will make the gable close to the road too imposing.

The proposed materials are contemporary but simple and pale in colour in palate, which will not be out of character here. They appear to be very similar to those previously approved with a slightly pale brick and timber selected.

As such, subject to condition, I have no objection to this application.

No representations have been received from local residents or other interested parties.

Comments of the Business Manager

Principle of Development

The site is located within Southwell which is identified in Spatial Strategy 1 and 2 as a Service Centre where the provision of housing is supported to meet local housing need. Policy SoAP1 supports these policies referring to the development of Southwell as a Service Centre and encouraging the development of housing. This is further supported by Policy DM1 of the Allocations and Development Management DPD which states that in Service Centres proposals for housing will be supported. The principle of a replacement dwelling in Southwell is supported in policy terms.

Policy DM5 sets out the requirements for new development and that all new proposals should be assessed against certain criteria. The criteria relevant to this proposal are access, parking, residential amenity and local distinctiveness and character.

As the site lies within the Conservation Area for Southwell, the Local Planning Authority has a duty to give special attention to the desirability of preserving or enhancing the character or appearance of buildings in conservation areas under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').

The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). Local Planning Authorities should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

Core Policy 14 and Policy DM9 of the Council's LDF DPDs both provide advice on considering impact on the historic environment. Key issues to consider in proposals for new development within conservation areas, therefore, are proportion, height, massing, bulk, use of materials, land use, relationship with adjacent assets, alignment and treatment of setting.

The Council has recently adopted the Southwell Neighbourhood Plan which forms part of the Development Plan. Policy DH1 (Sense of Place) states "it is important that new development takes account of the opportunities and constraints offered by individual sites and by the wider settlement, to deliver contextually responsive design solutions that will stand the test of time."

Policy SD1 (Delivering Sustainable Development) states "proposals for sustainable development will only be supported where they demonstrate" (amongst other criteria) "that account has been taken of the Southwell Design Guide to help ensure that it is appropriate to the location, enhances the natural and built environments and is energy efficient." The Southwell Design Guide states that "all new development should respond to the unique characteristics of the site and its context." "Development inappropriate or uncharacteristic within the context of Southwell in its design should be avoided."

Impact upon Character of Area

The existing property is set centrally within a large curtilage and is set approximately 8m back from the front boundary with Bishops Drive. One single storey detached garage is located to the north of the main dwelling.

The proposal is to reconstruct a two-storey dwelling, similar to the resultant approved extended dwelling. The house has been designed to have a two storey pitched glazed feature to the frontage with two gable end features to the rear elevation. The proposal would be in the same location as the existing house and approved extensions. The difference to the approved extensions is a slight amendment to materials, a new roof formation for the front projecting garage which has now gained two projecting gables and an external chimney on the side gable elevation.

The existing building on the site is itself of no architectural or historical interest and therefore the demolition of this building and the reconstruction of a modern contemporary dwelling is considered acceptable in principle in terms of the contribution made to the character and appearance of the Conservation Area and its impact upon visual amenity. The dwelling would be sited adjacent to other modern properties and does not need to be traditional in appearance. The proposal is so similar to the previously approved extensions to the property, with the exception of the garage roof, gable end chimney and materials, that the revised scheme is not considered to cause harm to the character and appearance of the area or the designated Conservation Area.

The proposed change in roof design on the garage is rather unusual in its form but as a single storey projection onto a modern property it would not be too dominant or out of character.

The proposed materials are contemporary but simple and pale in colour which will not be out of character in the surrounding area. The proposed materials are very similar to those previously

approved with a slightly pale brick and timber selected. It is not considered that the materials would unduly harm the character and appearance of the designated Conservation Area.

The Conservation Officer has raised no objection to the proposal and considers that the revised scheme will not cause harm to the character and appearance of the conservation area.

Southwell Town Council have objected to the application but solely on the basis of the erection of the boundary fence as it would be dominant in the narrow road and would have a detrimental impact on the streetscape. Whilst this concern is noted, the previous application on the site, 15/02243/FUL, approved an identical fence along the front boundary and therefore it would be unreasonable for the Local Planning Authority to refuse planning permission for a boundary treatment that already has the benefit of planning permission. I would, however, recommend that further details of the wall and associated gate are conditioned to ensure they are appropriately designed for their setting in line with the previous approval.

Overall, the replacement dwelling is considered to be acceptable in design and would not cause harm to the character and appearance of the designated Conservation Area.

Impact upon Residential Amenity

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

Due to the large curtilage surrounding the applicant's property, and the existing relationship with neighbouring properties, the proposed replacement dwelling is not considered to have an overbearing impact on neighbouring residents. The closest part of the proposed development will sit approximately 1m from the northern boundary, and 3m from the southern boundary. The closest property to the north, Popely's Place sits at an angle to the proposed dwelling and at least 19.5m away. The dwelling to the south, The Retreat, is set back from the building line of Orchard End and approximately 8m away from the closest part of the proposed dwelling.

There are rear balconies on the proposed west elevation but these have been designed to be recessed within the footprint of the building along with full height side walls, eliminating any overlooking into neighbouring properties.

The siting of the proposed replacement dwelling, in relation to the boundaries of the site and neighbouring properties ensures that there will be adequate separation distances between the dwellings to meet the needs of privacy and have no detrimental impacts on the amenities of neighbouring properties by way of either overlooking or overbearing impact. As such, the proposal accords with Policy DM5 of the Allocations and Development Management DPD.

Highway Matters

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 application proposes a four bedroom property with an integral double garage. The proposed development is to be accessed from Bishop's Drive which is a single track road. The site can provide satisfactory on-site parking and turning areas as well as acceptable visibility when accessing the site. The Highway Authority has no objection to the proposal, subject to the imposition of conditions with regards to hardsurfacing and closure of the redundant access. It is not considered that the development would have a detrimental impact on highway safety and therefore accords with Spatial Policy 7 and Policy DM5.

Conclusion

The application seeks consent for a replacement dwelling of similar scale and design to extensions approved under a previous application to the existing dwelling. The replacement dwelling would be modern but would replace an already relatively modern building which has a neutral contribution to make to the character and appearance of the Conservation Area.

The proposal is a resubmission of a householder application which approved significant alterations to the property including extensions forward of the principal elevation comprising a garage and first floor accommodation. This proposal relates to minor alterations to the approved scheme with changes to the roof of the garage, materials and the addition of a chimney on the end gable elevation.

The proposed replacement will not be harmful to the character and appearance of the Conservation Area; the alterations to the garage roof is subservient in scale and therefore does not dominate the appearance of the dwelling, nor does the proposal disrupt a uniformed street appearance given the various building types and designs within the locality.

The proposal would not adversely impact the amenities of any neighbouring properties or highway safety.

It is therefore concluded that this application is recommended for approval, subject to conditions, as it is considered that the proposal complies with the relevant local and national planning policies.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site Plan – S114/1085/3 Rev.B
- Proposed Site Plan – S114/1085/4 Rev.B
- Proposed Extension and Alterations – S114/1085/2 Rev.D

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

Reason: So as to define this permission.

03

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

- Facing materials
- Bricks
- Roofing tiles
- Cladding
- Render

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

Notwithstanding the details submitted, no development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves

- Extractor vents
- Flues

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

Notwithstanding the details submitted, the development hereby permitted shall not commence until scaled elevation plans and details of materials of the proposed boundary wall and gate have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area and in the interests of the visual amenity of the area.

06

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

07

No part of the development hereby permitted shall be brought into use until the existing access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the

Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Please Note: CIL Self-Build Exemption must be applied for prior to commencement of works, this is not an automatic exemption and Regulations do not allow for the exemption to be applied retrospectively'.

02

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

BACKGROUND PAPERS

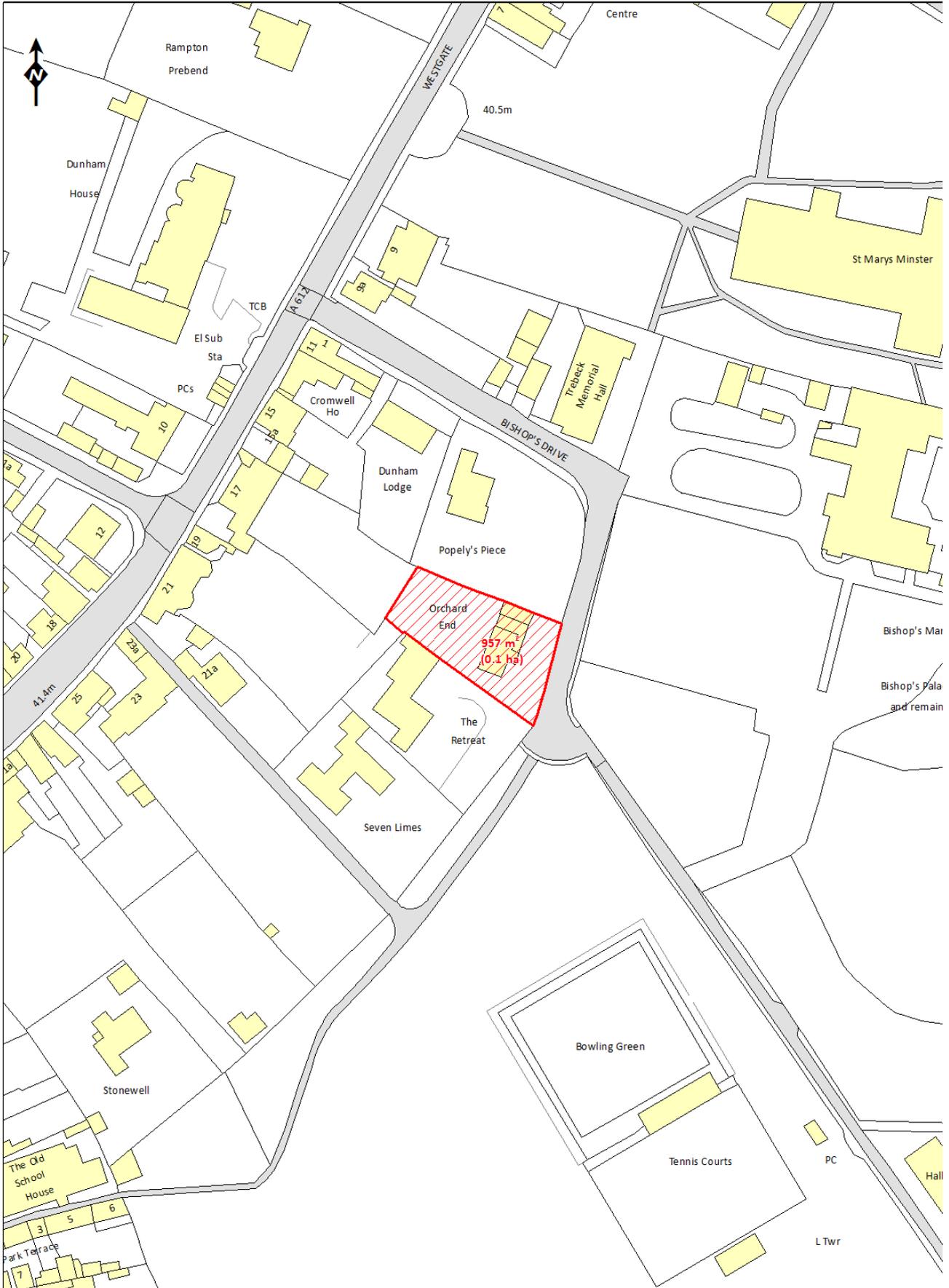
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01563/FUL



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Application No:	16/01501/FUL	
Proposal:	Proposed erection of 3no. 2-bedroom dwellings and 2no. 4-bedroom dwellings	
Location:	Land adjacent Brookfield, Epperstone Road, Lowdham, Nottinghamshire, NG14 7BU	
Applicant:	Mr Owen	
Registered:	21 September 2016	Target Date: 16 November 2016
	Extension of Time Agreement until 9 December 2016	

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

The Site

The site is an allocated housing site, allocated through Policy Lo/Ho/2 of the Allocations and Development Management DPD. It is located within the defined built up village of Lowdham, a Principal Village as defined by the Core Strategy. The site is just excluded from the Nottingham-Derby Green Belt which lies immediately to the north-east and south-east of the site. The site consists of a grass field that is relatively flat. The site is accessed via a private drive from Epperstone Road which slopes uphill from the main highway.

To the rear of the site lies another field which is in use for grazing sheep. A further field lies to the east side, beyond which is a public footpath. To the front (south-west) of the site lies a two-storey house at no.12 Epperstone Road that is located on marginally higher land than the site. This house has side windows facing onto the application site. To the north-west side lies a bungalow which is separated from the site by a 1.8 metre hedge. There are two further properties beyond this bungalow.

Relevant Planning History

14/02020/FUL - Proposed erection of 4 No. dwellings and garages, approved 23.04.2015 under delegated powers. Not implemented.

The Proposal

The application seeks full planning permission for the erection of 5 no. dwellings with access via the existing private drive. Plots 1 and 2 comprise a pair of 2-bedroom semi-detached dwellings,

plot 3 a two-storey 4-bedroom dwelling, plot 4 a 2-bedroom two-storey property and plot 5 a two-storey 4-bedroom dwelling and detached garage. The dwellings are proposed to be constructed with a mix of brick, cladding and render with either a clay tile or slate to the roof.

Departure/Public Advertisement Procedure

Occupiers of thirteen properties have been individually notified by letter.

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 1: Affordable Housing Provision

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policy Lo/HN/1: Lowdham Housing Need

Policy Lo/Ho/2: Lowdham – Housing Site 2

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM2: Development on Allocated Sites

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Lowdham Parish Council – Object to the proposal on the following grounds,

- 1. Narrow single track gravel lane with no passing places is unsuitable for access to what would be nine properties.*
- 2. Access on to Epperstone Road from gravel surface, onto an increasingly busy road which already has issues with parking from the nearby Primary school and a recent accident.*

- 3. It was recommended that the access road was adopted, widened and made more suitable for increased traffic including delivery and utility vehicles*

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

NSDC Planning Policy –

MAIN POLICY CONSIDERATIONS ON THE PRINCIPLE OF DEVELOPMENT

Allocations & Development Management DPD – Allocates site under Policy Lo/Ho/2 for residential development providing around 5 dwellings. Sets out four specific criteria that require satisfying an addition to the general policy requirements of the Core Strategy and the A&DM DPD.

Policy Lo/HN/1 states that the majority of housing on the site should be two bedroom units to meet the needs of the local community.

Various Development Management Policies will also be relevant to the consideration of the detail of the proposal.

ASSESSMENT

The application site matches the area of Policy Lo/Ho/2 and proposes 5 dwellings. The majority of dwellings (3) are 2 bedroom units. The site specific criteria relating to hedgerows, management of surface water and access appear to have been addressed through the submission and/or can be through conditions. I can see no reference to the requirement for a pre-determination archaeological evaluation set by Lo/Ho/2. This would have been requested by the County Archaeologist at the time of making the allocation based on information within the Heritage Assets Register.

CONCLUSION

The principle of development is broadly policy compliant other than the requirement to address archaeology. This needs to be addressed in order to satisfy Policy Lo/Ho/2. If this can be achieved and the detail of the proposal satisfies other relevant development plan policies it will be compliant and will assist with the implementation of the development plan and the maintenance of a 5 year housing land supply.

NSDC Pollution Prevention and Control – *The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants.*

Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

**based on indicative2 mapping produced by the Public Health England and British Geological Survey Nov 2007.*

NCC Archaeology – No comments received to date

NCC Highways – *This site has previously been identified as being capable of providing a modest-sized residential development.*

A refuse collection point should be provided close to the public highway boundary.

It is understood that the existing private access will serve the proposed dwellings and remain unadopted. This is generally acceptable given the small number of dwellings and the current access arrangement. However, in accordance with the current 6C's design guidance I would wish to see conditions, as follows, applied to any approval notice:

No development hereby approved shall be occupied until the private driveway from Epperstone Road has been widened to 4.8 metres for its whole length and an additional 2 metres of the driveway back from Epperstone Road has been surfaced in a bound material in accordance with plans that are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

No development shall be commenced until written details of a method of preventing surface water discharging on to the public highway from the access has been submitted to and approved in writing by the LPA. Thereafter development shall be carried out in accordance with the approved details prior to the development being occupied and shall be retained as such for the lifetime of the development.

Reason: In the interests of highway safety.

Lead Local Flood Risk Authority – No comments received to date

The Environment Agency – *The site lies in flood zone 1 and we have no comments to make but suggest that the Lead Local Flood Authority are consulted.*

Trent Valley Internal Drainage Board – No objection to the proposal subject to appropriate surface water disposal.

Severn Trent Water – *I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.*

Condition

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

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

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

Suggested Informative

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Coal Authority – *The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.*

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Eleven letters of representation from ten local residents have also been raising objections to the proposal. Their concerns are summarised below:

- Increase in vehicles using the private drive will increase the danger of the access during school times;
- The private road is not big enough to allow for 2 lanes of traffic and a footpath (to safely allow families with small children to access it without encroaching on the privacy of neighbouring properties);
- This development will add another side road to the area and more cars trying to access the area which is a big safety concern;
- The drains at this part of the village cannot cope with the rain water at the moment and there is always water running down the Main Street past the school and pooling at the bottom of Mount Pleasant. Any additional introduction of concrete is going to make the problem of surface water in the area greater. While this particular bit of land is only in flood zone 1, the Main Street is in flood zone 2 and any additional surface water could worsen the problem Lowdham already has with flooding;
- The Main Street in this area is in desperate need of resurfacing and any increase in traffic in this area is going to cause more damage to the road;

- The houses are too large and imposing for this piece of land. The majority of the surrounding properties are bungalows and they are small and unimposing surrounded by trees and hedges;
- The Kingfisher ponds are supposed to be an area of outstanding wildlife and any additional building is going to reduce the wildlife in the area. The land is also very close to farm land and increases in noise and pollution will have a detrimental effect on the land quality for locally bred cattle in the adjacent fields;
- The access road to the development will be gravel and provide no pavements for pedestrians, disabled people, wheelchair or scooter users and people using pushchairs.
- Increased noise due to vehicles on gravel paths and the main access road;
- A public footpath from Mount Pleasant to Gonalston-- used by many groups such as ramblers, dog walkers, runners and visitors to the countryside, will be permanently changed in appearance and be detrimental to the present attractive views;
- Potential for further development in the future;
- Lack of garaging could increase parking issues and;
- Drive should be tarmacked to reduce impact upon neighbouring properties in terms of dust/debris from the road
- Objection to the proposed adoption of the access road leading to the development site.

Comments of the Business Manager

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

Principle of Development

The site is allocated for housing under Policy Lo/Ho/2 of the ADMDPD. The principle of residential development at this site is therefore acceptable. The policy states that the site has been allocated for around 5 dwellings, subject to the following:

1. Consideration of the provision of a new hedgerow to the north eastern boundary and retention of the existing boundary hedgerow to the south east as part of the design and layout of any planning application in order to manage the transition into the main built up area.
2. The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.
3. Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured by condition on any planning consent are likely to be required.
4. The existing access road will require upgrading as part of any planning application in order to serve the level of development proposed.

The site already benefits from an extant planning permission for 4 dwellings, as approved under planning reference 14/02020/FUL, which were of a similar design and scale. Core Policy 3 of the Core Strategy states that the LPA would normally seek for no fewer than an average of 30

dwellings per hectare. This current application has an density of 26 dwellings per hectare, 4 fewer than normally advocated by CP3 which usually seeks a minimum of 30 dwellings per hectare. However the site has been allocated for around 5 dwellings which this scheme is promoted for and as such I consider that this responds to the particular site constraints and characteristics such the being mindful of the number of dwellings utilising a private driveway. Furthermore the 2014 application proposed a density of c21dph, which was permitted by the LPA which should be given substantial weight given this represents a fallback position. I therefore consider that the level of development proposed to be acceptable and the additional of 1 extra dwelling over and above what has approval to be wholly in accordance with the housing allocation for the site.

Impact upon Visual Amenity

Policy DM5 sets out the design criteria and requires proposals to be of a scale, form, mass, layout, design, materials and detailing which reflects the District's landscape and character. The site is located to the north-eastern edge of the village, behind existing residential development. The site is not readily visible from Epperstone Road, although is visible from the nearby public footpath. I am mindful that the development does not follow the linear pattern of development along Epperstone Road but this has already been somewhat eroded by the buildings immediately adjacent to the west and south of the site and indeed this was accepted in allocating the site in the first place.

The two-storey nature of the dwellings is in-keeping with others within the vicinity and has already been accepted by the previous planning application. I note that some local residents feel the dwellings should be single storey to reflect the existing nearby bungalows because in their view these bungalows are unimposing and partially hidden by vegetation. Whilst I accept that bungalows are less prominent, I do not consider the dwellings proposed as part of this application to be dominating nor out of character for the area.

In terms of the proposed additional dwelling, the site has been allocated for around 5 dwellings within Policy Lo/Ho/2 and as such I am of the view that the current proposal better fits with this policy than the previously approved scheme. The arrangement of the dwellings does not result in overdevelopment of the site nor create a cluttered appearance. Indeed each dwelling in my view has sufficient amenity space and separation distance between each plot and surrounding development to allow for green areas to soften the transition to the greenbelt whilst still making efficient and effective use of land. This also takes into account the applicants' continuing requirement to retain an access to the agricultural land to the rear as well as the requirement to incorporate a turning head in the layout.

In line with Policy Lo/Ho/2 the existing hedgerow along the south-eastern boundary at the site is to remain with planting along the length of the north-eastern boundary as well as a post and rail fence. This will help to manage the transition from rural Green Belt into the main built up area, softening the landscape and respecting the character of the area. I would however consider it appropriate to condition the retention of the existing hedgerow and planting of a new hedgerow should members be minded to approve the application.

On the basis of the above, I am of the view that the proposal complies with the NPPF, Policy DM5 and Core Policy 9.

Housing Need

With regards to the type of dwellings proposed, Policy Lo/HN/1 states that the majority of new houses on sites within Lowdham should be two bedroom units to meet the needs of the community. The proposal complies with this policy with 3 out of the 5 units being two bedroom dwellings.

It is noted that Plot 4 is a detached two bedroom property which is larger than the average two bedroom property. There is potential for this plot to be altered internally to a 3 bedroom property. I am mindful that there is a tension in planning terms between planning for an identified need (why identify a need if one does not plan for it) and the ability to restrict a family growing or changing their lifestyles by creating space (e.g. an extension), expanding into space (e.g. creating a bedroom in a garage or a roof space) or indeed reconfiguring stud walls internally to subdivide bedrooms etc. Guidance still exists on the need for homes to be flexible for the lifetime of occupants (to grow and shrink, such as in Lifetime Homes standards). In this particular case whilst there is clearly an ability for the house to be used with more bedrooms than stated, through the description of development and the recommend planning conditions, the Authority feels that at the point of implementation the identified need can be secured.

Impact upon Amenity

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

Brookfield bounds the site to the west. This is a single storey property that is predominantly screened from the site by a hedgerow. During a site visit, I noted that only the roof line of this property was visible and as such, I am of the view that there are unlikely to be significant massing/overshadowing issues to this property due to the screening provided by the existing dense hedgerow.

The property to the south west of the site is no. 12 Epperstone Road. This is a two-storey house on marginally higher land than the site with a small hedge forming the boundary (approx. 0.5 metres). This property does have side windows facing the site. I am mindful that a gap of approximately 5.8m would be retained between the dwelling on plot 1 and this neighbouring dwelling and that the proposed dwelling is orientated to the north-west. The only window on the side elevation of plot 1 serves a first floor bathroom which I consider will be required to be obscurely glazed to protect amenity. Indeed should Members be minded to approve the application, conditions ensuring that this window is obscurely glazed and non-opening up to a certain height and that no further windows are inserted in this elevation without permission should be attached to the permission.

Subject to these conditions, I consider that there will be no undue overlooking impacts and any overbearing or overshadowing impact on this property would not be so significant to warrant a refusal of permission.

Plot 3 of the scheme is approximately 6.5m from the north-western boundary with Brookfield. Amendments have been sought and made to the scheme to remove a first floor bedroom window from this proposed dwelling so that only obscurely glazed windows are at first floor level on the north-west elevation facing onto Brookfield. I am now satisfied that this amendment will ensure

that the privacy of this neighbour is not comprised and the conditions imposed relating to obscure glazed windows and the prevention of new windows will ensure this remains the case for in perpetuity.

The courtyard layout of the development does mean that there is potential for some overlooking between properties, however this has been minimised by limiting the window openings at first floor level on plots 3 and 5 to reduce the ability for the occupiers of these plots to negatively impact upon plot 4. I am therefore satisfied that the arrangement is acceptable and that the occupiers of the new dwellings will be afforded satisfactory levels of amenity.

On balance, it is considered that the proposal will not have a harmful impact on the amenity of neighbouring occupiers in accordance with the aims of Policy DM5.

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.

Access to the site will be via an existing private driveway from Epperstone Road. Neighbours have raised concerns with highway safety, particularly due to the congestion caused by the primary school just along from the site access on Epperstone Road. I carried out my site visit during the morning school drop-off period and whilst I accept the Epperstone Road was busy with a significant number of parked cars, the bus stop immediately adjacent to the site entrance provides a clear area of highway to allow for better visibility to the north when exiting the site. In any event, cars entering/leaving the driveway should be travelling at a slow speed to turn, allowing pedestrians and drivers more time to observe the highway.

Furthermore, as parking is available off Epperstone Road, the proposal is unlikely to further impact upon the parking issues currently experienced along Epperstone Road. Letters received raise issues with regards to parking available for the site. However it is my view that there is ample on-site parking available and therefore it is unlikely parking will extend beyond the site.

The Design and Access Statement accompanying the application states that the access road will be increased in width 4.8m for the entire length and an additional 2m of the driveway from Epperstone Road is to be surfaced in a bound material, which the Highway Authority have requested is conditioned. The Highway Authority have also asked for a condition to control the discharge of surface water, which can be conditioned. No highway safety concerns have been raised from the highway experts.

As such, I am satisfied that the proposal complies with Spatial Policy 7 and Policy DM5, and is also in accordance with Policy Lo/Ho/2.

Other Issues

As mentioned above, Policy Lo/Ho/2 has 4 criteria which need to be addressed as part of any residential scheme for the site. Criteria 1 and 4 have been addressed in the visual amenity and highway safety sections of this report, however I address the remaining 2 criteria below.

Criterion 2 requires positive management of surface water. Letters received from local residents have raised concern with regards to flood risk due to previous flooding along Epperstone Road. Severn Trent Water and Trent Valley Internal Drainage Board have raised no objection to the proposal, subject to appropriate drainage conditions. The Environment Agency have confirmed they have no comments to make but suggest the lead local flood risk authority (LLFRA) is consulted. The LLFRA have been consulted on the application but no comments have been received to date. I do however note that the LLFRA were satisfied with a flood risk assessment which was submitted with the previous application and this assessment has been resubmitted with this current planning application and as such I take the view that the LLFRA's comments remain appropriate for this application.

The third criterion relates to archaeological evaluation. An archaeological desk-based assessment has been submitted as part of this application. The NCC Archaeologist has not provided any comments on the application, however I am satisfied with the report's conclusion and recommendation that an archaeological watching brief (to be secured by planning condition) is carried out during excavations of the foundations and any associated groundworks as a method of preserving by record any archaeological remains encountered. A condition recommending an archaeological watching brief is a usual approach for sites where there may be some archaeological remains present and the County Council's Archaeologist could be re-consulted as part of any Discharge of Condition Application.

Given the above, I am satisfied that the proposal meets the requirements of the policy associated with the site.

5 Year Housing Land Supply

It is acknowledged that the Council's Objectively Assessed Need is still be ratified through the Plan Review process. However in any event the Council is of the opinion that it can demonstrate a 5 year land supply and has taken a robust position with regard to the lead in times and delivery rates for the housing supply over the next five years.

The Council's position is that full weight cannot be attached to the identified OAN until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. Indeed it is acknowledged that this scheme will contribute positively to the 5 year land supply.

Conclusion

The application seeks full consent for the erection of 5 dwellings. The site is allocated for housing within the Council's Allocations and Development Management DPD with the view that the site could provide around 5 dwellings. As such, the principle of residential development on the site is accepted. The site already has consent for 4 dwellings and it is considered that 1 additional dwelling is acceptable in this instance, and will remain consistent with the aims of Policy Lo/Ho/2. Overall, it is considered that the site can provide for 5 dwellings without over intensification of the site and without having an adverse impact upon character of the area.

It is also considered that the proposal is unlikely to have a harmful impact upon the amenities of surrounding land uses nor the occupiers of the new dwellings. The positioning of the dwellings is

such that I consider the amenities of the existing dwelling and those proposed will be protected, subject to conditions.

In terms of highway safety, flood risk and archaeology, the development has raised no objections from the relevant professional parties in respect of these issues subject to conditions to ensure that the development does not have any adverse impact upon existing development surrounding the site.

Overall, it is considered that the scheme as put before Members is acceptable in terms of the design, impact upon amenity and highway safety, amongst other issues discussed above, and therefore the scheme is recommended for approval to Members, subject to the conditions detailed below.

RECOMMENDATION

That full planning permission is granted, subject to the following conditions;

01

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

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

02

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

- Site Layout and Sections - 16-491 P01
- Plots 1,2 and 3 - 16/491/P02 REV.A (received 11th November 2016)
- Plots 4 and 5 - 16-491 P03
- Existing Site Location Plan - 16/491/P04 REV.A
- Proposed Site Location Plan – 16-491/ P05

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

Reason: So as to define this permission.

03

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

- Bricks
- Roofing tiles
- Render
- Cladding
- Window/Door Frames

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

04

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

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

05

The hedgerow along the entire south-eastern boundary shall be retained at a minimum height of 1 metre for the lifetime of the development. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with Policy Lo/Ho/2 and Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

06

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

- 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. This shall also include the provision of a new hedgerow along the north-eastern boundary of the site

- an implementation and phasing programme.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- refuse collection point

Reason: In the interests of visual amenity and biodiversity.

07

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

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

08

No development hereby approved shall be occupied until the private driveway from Epperstone Road has been widened to 4.8 metres for its whole length and an additional 2 metres of the driveway back from Epperstone Road has been surfaced in a bound material in accordance with plans that are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy DM5 of the Allocations and Development Management DPD and Spatial Policy 7 of the Core Strategy.

09

No development shall be commenced until written details of a method of preventing surface water discharging on to the public highway from the access has been submitted to and approved in writing by the LPA. Thereafter development shall be carried out in accordance with the approved details prior to the development being occupied and shall be retained as such for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy DM5 of the Allocations and Development Management DPD and Spatial Policy 7 of the Core Strategy.

010

No development shall be commenced until a scheme for an Archaeological Watching Brief has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority.

Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

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

011

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

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

012

The first floor window in the south-west elevation of plot 1 and the first floor windows in the north-west elevation of plot 3 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 in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

013

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 SW elevation of plot 1 and the NW elevation of plot 3 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 in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

014

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

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

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

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

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) in order to safeguard the amenity of neighbours and to ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Notes to Applicant

01

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

02

The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). The applicant is advised to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants.

Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

03

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the

Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

04

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

BACKGROUND PAPERS

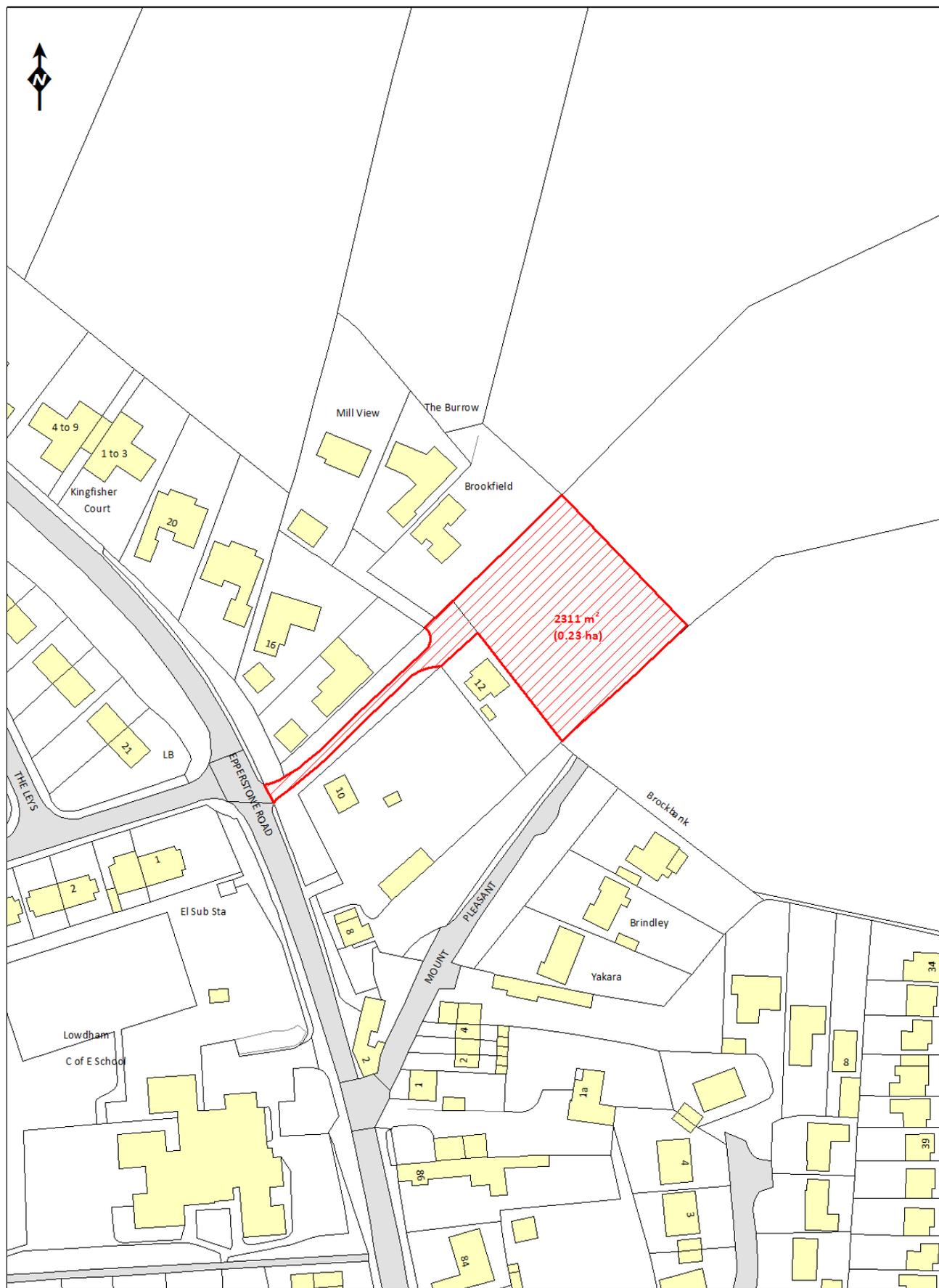
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01501/FUL



Application No:	16/01271/FUL
Proposal:	Use of land and building and siting of container, biomass boiler and Wood Chip Clamp in connection with wood fuel production business (retrospective, resubmission)
Location:	Site Adjacent 'The Old Grain Store', Old Epperstone Road, Lowdham, Nottinghamshire
Applicant:	Mr R Jackson - F.S.Jackson and son
Registered:	8 August 2016 Target Date: 13 October 2016
	Extension of Time Agreed until 9th December 2016.

This application is before the Planning Committee for determination because a District Councillor is the applicant.

The Site

The site lies to the south of Old Epperstone Road and is accessed by a small track which also serves The Old Grain Store which is currently occupied by Sharmans Agricultural Ltd and lies to the north of the site. The site is surrounded by fields to the east, south and west with South Sherrards Nurseries and residential development approximately 80m to the north-west of the site and beyond the highway approximately 140m to the north.

The site is washed over by the Nottingham-Derby Green Belt and its lawful use is agricultural land. There is a steel portal building currently on site which was constructed for agricultural purposes. In addition to this building there are the structures detailed below for which permission is sought.

Relevant Planning History

16/00490/FUL – Use of land and building and siting of container, biomass boiler and Wood Chip Clamp in connection with wood fuel production business (retrospective) (withdrawn)

13/00496/AGR – Proposed steel frame building (prior approval not required, 14.05.2013)

The Proposal

The application seeks retrospective consent for the use of the land and existing building for a fuel production business in connection with the agricultural business. The application also seeks retrospective consent for a metal storage container, biomass boiler and woodchip clamp. The use

has been in operation from February 2015 according to the application form.

Departure/Public Advertisement Procedure

Occupiers of eight properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 4B: Green Belt Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Chief Planner Planning Policy Statement published 31st August 2015

Consultations

Lowdham Parish Council – Object to the proposal; *Lowdham Parish Council wish to note local residents concerns regarding environmental issues, noxious smoke and smells in particular.*

NCC Highways – No formal comments received to date.

Trent Valley Internal Drainage Board – No objection to the proposal.

NSDC Pollution Prevention and Control – *‘The proposed development includes the installation and operation of biomass burner which has been identified as having the potential to impact on local air quality. Environmental Health has had several complaints in relation to smoke allegedly being emitted from the proposed burner. If the Planning Committee is minded to approve the application I would suggest the following condition is attached:*

The biomass burner shall not be permitted to operate until an air quality assessment has been carried out (specifically in relation to the operation and impacts on nearby receptors of the use of

the biomass burner at the proposed location) by a suitably qualified professional and a report submitted to and approved in writing by the local planning authority. The report shall include details of any necessary measures to be taken to address any identified problems. These recommendations shall be fully implemented in accordance with the agreed and approved details prior to operation. This assessment should also include chimney height calculation in line with section 14 of the Clean Air Act 1993.

This is required to ensure that the smoke, odour and fumes from the proposed burner are correctly assessed and controlled in order that the risk of exposure to nearby residents and the local area is not harmful or a nuisance.'

NSDC Environmental Health Officer – In agreement with Pollution and Prevention Control comments

Eight letters of representation have also been received from local residents raising objections to the proposal. Their comments are summarised below,

- Neighbouring properties are suffering with smoke issues from the site;
- Smoke creates an unpleasant smell and burns during anti-social hours;
- Smoke fills adjacent premises and can cause irritation to eyes and other health issues;
- Chimney could be re-sited to the rear of the premises with a larger stack to improve conditions;
- Issues with the smell from the boiler which could be made work if the business expands;
- The wood chip clamp has been built into the banks of the adjacent watercourse (which runs to the west of the site). No effort made to ensure that the watercourse is cleared of debris and overgrown plants. The watercourse drains a large area of land and therefore any obstruction to the watercourse, or poor maintenance has in the past resulted in the flooding of the properties opposite the entrance to the site. It is possible that heavy rains could wash Wood chippings into the watercourse. It is therefore suggested the LPA condition the maintenance of the watercourse.
- Request the Highways Authority review the access to the site as the road is unmade therefore vehicles bring mud and stone onto Old Epperstone Road;
- Disturbance to neighbouring properties due to movement of vehicles at unsociable hours including regular deliveries at 2am.
- Proposal constitutes industrial development on Green Belt land.
- Point 15 is incorrect as trees and hedges lie immediately adjacent to the site.
- There are no details of foul water drainage from the site.

Additionally, one neighbour who lives close to the site has written to the LPA stating they have not been impacted by the development.

Comments of the Business Manager

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

Principle of Development

The site lies outside the defined village envelope for Lowdham and therefore lies within the Nottingham-Derby Greenbelt. It appears that the land was previously agricultural land and therefore development represents a change of use of the land, although I am mindful that the applicant has expressed the fuel production business is an attempt to diversify the agricultural business. The NPPF places strict control over what development is considered acceptable within the Green Belt which is backed up by Spatial Policy 4B of NSDC's Core Strategy. The NPPF does allow for limited development within the Green Belt providing they do not conflict with the purposes of including the land within the Green Belt and preserves the openness. This limited development is clearly stated in paragraphs 89 and 90 of the NPPF and includes new development in connection with agriculture.

This proposal seeks retrospective consent for the change of use of the building and land as well as the standing of 3 no. additional structures in association with a fuel production business. Reference is therefore made to the Chief Planner Planning Policy Statement published on 31st August 2015 relating to Green Belt protection and intentional unauthorised development which makes unauthorised development within the Green Belt a material planning consideration. The LPA needs to be mindful of the policy statement in determining this application.

Impact upon the Green Belt

The NPPF is clear that development within the Green Belt is inappropriate with the exception of limited types of development. Development also must not impact upon the openness of the Green Belt. Of the 'appropriate' development listed within paragraphs 89 and 90, paragraph 89 lists new buildings for agriculture as an exception to inappropriate development within the Green Belt. The Officer has sought advice from the Council's Agricultural Consultant with regards to whether renewable energy production is considered a form of farm diversification; verbal advice from the Consultant has confirmed that the LPA would be reasonable to accept such a use as agricultural diversification.

On the basis of the above, I am of the view that the proposal represents appropriate development within the Green Belt, with the storage container, wood chip clamp and biomass boiler remaining proportionate to the existing building.

In addition to the above, the Chief Planner Planning Policy Statement published on 31st August 2015 requires unauthorised development within the Green Belt to be considered as a material consideration in determining planning applications. The Government is concerned about harm that is caused by intentional unauthorised development within the Green Belt. Whilst there is no evidence to suggest that the development was intentional, the harm caused as a result of the development taking place without planning permission needs to be considered. It has already been discussed above that the proposal is not considered harmful to the Green Belt and therefore

whilst the development is retrospective, I am of the view that the proposal would have been considered acceptable had the application been submitted prior to the completion of the development.

Impact on the Visual Amenities of the Area

The site lies outside of Lowdham village and is surrounded by fields which are relatively low-lying. The site is visible from the public realm, although vegetation along the boundary with Old Epperstone Road offers some screening for the site. The steel building is the most prominent structure within the site, however this has already been deemed acceptable under an agricultural notification in 2013 and as such cannot be considered under this application.

The 3 new structures erected within the site are relatively small scale with the boiler and wood clamp visible from the public highway. The container is situated behind the steel building. However, given their height relative to the steel building and that of The Old Grain Store, I do not consider these structures to be overly prominent from this aspect of the public realm. I am nevertheless mindful that these structures are highly visible from the surrounding fields and are likely to be visible from the public footpath that runs partly along the access track to the site before heading south-east in front of The Old Grain Store.

The structures and the use would remain part of the agricultural business and as such I am of the view that they will not encroach upon the open landscape, particularly as they are located close to the existing agricultural building and are relatively modest in scale. I am mindful that there is an element of industrial nature to the use which has the potential to change the character of the landscape, however due to the nature of the use, a rural setting is required so as to limit any impact upon residential properties and that it is part of the agricultural unit. Policy DM5 requires new development to reflect the local distinctiveness and character of the surrounding landscape, which in this instance is the Green Belt. On this basis, I consider the proposal to comply Policy DM5 of the DPD.

In accordance with Core Policy 13, development should also have regard for the landscape character of the area which in this instance is considered to be in very good condition and of high sensitivity. Given the relatively modest nature of the development, I do not consider the proposal to have an adverse impact upon the character of the area.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The site lies some distance from the nearest residential development – the closest residential dwelling is approximately 80m to the north-west of the site, however a business is run from The

Old Grain Store, immediately adjacent to the site, and as such their amenity must also be considered.

There have several complaints regarding the smoke from the biomass boiler, which I understand the Council's Environmental Health team are investigating. I have however been advised that the wood causing the smoke is no longer being used which should reduce the problems created by the smoke. The Environmental Health team have also requested further information on the chimney, which they have recommended is conditioned; this is discussed further in the 'Other Matters' section of this report.

In terms of noise and disturbance, local residents have raised concerns that deliveries are taking place during unsociable hours. I feel it would be reasonable to restrict the delivery hours to the site to protect the amenities of the nearby properties and as such recommend a condition to do this.

In terms of visibility of the proposal from neighbouring residential properties, there is a high hedge separating the site from Sherrards Nurseries which screens the wood clamp and container from the neighbouring properties to the north-west although the chimney of the biomass boiler sits higher than the hedge. Nonetheless, given the distance between the site and these neighbouring properties I am of the view that the proposal is unlikely to have any adverse impacts in respect of overshadowing, overlooking or overbearing impacts.

The Old Grain Store is the closest building to the site and has a clear view of the wood clamp and biomass boiler. Whilst they are clearly visible from the adjacent site, their modest scale is such that I do not consider the visual impacts upon this neighbour to be harmful, as concluded in the above paragraph for the residential properties.

Impact upon the Highway

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 Highways Authority have not commented on this application but raised no objection to the previous application for the proposal (16/00490/FUL) given that the business uses only a tractor and a flat-bed van on a daily basis. I am of the view that these comments remain relevant to this application and I am therefore satisfied that the proposal will not have an undue impact upon highway safety.

Other Matters

The proposal includes a biomass boiler which must comply with the Clean Air Act 1993. The manufacturer of the boiler has confirmed that the boiler is capable of burning 55kg of wood per hour. As the burn rate is more than 45.5kg/hour, chimney height approval from the local authority is required. This approval is to prevent, so far as is practicable, the smoke, grit, dust and gases or fumes emitted from the chimney becoming prejudicial to health or a nuisance. The applicant is

aware that this approval is required in accordance with the Clean Air Act, however no details have been submitted to date partly because of the expense that this will incur and the applicant first having the comfort that the principle of the use in the Green Belt is acceptable. As such, the Environmental Health Team are satisfied for the details to be conditioned should Members be minded to approve the planning application. Having discussed this matter with them, they are confident that the biomass boiler can be modified to ensure that the impacts on residential amenity are acceptable. Thus it is considered that this is a matter that can be controlled by condition.

The Public Consultation responses received raised an issue with the watercourse which runs to the western edge of the site. Trent Valley Internal Drainage Board have raised no objection to the proposal and consequently I do not consider this matter requires any further consideration.

Conclusion

The fuel production business is already in situ however the appropriateness of the proposal still needs to be considered. It has been discussed that the NPPF places great weight upon a development's harm upon the Green Belt and it has been concluded that buildings for agricultural use are included with paragraphs 89 and 90 of the NPPF which clearly state when development is considered to be appropriate within the Green Belt. The fuel production business has been concluded to constitute agricultural diversification and as such, the new structures are considered to fit within Paragraph 89 of the NPPF. The proposal is also considered to be modest in scale and therefore unlikely to have an adverse impact upon the character of the area.

Further to the above, subject to appropriate conditions and further information from the applicant, it is concluded that the proposal is unlikely to have a detrimental impact upon the amenities of the surrounding land uses; amendments to the chimney height are however required to ensure the biomass boiler is in accordance with The Clean Air Act.

On the basis of the above, it is concluded that the proposal complies with Section 9 of the NPPF in terms of its impact upon the Green Belt and therefore the application is recommended for approval, subject to conditions.

RECOMMENDATION

01

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

- Site Plan
- Layout Plan
- Photographs x3
- Biomass boiler information request form

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

02

Within 3 months of the date of this permission details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

04

The biomass burner shall not be permitted to operate until an air quality assessment has been carried out (specifically in relation to the operation and impacts on nearby receptors of the use of the biomass burner at the proposed location) by a suitably qualified professional and a report submitted to and approved in writing by the local planning authority. The report shall include details of any necessary measures to be taken to address any identified problems. These recommendations shall be fully implemented in accordance with the agreed and approved details prior to operation. This assessment should also include chimney height calculation in line with section 14 of the Clean Air Act 1993.

Reason: to ensure that the smoke, odour and fumes from the proposed burner are correctly assessed and controlled in order that the risk of exposure to nearby residents and the local area is not harmful or a nuisance.

05

The use hereby permitted, including the use of machinery, biomass boiler and deliveries shall not take place outside the hours of 7am to 7pm Monday to Saturday and not at all on Sundays or Bank/Public Holidays.

Reason: In the interests of residential amenity.

Notes to Applicant

01

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

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

02

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

03

The applicant is advised to ensure that the adjacent watercourse is not impacted by debris from the site.

BACKGROUND PAPERS

Application case file.

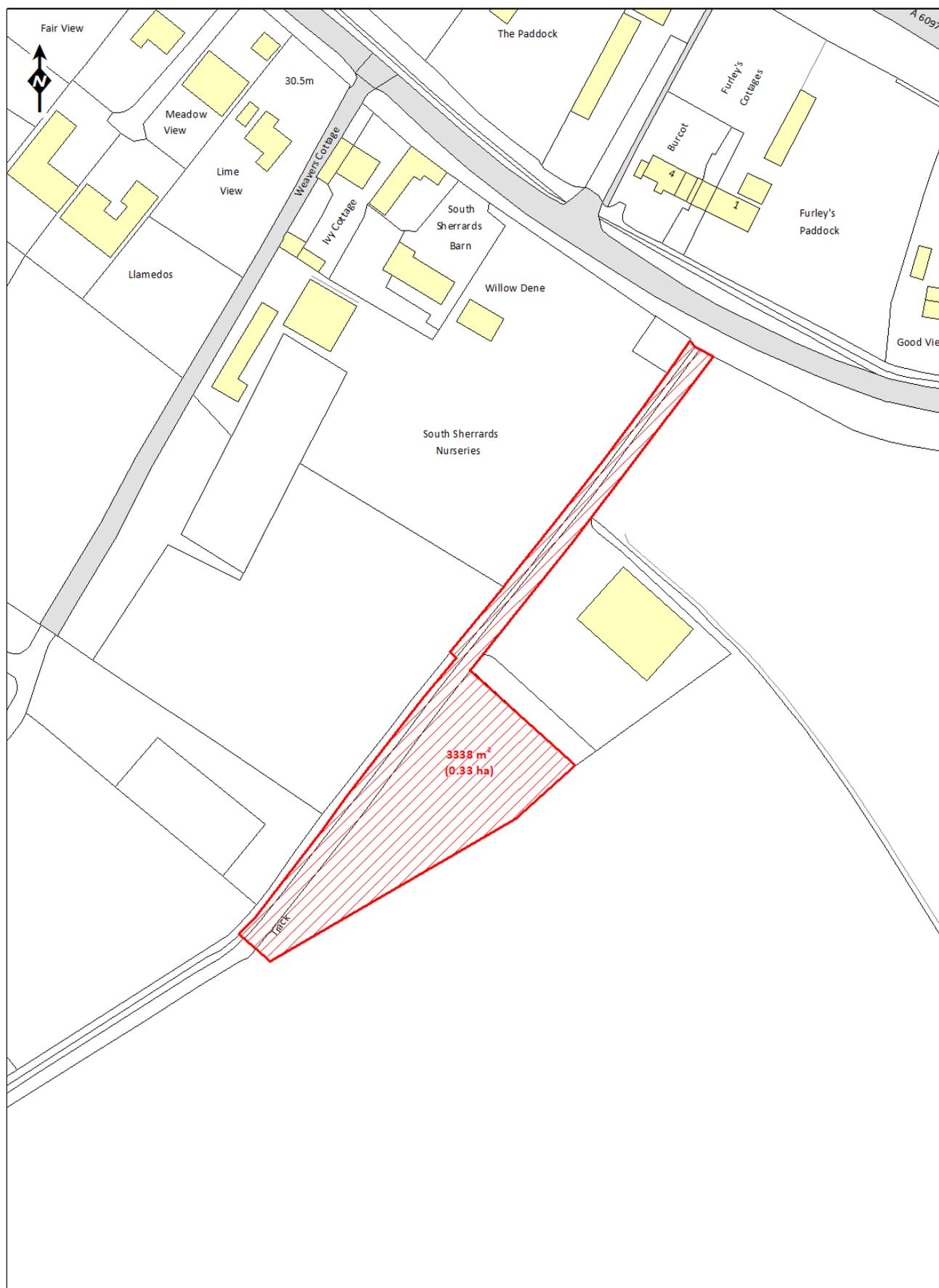
For further information, please contact Nicolla Ellis on ext. 5833.

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

Kirsty Cole

Deputy Chief Executive

Committee Plan - 16/01271/FUL



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Application No:	16/01505/FULM	
Proposal:	New, cold formed steel, portal framed compactor warehouse	
Location:	Dixons Retail Plc, Distribution Centre, Long Hollow Way, Winthorpe, NG24 2NH	
Applicant:	Knowhow Distribution Centre	
Registered:	21 September 2016	Target Date: 21 December 2016

The Site

The site lies on the north-eastern side of the A1 trunk road close to the junction with the A17 and A46 and comprises part of the existing Knowhow Distribution Site off Long Hollow Way within Winthorpe Parish. The site lies within the Newark Urban Area for the purposes of the Development Plan.

The wider distribution centre comprises two huge warehouses plus their associated infrastructure, including car parking and service yards. The application site relates to land to the west of the warehouse building (known as distribution building 2) adjacent to the A1, being an area of existing hard standing that lies between the warehouse and the A1. This area is currently used for external storage of cardboard bails and equipment associated with the bailing process.

An existing landscaping buffer (between 20m and 30m deep) forms the boundary with the site and the A1.

This site lies in Flood Zone 1 albeit it is within an area prone to surface water drainage issues according to the Environment Agency Flood Maps.

Relevant Planning History

There is a long history of applications on this site, including various advert applications that are not relevant and therefore not listed below.

16/00935/FUL - Siting of two single storey portakabin. Solus buildings to be used as offices for a temporary period of 3 years. Approved 03/08/2016.

15/01104/FULM - 8no. new windows at mezzanine level to existing distribution centre of building one. Approved 03/09/2015.

09/01398/FUL – Change of use from B8 to B1 of part of mezzanine floor. Approved 11/12/2009.

09/00477/FUL - Relocate the existing office entrance and replace with a window and cladding to match existing elevation, use existing reception area as a training room. Approved 26/05/2009.

07/00120/FUL - Erection of two single storey portacabins within existing lorry park. Approved 10/04/2007.

06/00457/FULM - Application to vary Condition 08 of Planning Consent 05/00077/OUTM. Withdrawn 30/08/2006.

05/02097/FUL - Erection of new security office and revised car parking layout. Approved 10/11/2005.

05/01518/RMAM - Erection of B8 distribution warehouse & ancillary B1 office space with associated car parking and access roads/circulation space. Approved 26/07/2005. DM

05/00077/OUTM - Outline planning permission for B1 and B8 business use, C1 hotel use and strategic landscaping. Approved 16/06/2005.

04/00177/OUT - Permission for development of land without compliance with condition 8 of 02/02601/FULM. Approved 29/03/2004.

03/00985/RMAM – Submission of reserved matters 02/02601/OUTM for distribution centre. Approved 06/08/2003.

03/00326/FUL - Proposed satellite dish and a 10ft aerial fixed to the distribution centre. Approved 01/04/2003.

02/01211/DOC - Discharge of condition 3 of 01/00608/OUT. Approved

02/01072/RMAM – Erection of distribution centre. Approved 28/06/2002.

02/01074/OUT – Proposed car dealership. Approved 28/06/2002.

02/01073/OUTM – Proposed hotel/conference centre. Approved 28/06/2002.

01/00608/OUT – Variation of Conditions 1, 5, 6 and 7 on permission OUT/980298/R4 relating to traffic flows. Approved 29/06/2001.

99/51860/FUL (Alt Ref: OUT/980298/R4) - Forming of new traffic roundabout and spur off new site access road off a17 into the proposed site terminating at an on-site roundabout. Approved.

98/51979/OUTR4 (Alt Ref: FUL/990832) – Use of land for B1, B2 and B8 use. Approved 30/06/1998.

The Proposal

Full planning permission is sought for the erection of a new warehouse building adjacent to the existing distribution building 2. The new building would be used for the storage of cardboard prior to its recycling and machinery in connection with the cardboard bailing process.

The warehouse building would measure 47.3m by 12.4m, giving an internal floor space of 617.5 sq m and would be 3m to eaves and 4.15m to the ridge. This would be clad in profiled metal sheeting which would match the existing adjacent building in terms of colour and style albeit it would be

lower in height.

There would be no alterations in respect of the vehicular access arrangements or parking areas.

The application is accompanied by a Planning Statement by ARV Design, Drainage Plan and Preliminary Flood Risk Report (provided upon request).

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 6: Shaping our Employment Profile
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations and Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlement Central to Delivery the Spatial Strategy
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Winthorpe and Langford Parish Council – Object

“As Chairman of Winthorpe with Langford Parish Council, I am emailing you to inform you that the Parish Council objects to the proposal. The Parish Council has raised the issue before of potential flooding as far back as 2008 regarding the effect of water flowing into Winthorpe Village. The Newark Area IDB are aware of the problems and the Parish Council’s concerns. I would like to see greater details of the proposed drainage from the site and how this will be implemented to prevent flooding of the surrounding land.”

In response to the submission of the Flood Risk Report, the Parish Council make the following additional comments:

“I refer to your letter dated 31st October 2016 in respect of the proposed development.

Enclosed was a Landmark Report detailing flood risks.

What this report fails to do is consider the potential flooding to Winthorpe Village as a result of the proposed development.

The area covered by the report (500m) is not extensive enough and misses the fundamental point that excess water from the development will flow in to the River Fleet and into the village without adequate controls.

The Parish Council needs reassurance that adequate provisions are in place at Dixons so that such an event won't occur. By this I would like to see adequate flood storage areas on the Dixons site. If there are any, they don't appear on the Landmark survey."

NCC - Highways Authority – "This proposal would not appear to have an impact on the public highway or parking provision within the site. Therefore, no objections."

Highways England – Offers no objections.

Trent Valley Internal Drainage Board – No response received.

NCC - Lead Local Flood Risk Authority – Initially commented that as it is less than 1,000m² in floor space this is classed as a minor development that they would not ordinarily comment on. However at Officers request they have looked at the scheme and advice that there are no concerns with regards to surface water run off on this particular site. They also advise that no planning conditions are necessary in this instance.

NSDC - Access and Equalities Officer - 'It is recommended that the developer be advised to give consideration to access to, into and around the proposal along with the provision of accessible features and facilities to ensure that the proposal is equally convenient to access and use throughout. Approved Document M of the Building Regulations and BS8300:2009 provide useful standards in this regard. It is further recommended that the developer make separate enquiry regarding Building Regulations matters.'

One representation has been received from local residents/interested parties: -

"With regards to the planning application 16/01505/FULM an application was made in 2008 on the New Link Business site for a further development. Flood risk was highlighted in this application, this application was turned down, a full assessment of the area was completed by JBA consulting the conclusion of this was that the current flood elevation scheme was totally in adequate .The then planning services manager Mr Peter Wilkinson insisted that the flood elevation scheme must be improved to the level advised by the consultants JBA. Before any further development be allowed.

With regards to the current application we feel that the application is miss leading as in item 12 assessment of flood risk (will the proposal increase floods risk elsewhere) the applicant has ticked the box all water into main sewer. Currently all surface water goes into Winthorpe drain which is the subject of the past planning been turned down.

We feel strongly that the current application no 16/01505/FULM should be turned down on the same grounds and advice of JBA consultants and Peter Wilkinson planning services manager."

Comments of the Business Manager

Principle of development

Spatial Policy 1 sets out the Settlement Hierarchy for the District, identifying the Sub Regional Centre as the Newark Urban Area and setting out that the function of it is to be the main focus of housing and employment growth in the District over the Development Plan period.

Core Policy 6 provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, providing most growth at the Sub Regional Centre of Newark.

This site is within the confines of an existing distribution centre, occupied by a large national company that is a major employer in the District. This proposal would create 5 additional jobs once operational (beyond those required for its construction) and would, in my view, better strengthen and solidify the provision at the site and assist with the efficient processing of the existing operation. This in my view is line with the Development Plan and the NPPF.

The site lies within the defined Newark Urban Area where development of this type is acceptable subject having no adverse impacts on the environment. These are discussed in turn below.

Design and Visual Impact

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

The existing distribution warehouse that lies adjacent to the A1 trunk road is highly visible in the public realm, particularly to receptors traveling along the A1 trunk road. The proposed new building would be sited between it and the A1. However this would be seen with the existing (taller building) as a backdrop. Whilst the proposed new warehouse is large at 47.3m by 12.4m in floor area, this would be seen amongst a context where the existing distribution warehouse immediately adjacent measures c515m x 135m, and so is relatively modest by comparison.

Given its position so close to the existing warehouse, the proposal will not be read as being visually isolated or having an adverse impact upon its surroundings. Indeed the building has been designed to match the style and colour (pale 'goosewing grey' with a slender green stripe trim) of the existing building. Furthermore the existing landscape buffer (to be retained) which is between 20-30 wide would assist in screening this new building. Taking all these matters into account I do consider that the proposal would have any further visual impact than already exists and is acceptable in respect of Policies CP9 and DM5.

Highway Impacts

Spatial Policy 7 requires developments to minimize the need for traffic, provide safe and convenient accesses for all and be appropriate for the highway network in terms of volume of traffic and the nature of the traffic involved amongst other things. Policy DM5 also reflects this.

The development would be served by existing access arrangements. This proposal does not seek

to amend the vehicular access or any parking arrangements and as such the public highway would be unaffected. This is agreed by both Highways England and the Highways Authority who raise no objections. Therefore the proposal is considered to have no adverse impacts in terms of highway safety and is in compliance with SP7 and DM5.

Flood Risk/Drainage

Core Policy 10 seeks to avoid present and future flood risk and mitigate where necessary. The NPPF provides that development should be placed in areas of at least risk of flooding where possible, where appropriate applying the Sequential and Exception Tests. The site lies with flood zone 1 which is at lowest risk of flooding, albeit the site lies within an area shown to be prone to surface water drainage issues according to the EA flood maps. A preliminary flood report (assessing the risk level) has been provided upon request.

The proposed building would be located in Zone 1 and would represent a 'less vulnerable' use (according to the NPPF) which is an appropriate use for its location.

The Flood Report accompanying the application concludes that the risk of surface water flooding at the site is negligible (1 in 75 year rainwater event and 1 in 200 year rainfall event) to low (1 in 1000 year rainfall event). Furthermore the Lead Local Flood Authority have advised verbally, upon request, that they have no flooding concerns regarding this development and that no surface water drainage condition is considered necessary in this instance. Given the concerns of the Parish Council the LLFRA have been asked to double check their position and they have confirmed that they have no concerns.

Whilst I note the Parish Council's concerns with regards flooding, the majority of the building would be sited on an area of existing hard standing. The LLFA have advised that given the site's location away from the village, there is no risk of surface water flooding from this application site to residents of Winthorpe given the intervening highway networks. I have no reason to disagree with the professional advice.

On this basis I do not consider there would be any adverse impacts relating to flood or surface water run-off and I conclude that the proposal accords with CP10 and the NPPF in flood risk terms.

Residential Amenity

There are no residential properties located near to the site and therefore I do not consider this scheme would have any adverse impacts.

Conclusion

The proposal to erect a new warehouse that would complement the existing distribution centre is considered to be acceptable in principle, contributing to enhancing the existing business and its operations at the site, creating some limited employment opportunities and having a positive effect on the economy. The visual impact of the proposal is considered to be acceptable, there are no adverse highway impacts and there would be no adverse impacts arising from surface water flooding having regard to the submissions and the advice of the LLFA. I therefore conclude that the proposal accords with the Development Plan and recommend approval.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

Conditions

01

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

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

02

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application and the colour finish of the external profiled metal clad wall shall match the buildings to which it is attached unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

03

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

26212 DRG01 (Internal Plan)
26212 DRG02 (Roof Plan)
26212 DRG03 (Section Plan)
26212 DRG04 (Side Elevation)
26212 DRG05 (Side Elevation)
26212 DRG06 (Front Elevation)
26212 DRG07 (Rear Elevation)
26212 DRG09 (Block Plan)
26212 DRG08, Revision 1 (Site Location Plan)

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

Reason: So as to define this permission.

04

The premises shall be used in connection with the existing distribution business operating from the site and for no other purpose, including any other use falling within Class B8 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that

Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of amenity and to afford control over matters such as HGV vehicle movements and parking that may be more intensive with alternative uses.

Notes to Applicant

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Background Papers

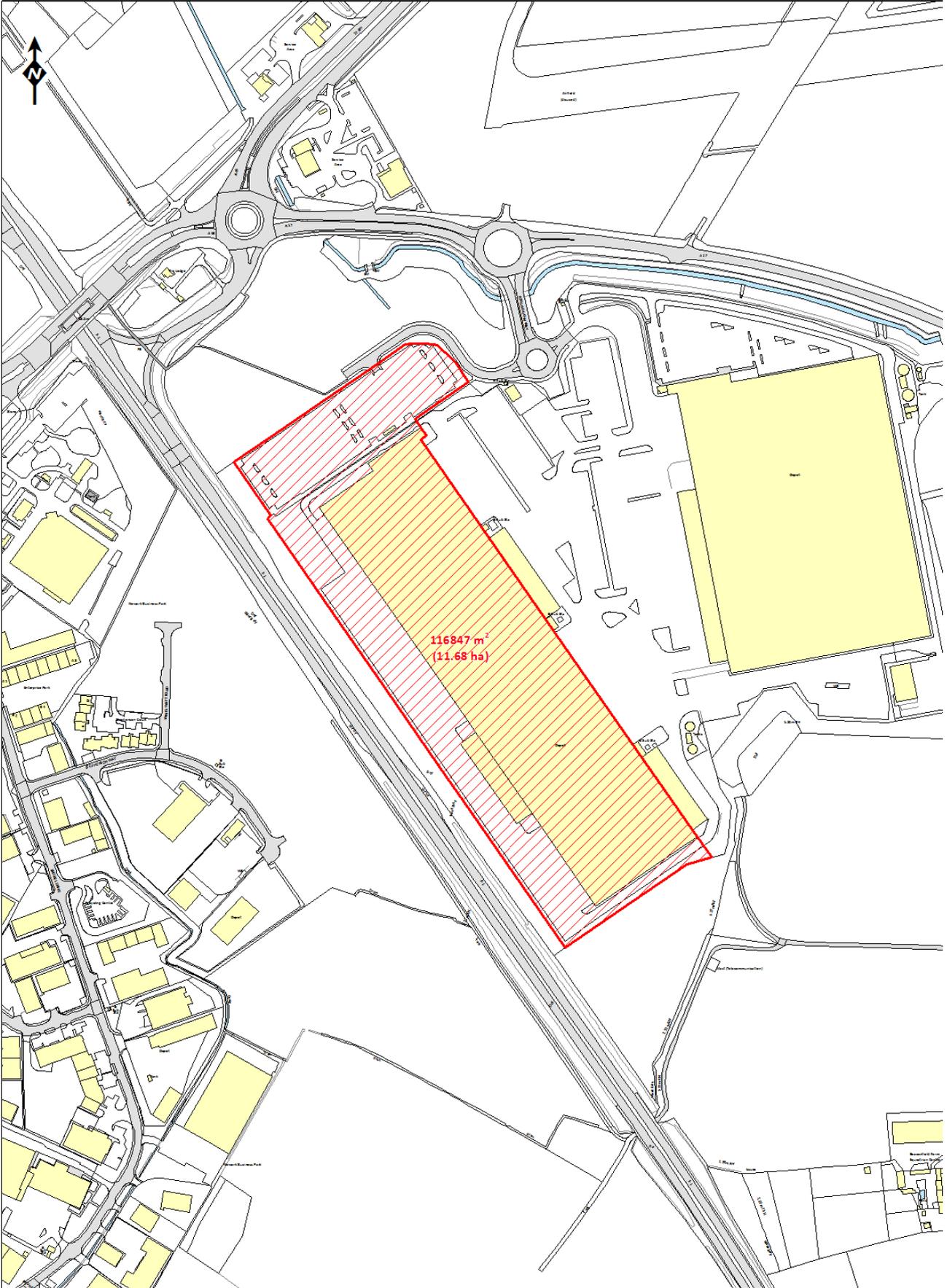
Application case file.

For further information, please contact Clare Walker on 01636 655834.

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

K Cole
Deputy Chief Executive

Committee Plan - 16/01505/FULM



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Application No:	16/01144/FULM
Proposal:	Erect 21 new build homes (consisting of 1 bed flats and 2 bed houses)
Location:	Land north of Belle Vue Lane, Blidworth, Nottinghamshire
Applicant:	Newark and Sherwood Homes
Registered:	28 July 2016 Target Date: 27 October 2016
	Extension of Time Agreed in Principle

This application is before the Planning Committee for determination because the application has been submitted on behalf of Newark and Sherwood Homes, a subsidiary of the Council.

The Site

The site comprises a vacant parcel of land located at the edge of, but within, the village envelope of Blidworth. Spatial Policy 1 of the Core Strategy identifies Blidworth as a Principal Village and the site itself is allocated for housing by Policy BI/Ho/2 of the Allocations and Development Management Development Plan Document (DPD).

Blidworth Industrial Park lies to the north and east of the site with residential development to the west and south. The site is currently overgrown with vegetation, although the site does include 2 no. beech trees which are protected by tree preservation orders (TPOs).

There is a Site of Interest in Nature Conservation (SINC) approximately 80m to the north east of the proposed development site. The site also lies within the buffer zone identified by Natural England and the RSPB which is within 1km of those parts of Sherwood Forest which meet the primary criterion for designation as a Special Protection Area (SPA), by virtue of the population of nightjar and woodlark exceeding 1% of the national total.

Relevant Planning History

13/01800/OUTM - Outline planning application for up to 13 dwellings (including affordable homes), together with site access, open space and associated service infrastructure (permitted 18.06.2014). The scheme was originally for 15 dwellings but was reduced down as it was considered too intensive given the presence of trees, many of which have since been removed. This was accompanied by a signed Section 106 Agreement which secured policy compliant contributions of affordable housing (30% on-site), community facilities and public open space.

The Proposal

The application seeks full planning permission for residential development of the site to include a total of 21 residential units (15 no. 2 bedroom and 6 no. 1 bedroom flats/maisonettes). The houses are to be open market dwellings, whilst the 6 flats are to be affordable housing. The buildings will be two storey in height with a maximum ridge height of 8.3m for the apartment block and 8m for the dwellings and will be constructed of brick, render and tile with UPVC windows and doors.

The development of the site also includes 590m² of public open space to the west of the site which will incorporate the 2 no. beech trees subject to TPOs. The eastern, northern and western boundaries of the site are to be treated with acoustic fencing and vegetation with some vegetation to the southern boundary of the site, along with a 1.8m high brick wall around the edge of plot 21 in the south-eastern corner of the site.

Access to the site will be via 2 no. vehicular access points off Belle Vue Lane with parking provided for some plots also being served directly from this Lane.

The application is accompanied by a Design and Access Statement, Acoustic Assessment, Affordable Housing Statement, Arboricultural Report, Combined Phase 1 Desk Top Study and Phase II Exploratory Investigation, Extended Phase 1 Habitat Survey and Reptile Survey along with Street-Scene Elevations.

Departure/Public Advertisement Procedure

Occupiers of fifteen properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 1: Affordable Housing Provision

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policy Bl/Ho/1: Blidworth – Housing Site 1

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM2: Development on Allocated Sites

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- NSDC Developer Contributions and Planning Obligations SPD 2013

Consultations

Blidworth Parish Council – Support the Proposal

NSDC Parks and Amenities – No comments received to date

NSDC Strategic Housing – No comments received to date

NSDC Environmental Health Officer – *I refer to the above application and in particular the noise assessment submitted. I consider the noise report to be robust. In particular sensible recommendations are made in section 7 and 8(1-5). Looking at the application submission, none of these recommendations appear to have been taken on board. We would need to be certain that the applicant has designed their scheme to fully incorporate the recommendations set out in their own noise report.*

NSDC Contaminated Land Officer – *I have received a Combined Phase I Desk Study & Phase II Exploratory Investigation submitted by the BSP Consulting consultant acting on behalf of the developer (Newark & Sherwood Homes). This document provides a detailed account of the site's environmental/historical setting and defines an appropriate conceptual site model. Following intrusive sampling, the report goes on to recommend two possible remedial options following the identification of elevated arsenic in the made ground around sample point WS2. Both options include the placement of clean capping in garden areas. Environmental Health would require certification for any materials imported to site for placement in garden/communal areas. Option two if chosen also includes removal of made ground and in this instance Environmental Health would require evidence that the made ground has been removed and that the elevated arsenic is no longer present.*

Furthermore, it is noted that pesticide and herbicide analysis was carried out in some samples due to the presence of a former sheep dip. Given that there was detectable p,p DDT, I would expect some discussion of the results within the risk assessment.

Until the outstanding matters above have been addressed, I would expect continued use of our standard condition.

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

Nottinghamshire Wildlife Trust – Comments 8th November 2016:

Thank you for consulting Nottinghamshire Wildlife Trust on the additional information submitted in support of the above.

The revised layout plan appears to show a reduced area of open space, some hedgerow removal and less hedgerow planting than originally proposed, however existing trees would still be retained. We recommend that the LPA confirms that replacement planting is maximised and that native, locally appropriate species are used throughout for maximum biodiversity benefit.

We are pleased to see that an up to date reptile survey has now been undertaken. The report confirms continued presence of common lizard on the site and recommends development of a mitigation strategy to include capture and translocation prior to commencement of development. We recommend that development of the above strategy is secured and implemented through a planning condition, to be discharged prior to commencement of development.

Comments 23rd August 2016:

Thank you for consulting Nottinghamshire Wildlife Trust on the above application. We have reviewed the Extended Phase 1 Habitat Survey report (BSG, November 2015) and have the following comments.

We are generally satisfied with the methodology employed, which included consultation with the local records centre and a site walkover survey.

*Common lizard was recorded within the site during a previous reptile survey undertaken in August/September 2013. We consider this information to be **out of date** as it refers to work now 3 years old. The NPPF states, in paragraph 165, that planning decisions should be based on up-to-date environmental information.*

*Furthermore, Section 4.18 of the report states that “The habitats within the site (particularly rank grassland and scrub) provide a **good habitat mosaic for reptiles**, offering shelter, foraging and basking opportunities. Given this and the known presence of common lizard, it is considered likely that reptiles, particularly common lizard, are present within the site”.*

Section 5.10 of the report recommends development of a **reptile mitigation strategy** as the majority of suitable habitat would be lost to the development. We are of the opinion that **an up-to-date reptile survey is required to inform this strategy** and that this should be undertaken **before the application is determined**, in accordance with Paragraph 99 of Government Circular 06/2005, which states that:

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

However, we are aware that clearance works may have been undertaken on site since the ecological report was written. If this is the case, there is a very real possibility that reptiles may have been injured or killed during such work unless a mitigation strategy was adhered to. We recommend that **confirmation is sought that the site was cleared in accordance with a reptile mitigation strategy**, with any reptiles (including common lizard) captured and translocated to an appropriate site. Confirmation of suitability of any receptor site is also sought.

To confirm the current state of the site, including suitability for reptiles, we recommend the LPA requests an **additional walkover survey** is carried out by a suitably qualified ecologist, with the report submitted for review. Should the site remain suitable for reptiles, the above **full reptile survey** must still be undertaken. **Both walkover and full reptile survey work should be completed prior to determination of the application.**

The recommendations regarding removal of cotoneaster, vegetation clearance outside of the bird breeding season, retention and protection of mature trees and use of a sensitive lighting scheme should be secured through use of planning **conditions**, should they still be relevant.

We would additionally expect compensatory planting with native, locally appropriate species including within a landscaping scheme for the site. As you will be aware, the NPPF requires no net loss of biodiversity through the planning system and indeed, encourages net gains where possible.

In addition to the above information, we would like to highlight that the 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 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 Annex 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. In this case, we are of the opinion that indirect impacts could include noise disturbance and pollution, caused by development

and operations in conjunction with an increase in traffic and recreation, to potential breeding and feeding habitat in the nearby area.

NCC Ecology – Comments received 1st November 2016:

The reptile survey (BSG, October 2016) has confirmed the continued presence of common lizard at the site, with a peak count of six individuals (including juveniles). The report recommends the preparation of a reptile mitigation strategy, which should include details of the method and timings for the capture and translocation of common lizard to a suitable receptor site (noting that under the Wildlife and Countryside Act it is illegal to intentionally kill or injure common lizards).

*I would therefore request that a **condition** is used to require the preparation and implementation of such a reptile method statement, prior to the commencement of development.*

Comments 18th August 2016:

An Extended Phase 1 Habitat Survey has been carried out in support of the application, dated November 2015. This confirms that the site is not covered by any nature conservation designations, and that habitat present on site is of limited intrinsic value. However, common lizards have previously been recorded on the site (in 2013), and were recorded on an adjacent parcel of land (40m to the NE) in 2015.

*As such, the continued presence of common lizard at the site seems more than likely, noting that no survey has been undertaken to confirm presence/absence. The survey report recommends that a Reptile Mitigation Strategy will be required in order to avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended), noting that common lizards are protected from intentional killing and injury. It is therefore concerning to note that aerial photos of the site, taken in 2016, suggest that it has been largely cleared of vegetation, save for two trees. Confirmation is therefore requested that the site was cleared of common lizards, before the site clearance took place. This **confirmation** is requested as a matter of urgency.*

In addition, the survey report makes recommendations relating to the following:

- 1. The removal of a cotoneaster plant on the western site boundary, in advance of site works.*
- 2. The use of standard controls relating the vegetation clearance during the bird nesting season (which runs from March to August inclusive)*
- 3. The retention of mature trees and their protection during construction*
- 4. The use of a sensitive lighting scheme*

*Given that site clearance has already occurred, it is unknown if recommendations 1 and 2 were adhered to, whilst in relation to 3, it is clear that whilst two trees towards the western end of the site, all other trees have been cleared from the site. **Conditions** should be attached to any permission granted covering these requirements.*

*Notwithstanding the above, in the event that planning permission is granted, a **condition** should require the submission of a detailed landscaping plan, to include the use of native-species boundary hedgerows and native trees, and the use of a flowering lawn seed mixture in the area of private open space.*

NCC Archaeology – No comments received to date

NCC Highways – No formal comments received.

NCC Education – *With regard to the above application I can confirm that the proposed development of 21 units would be expected to yield an additional 4 primary places and 3 secondary places.*

Based on current pupil projections the additional 4 primary places can be accommodated in existing schools. We therefore will not be seeking a primary education contribution on the above proposed development.

Any secondary contribution would be covered by CIL.

NCC Planning Policy – *Thank you for your letter dated 10th August 2016 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.*

Planning Policy Context

National Planning Policy Framework (NPPF)

One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of, and the need to protect and enhance the natural, built and historic environment and biodiversity, together with the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement

with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. To support this Local Planning Authorities are tasked with involving all sections of the community in the development of Local Plans and in planning decisions. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments*
- High quality public spaces*
- Recreational space/sports facilities*
- Community facilities*
- Public rights of way*

Paragraph 171 relates to Health and well-being and encourages Local Planning Authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

Paragraph 72 of the NPPF states that,

"The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and*
- Work with school promoters to identify and resolve key planning issues before applications are submitted"*

County Planning Context

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area.

Waste

In terms of the Nottinghamshire Waste Core Strategy (December 2013), there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Minerals

The proposed site does not lie within close proximity to any existing or proposed mineral extraction sites, or within a Mineral Safeguarding and Consultation Area. The County Council does not, therefore, wish to raise any objections to the proposal on mineral safeguarding grounds.

Strategic Planning Issues**Highways and Flood Risk Management**

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Strategic Transport

The County Council does not have any strategic transport planning observations to make on this proposal.

Transport and Travel Services

The proposed access point appears to be from a new entrance onto Belle Vue Lane, the nearest current bus stop is approximately 20 metres from the centre of the site, however this stop is only served two days per week, the closest well served bus stops are approximately 700 metres from the site on Mansfield Road.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

This area is served by frequent Stagecoach commercial service 28 to Mansfield, Rainworth, Blidworth and Newark. In addition Trent Barton commercial service 141 provides an hourly service to Mansfield, Hucknall and Nottingham.

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

Infrastructure

Current Infrastructure

The current infrastructure observations from Transport & Travel Services' photographic records are as follows:

NS0265 The Crescent – Bus Stop Pole

NS0268 Belle Vue Lane – Bus Stop Pole, Polycarbonate Bus Shelter and Raised Boarding Kerbs

NS0348 Belle Vue Lane – Polycarbonate Bus Shelter and Raised Boarding Kerbs.

Possible Infrastructure Improvements

Transport and Travel Services request the following improvements:

NS0265 The Crescent – No Improvements

NS0268 Belle Vue Lane – Enforceable Bus Stop Clearway

NS0348 Belle Vue Lane – Enforceable Bus Stop Clearway.

Transport & Travel Services would request that should planning permission be granted it is subject to a condition which states:

No part of the development hereby permitted shall be brought into use unless or until improvements to the two bus stops on Mansfield Road (NS0268 and NS0348) have been carried out to the satisfaction of the Local Planning Authority and shall include enforceable bus stop clearways.

Reason: To promote sustainable travel.

Further information can be supplied through developer contact with the County Council's Transport & Travel Services (tel. 0115 9774520, email ptdc@nottscc.gov.uk).

Rights of Way

No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered.

Landscape and Visual Impact

Existing Site

The site is located to the north east of Blidworth. Formerly the site of Belle Vue Farm, the site was cleared in the 1970s and has been disused since then. The site is largely covered in scrub and tall

ruderal vegetation. There are two large Beech trees to the west of the site and other smaller trees are located mainly to the site boundary.

The site is fenced off to the southern boundary and was not accessible. An earth bund runs along the southern boundary, inside the fence line, and trees have already been felled from the bund. A 1.8m high close boarded fence runs along the western boundary. To the northern boundary, palisade fencing and chain link fencing are visible, together with boundary trees – the north eastern and eastern boundary of the site is not visible from Belle Vue Lane but the tree survey indicates that there are sections of Hawthorn hedgerow.

To the south on Belle Vue Lane there are two storey residential properties. A detached residential property also lies to the west. Blidworth Industrial Park lies to the northern and eastern boundaries and there are large scale industrial buildings in close proximity to the site.

Planning Policy and Designations

The site is allocated for housing in the NSDC Local Development Framework (adopted July 2013).

Belle Vue House which lies to the west of the site is a Listed Building of local interest. The Blidworth Colliery Village which lies to the west and south of Belle Vue Lane is also designated as a group of historic buildings.

To the east lies the former Blidworth Colliery site which is designated as a local wildlife site.

National Cycle Network Route 6 runs along Belle Vue Lane and eastwards through the former colliery site.

Impact of the Proposed Development on the Existing Landscape

The two large mature Beech trees are to be retained. The tree survey refers to a group of 20 No Silver Birch and Holly along the southern boundary but these have already been removed.

*The proposed development would have a **negligible/slight adverse** impact on the existing landscape.*

Removing plots 13 and 14 is recommended to allow a wider landscape buffer between the proposed dwellings and the industrial units.

The tree survey identifies sections of Hawthorn hedge to the northern and eastern boundaries – these should be retained and managed if possible with gaps planted up. If this is not possible, it is recommended that a new Hawthorn hedge is planted along the whole of the northern and eastern boundaries. Small trees to the northern boundary should also be retained if possible.

Impact of the Proposed Development on the Landscape Character

The site lies within the village envelope but is on the edge of the Sherwood Character Area as designated in the Newark and Sherwood Landscape Character Assessment (adopted 2013) within

Policy Zone SH18 – the Blidworth and Rainworth Wooded Estate lands.

*The proposed development would have a **negligible** impact on the landscape character as it lies within the urban area. Relevant Landscape Actions recommended for this Policy Zone include conserving and reinforcing field boundaries where these have become degraded or lost and creating small scale woodland/tree planting to soften new development.*

Visual Impact of the Proposed Development

*There are two storey residential properties opposite the site on Belle Vue Lane – residents will have direct views of the site from ground and first floor windows. Visual impact during the works would be **major adverse**, reducing to **negligible/slight adverse** on completion of the works.*

*Residents of the residential property to the west of the site would have views of the development from first floor windows. Visual impact during the works would be **major adverse**, reducing to **negligible/slight adverse** on completion of the works.*

Summary

The planning application for residential development can be supported but the County Council would wish to make the following recommendations: -

- 1. Plots 13 and 14 should be deleted to allow more planting to the northern boundary and provide a more substantial buffer between the industrial buildings and the residential development. It is recommended that as much of the existing vegetation to the northern and eastern boundaries is retained as possible to provide more instant screening. Retention of existing trees and hedgerow would be in line with the recommended Landscape Action for this policy zone. The outline application in 2014 was for 13 No dwellings therefore the loss of 2 No should be acceptable.*
- 2. The Arboricultural Impact Assessment and Method Statement for protection of the two mature Beech trees should form part of the contract documentation – the root protection zone should be fenced off in accordance with BS 5837: 2012 and guidance should be adhered to at all times.*
- 3. Detailed landscape proposals should be submitted including ground preparation, tree pit details, species, specification, size at planting, spacing etc, together with details of proposed establishment maintenance.*
- 4. It is noted that the two storey one bed flats face directly onto Belle Vue Lane – setting them back from the pavement would be in keeping with the local vernacular and front gardens would help to mitigate the visual impact on residents opposite. It is recommended that this is considered – if Plots 13 and 14 are removed this could also be accommodated.*

Reclamation

Existing Site

The site is sensibly level and comprises a rectangular shaped plot of land, which is predominantly surfaced with rough grass. Parts of the site are heavily overgrown with brambles, bushes and young trees. Two mature trees are present in the western half of the site. An earth bund forms the southern boundary of the site.

The history of the site publicly dates back to the 1880s, where buildings for Bellevue Farm occupied the site. Overtime, additional farm buildings were constructed on the site, concentrated in the southeastern area. In the 1930s a sheep wash occupied this corner of the site and remained until the 1970s where the site was cleared of all buildings, becoming a piece of undeveloped land. The site has remained in this state ever since.

Contamination Impacts

The application has the benefit of a combined phase I and Phase II investigation, the phase I element identifying the pollutant pathway and receptor risks. Whilst the phase II investigated the ground conditions to confirm or refute the viability of the conceptual model.

The conclusion and recommendations of the report are rigorous in their approach and methodology, however the conclusions are based upon only 6no. soil analyses and two of those are of natural ground. The analytical suite chosen is a general one supplemented by specific analysis (pesticides identified risk from the Sheep Wash). Whilst the statistical analyses are sound, I have reservations as to the representative population (sample size) to derive robust conclusions. However, given the analytical results the remediation proposed appears proportionate and addresses the concerns of the conceptual model.

The report identifies a localised contamination source identified through the presence of arsenic, two remediation options are proposed in the report, both address the arsenic issue and to greater or lesser extents the “unsuitable” brick ash in the upper soil layers.

Whilst there is a statement in the report that there is no risk to controlled waters this is based upon soil analysis only, no leachability testing or ground water monitoring has been undertaken.

The recommendation that imported top soil be tested to BS3882 is most prudent, however the standard has been updated since the report was produced and any testing should also include for contamination so as to not import an additional problem.

Conclusions and recommendations

The remediation options proposed by the report are valid, however the report does not go into further detail as to recommend a remediation strategy and validation testing. These should be provided to the planning authority for approval. Suggested wording from the model procedures is given below.

The developer must prepare a remediation scheme with validation of that remediation 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.

The scheme needs to be approved by the LPA in writing. It must:

- include all works to be undertaken, the proposed remediation objectives and remediation criteria, a timetable of works and the site management procedures; and*
- ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (Part 2A) in relation to the intended use of the land after remediation.*

Before development starts, the remediation work must be carried out in accordance with the terms of the remediation scheme.

The developer must:

- notify the LPA in writing two weeks before the remediation work starts; and*
- arrange for a verification report to be submitted to the LPA for approval following completion of the remediation work.*

The purpose of the verification report / 'validation report' is to demonstrate that the remediation scheme has been effective. The term 'verification report' is used to reflect the terminology in the EA's model procedures.

The recommendations made in the report are most prudent, especially those relating to ground conditions and the utilities, and should be followed. Like all investigations the limitations of such are recognised in that the unforeseen circumstances are brought to the client's notice, again this is most prudent. Suggested wording from the model conditions is given below.

If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the LPA and carry out the steps referred to in model conditions 1-3 before development of the affected part of the site may continue.

Developer Contributions

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

Conclusion

The County Council does not wish to raise any objections on strategic planning policy grounds. However, it is recommended that the application is supported by a waste audit and any permission granted should be subject to a number of conditions to protect and enhance the ecological value of the site, to promote sustainable travel and in respect of land contamination and remediation, as detailed above. In addition, there are a number of recommendations, detailed above, in terms of landscape and visual impact and urgent confirmation is requested that the site was cleared of common lizards before site clearance took place.

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the

Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met.

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

Severn Trent Water – *I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.*

Condition

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

Reason

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

Suggested Informative

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

Lead Local Flood Risk Authority – *Current preliminary comments: No objections subject to the following:*

No construction shall start until a detailed surface water design and management plan has been submitted to and approved by the LPA and that complies with the following points:

- 1. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.*
- 2. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note*

that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.

- 3. The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.*
- 4. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.*
- 5. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.*

One letter of representation has also been received from a local resident raising concern that businesses within the adjacent industrial estate operate 24 hours a day and as such noise from these businesses is almost inevitable, particularly from production machinery and vehicles.

Comments of the Business Manager

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

Principle of Development

The site is allocated for housing through Policy BI/Ho/2: Blidworth – Housing Site 2 in the ADMDPD. The policy states that the site has been allocated for around 10 dwellings, subject to the following:

- Appropriate screening from the adjacent Blidworth Industrial Park as part of the design and layout of any planning application; and
- The investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning consent.

The site already benefits from an extant outline planning permission for up to 13 dwellings, as approved under planning reference 13/01800/FULM. This was also for a greater number of dwelling than the suggested figure of 10 offered by the DPD.

It is therefore for the LPA to consider the appropriateness of an increased number of dwellings to be included within the development, paying particular regard to the impact upon the character of the area, the amenity of each dwelling and surrounding development, highway safety and ecology.

Impact upon the Character of the Area

Belle Vue Lane is a mix of residential and commercial/industrial buildings and although there is a loosely uniformed pattern of development on the southern side of the road, directly opposite the site, I am of the view that there is no distinctive character that the development should conform to.

The previous planning application sought to retain much of the mature vegetation within the site. However with the exception of two beech trees, much of this vegetation has been removed from the site. Nonetheless, the 2 retained trees have influenced the location of the proposed public open space, which breaks up the massing/bulk of the scheme to provide a more attractive street scene. Additional landscaping is also proposed to the western edge of the site which in my view softens the appearance of the development when approaching the site from the west.

In terms of the number of dwellings, I am mindful that there is a significant increase in dwelling numbers from that already approved and that suggested by the DPD. However the numbers previously appear to have been in part dictated by the natural landscaping of the site to avoid the loss of trees. Since the approval back in 2014, the site has been cleared outside the remit of the planning process which has provided an additional developable area. I am of the view that this additional area provides sufficient space for the additional dwellings and associated parking without resulting in over intensive development of the site. I note the comments from Nottinghamshire County Council's Planning Policy team who recommend the relocation of the apartment building to improve the appearance of the site within the street scene However I do not consider that the relocation of this building, which could only be accommodated with the removal of other units, to be essential to the acceptability of the scheme and would not, in my view, significantly alter the appearance of the development along Belle Vue Lane. As such, the location of the flats has remained as submitted.

As originally submitted, the development was considered to be dominated by parking areas which were clearly visible from the main highway and in my view had a negative impact upon the character of the development and wider area, as well as likely to have a detrimental impact in terms of the visual amenity for the occupiers of the new dwellings. Following discussions with the applicant, the layout of the site has been amended to break up the hard standing within the site, as well as a greater level of soft landscaping which I consider to result in an appropriate layout which is unlikely to have an adverse effect upon the area.

With regards to the design of the dwellings, they are relatively modest in scale and will be of a similar height to the surrounding residential properties. Additionally, the materials proposed to be used will reflect those used in the surrounding area with some traditional detailing also incorporated, for example the brick detailing along the gables end features is similar to that on the

dwelling immediately opposite the site. However, to ensure that the development does reflect the character of the local area, I recommend that the details of the materials proposed are conditioned, should Members be minded to approve the application.

Aside from the design of the development, in accordance with Core Policy 13, development should also have regard for the landscape character of the area which in this instance is Policy Zone SH18 – Blidworth and Rainworth Wooded Estate lands where the main considerations are to conserve and reinforce the distinctive features of the landscape, including hedgerows and small deciduous woodland areas. The County Council's Landscape officer has assessed the scheme and has concluded that the development, when completed would have a negligible/slight adverse impact upon the existing landscape and landscape character, although removal of plots 13 and 14 in their view would create a wider landscape buffer between the proposed dwellings and the adjacent industrial units. This has been relayed to the applicant, however the scheme has not been amended to reflect these comments. In this instance, I do not consider the inclusion of plots 13 and 14 to be so detrimental to the overall appearance of the development to warrant a recommendation of refusal to Members as the development will be separated from the industrial units by acoustic fencing and vegetation, the latter of which will soften the built form.

Housing Mix and Density

Whilst the proposal would represent a density of 52.5 dwellings per hectare (where CP3 suggests that densities are a minimum of 30dph) I consider that this is acceptable taking into account the character of the area, the fact that this density is heightened by the provision of flats and that there is no density ceiling stated within CP3 and that this makes efficient use of use. Core Policy 1 provides that 30% on site affordable housing should be provided on sites over 10 dwellings.

In this case the proposal seeks to provide 30% on site affordable housing but with tenure of 100% social rent. Ordinarily the Council seeks to secure a tenure split of 60% social rent and 40% intermediate. The scheme provided is not technically policy compliant in terms of tenure split however affordable rent is more expensive to provide and therefore the offer to provide all affordable rent is actually a benefit of the scheme in my view. Furthermore NASH is tasked with providing affordable housing on behalf of the Council and therefore it is considered reasonable to accept that the scheme is in line with the identified affordable housing needs of the district.

In terms of the market provision, the proposal seeks to provide 15 x 2 bedroom dwellings which Policy CP3 identifies as being a particular requirement of the district. Furthermore the district Housing Needs Survey identifies that in the Mansfield Fringe sub-area, a third of market housing need relates to 2 bedroom properties. This application is therefore considered to be in line with the identified need.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The site is located adjacent to industrial units forming Blidworth Industrial estate with residential properties to the west and across the road to the south. I am mindful that plots 13 and 14 in particular lie close to the industrial units to the north, however there is no direct overlooking from either properties and due to the ridge heights, I do not consider it likely that there would be any overshadowing impacts, particularly as the industrial units lie to the north of the plots.

In terms of plots 14-21, these properties would directly overlook the industrial unit to the east although there would be a separation distance of at least 14m between the development and this neighbouring building. Furthermore, this neighbouring industrial unit has a blank gable wall facing on to the development site and as such I am of the view that that the proposed dwellings would have limited impact upon the amenities of this neighbouring unit.

Plot 1 lies approximately 2m from the boundary with Belle Vue House which lies to the west of the site, although both properties are orientated in the same direction to face on to Belle Vue Lane. Given this layout, the ability to overlook on to either property is limited, with a distance of around 14m between the side walls of each property which in my view complies with Policy DM5 of the DPD in terms of neighbour amenity.

As Members will note from the comments received by NCC's Planning Policy team, concerns were raised with regards to the proximity of the proposed flats/maisonettes to the main highway and their potential impact upon the properties immediate across Belle Vue Lane. Whilst I am of the view that setting this building back from the highway could have a positive impact upon these neighbouring properties, I am of the view that there is a sufficient distance between the development and the existing dwellings (approximately 17-18m), with a typical front-front relationship seen on most residential streets. As such, I am satisfied that the neighbouring properties to the south of the site are unlikely to have adversely impacted by the development in terms of their amenities.

Turning to the amenities of the occupiers of the new dwellings, the layout of the proposal is such that in my view, the properties will not have any adverse impact upon the amenities of their immediate neighbours. Concerns have however been raised with regards to the noise impacts of the industrial estate upon the new occupiers. The Officer's report for the 2013 outline application assessed noise as part of the application, which was accompanied by a full noise report that recommended 6 noise control measures that were controlled through condition at the recommendation of the internal Environmental Health Officer. The noise report has been resubmitted with this current planning application and as such I consider the recommendations of the Environmental Health Officer to remain relevant to this application and therefore should Members be minded to approve the application, I would recommend that the conditions relating

to the noise report from the previous planning application are imposed upon this application. I do however note that acoustic fencing is proposed on submitted plans, although details of this fencing are still required to be agreed.

Impact upon the Highway

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and should minimise the need for travel through measures such as travel plans or the provision or enhancement of local services or facilities. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposed development would have 2no. vehicular access points the site, with 2 additional access points solely to parking spaces.

As originally submitted, the Highways Authority raised concerns to the scheme in respect of the parking layout and spaces available for each property. The applicant has addressed these issues with the provision of amended plans. These revised plans have been verbally discussed with the Highways Authority. It is understood that they do not intend to raise any highway safety concerns and will in due course confirm this and suggest a number of conditions.

Nottinghamshire County Council have also assessed the impact of the proposed development upon their current transport infrastructure and have requested a condition is imposed upon the decision to ensure that improvements are made to two bus stops on Mansfield Road, 700m from the site, which will serve the occupiers of the proposed dwellings. Whilst this may be desirable to them in the interests of sustainability, the bus stops are in fact already in situ and this was not requested as part of the application for 13 dwellings approved in 2014. I do not consider that the addition of 8 dwellings (nor indeed the total of 21 dwellings proposed here) can be attributed to the need to improve bus stops that are the other side of the settlement. In this regard I do not consider that the request is reasonable or necessary to make the development acceptable and it fails the tests of the NPPF and CIL Regulations.

Impact upon Ecology

The site is currently overgrown although has been cleared recently, as noted by the NCC Senior Nature Conservation Practitioner. The application has been accompanied by a habitat survey and a reptile survey which have both been assessed by the above officer and Nottinghamshire Wildlife Trust, both of whom have agreed that the recommendations outlined in the reports are acceptable subject to condition.

The reptile survey has confirmed that common lizards are present within the site and as such, measures to protect them are required through a reptile mitigation strategy, as recommended by the report.

In terms of the habitat survey, the report makes recommendations which the Nature Conservation Practitioner has recommended are conditioned and include removal of vegetation outside of the bird nesting season, the retention and protection of mature trees and the using of a sensitive lighting scheme. Nottinghamshire Wildlife Trust have also requested the same conditions.

In addition to these, the NCC Practitioner has also recommended that a detailed landscaping plan is submitted prior to the commencement of development which should include native species for vegetation and the use of a flowing lawn seed mixture for the open space. Members will be mindful that the NPPF requires no net loss of biodiversity through the planning system and indeed, encourages net gains where possible. Therefore a condition to control this is considered reasonable and necessary.

Additionally, the 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 SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. The Council must pay due regard for the potential effects upon birds under Annex 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 advised that potential indirect impacts could include noise disturbance and pollution, caused by development and operations in conjunction with an increase in traffic and recreation, to potential breeding and feeding habitat in the nearby area. This issue was discussed by the case officer as part of the 2013 outline application and it is my view that their assessment also applies to this current planning application. For reference, their assessment is detailed below,

The submitted report also covers the impact of the proposal on the pSPA stating that the rank grassland and scrub habitats found present on-site provided some potential breeding habitat for nightjars and woodlark, although areas of bare or sparsely vegetated patches of ground on heathland which is preferred by this species was absent. The site also lacked conifer plantations, which is also used by these species. No woodlark records were provided by consultees and only one nightjar record was provided by Nottinghamshire Biological & Geological Records Centre within 1km of the site.

As mentioned earlier in this report, there are 2 protected trees within the site which are proposed to be retained within the development. These trees form part of the public open space, although their canopy does overhang parking and garden areas. The arboricultural assessment has recommended protection measures for the trees during construction which I consider necessary to be conditioned to ensure these trees are retained on site and are not damaged by the development.

Developer Contributions

The number of dwellings proposed on the site has triggered the requirement of developer contributions in accordance with the Council's Developer Contributions and Planning Obligations SPD. The development proposes to provide the required 30% on site affordable housing units

(6no.) as well as on site public open space.

The former is discussed under the Housing Mix and Density Section above. The latter will provide 212m² additional open space than required by the SPD. These matters will be secured through an appropriate mechanism such as a Section 106 Agreement should members be minded to approve the application. Please see Note to Applicant No.4 for further details at the end of this report.

In addition to the above, a financial contribution is required for community facilities which would be spent on facilities in the area. The number of dwellings also triggers contributions for primary education, libraries and transport, however Nottinghamshire County Council have advised that at this time, they will not seek contributions to these services because existing services are able to absorb the additional usage of these services.

5 Year Housing Land Supply

It is acknowledged that the Council's Objectively Assessed Need is still to be ratified through the Plan Review process. However in any event the Council is of the opinion that it can demonstrate a 5 year land supply and has taken a robust position with regard to the lead in times and delivery rates for the housing supply over the next five years.

The Council's position is that full weight cannot be attached to the identified OAN until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. Indeed it is acknowledged that this scheme will contribute positively to the 5 year land supply.

Other Matters

Policy BI/Ho/2 refers to the requirement of investigation of potential archaeology on the site. No archaeological survey has been submitted as part of this application, and no comments have been received by NCC's archaeologist to date. I do however take note from the previous outline application and a pre-application enquiry submitted 2015 that the NCC archaeologist raised no objection to the development and as such, I am satisfied that this view can also be applied to this current application.

Contamination impacts have also been assessed by both NSDC and NCC Contaminated Land teams who have recommended conditions are imposed upon any permission, particularly with regards to a remediation strategy and validation testing.

The site is not located within a flood zone. However the increase in built form does have the potential to impact upon the drainage of the site. The Lead Local Flood Risk Authority has raised no objection to the scheme subject to conditions, along with Severn Trent Water with regards to drainage.

Finally legal advice has been sought with regard to the ability to enter into a Legal Agreement with the applicant given that they are a subsidiary of the District Council. However given that the site is owned by NASH, I am advised that we are entitled to enter into such an Agreement and it is an appropriate mechanism to secure the developer contributions in this instance.

Planning Balance and Conclusion

The application seeks full planning permission for the erection of 21 dwellings, including 6 affordable homes. The site is allocated for housing within the Council's Allocations and Development Management DPD with the view that the site could provide around 10 dwellings. As such, the principle of residential development on the site is accepted. Since the time of allocation and indeed the previous outline planning application for residential development, the site has been cleared of vegetation and has therefore provided an additional developable area which has allowed for a greater number of dwellings on the site without over intensification of the site, in my view. Overall, it is considered that the site can provide for this number of dwellings without over intensification of the site and without having an adverse impact upon character of the area.

The proposal meets the identified housing needs in both the market and affordable housing sectors which is a benefit of the scheme.

It is also considered that the proposal will not have a harmful impact upon the amenities of surrounding land uses nor the occupiers of the new dwellings. It is noted that the site is located close to Blidworth Industrial Estate and to this end, the submitted noise report has recommended mitigation measures to reduce the potential noise impacts, which have been recommended as conditions.

Furthermore, in terms of ecology, both the County Council's Nature Conservation Practitioner and Nottinghamshire Wildlife Trust are satisfied with the information submitted with the application, subject to conditions. The site also includes 2 protected Beech trees which are to be retained as part of the development; these trees are recommended to be protected during construction by way of planning condition.

In terms of highway safety it is not anticipated that the scheme will attract an objection from the Highways Authority on the basis of discussions held with them to date. In terms of flood risk, the development has raised no objections from the relevant professional parties in respect of these issues subject to conditions to ensure that the development does not have any adverse impact upon existing development surrounding the site.

Amendments have been made to the scheme to improve the site's appearance within the street scene and whilst further amendments could be made to further improve the landscape, it is considered that the scheme as put before Members is acceptable in terms of the design, impact upon amenity, highway safety and ecology, amongst other issues discussed above. It is also considered that the scheme of 21 dwellings, an additional 8 units over and above the extant

permission will make a positive and modest contribution to the 5 year housing land supply which further tips the balance towards an approval.

Therefore on balance, the scheme is recommended for approval to Members, subject to the conditions detailed below and a signed Section 106 legal agreement.

RECOMMENDATION

That full planning permission is granted, subject to

- (a) the following conditions;**
- (b) any reasonable conditions as requested to be imposed by the Highways Authority;**
- (c) the signing and sealing of a Section 106 Agreement to secure the matters summarised in the table forming the Note to Applicant No. 4 below.**

Conditions

01

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

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

02

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

- Site Location Plan – 40581/002A
- Proposed Site Layout – 40581/017F
- Plots 01-03, Plans and Elevations – 40581/018A
- Plots 04-09, Plans and Elevations – 40581/019A
- Plots 010-011, Plans and Elevations – 40581/020
- Plots 012-13, Plans and Elevations – 40581/021
- Plots 015-15, Plans and Elevations – 40581/022
- Plots 016-18, Plans and Elevations – 40581/023A
- Plots 019-21, Plans and Elevations – 40581/024A

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

Reason: So as to define this permission.

03

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

- Bricks
- Roofing tiles
- Render
- Window/Door Frames

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

04

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

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

05

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, using locally native plant species and the use of flowing lawn seed mixture in the area of public open space.
- This shall include the reinforcement/gapping up of existing hedgerows to create strong boundary features utilising native species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

No development shall be commenced until the trees and hedges shown to be retained on drawing number 40581/017F have been protected by the following measures:

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

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

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

08

In accordance with the submitted Noise Assessment dated 28th February 2014, development shall be carried out in accordance with and include the following recommendations set out in Section 8 of the noise report;-

- All external walls to be solid brickwork, brick/block cavity, brick clad timber frame or timber frame with lightweight cladding.
- Roof – Tiled/slatted roof, 10kg/m² plasterboard ceiling, 100mm sound absorbing layer above the ceiling (e.g. mineral wool loft insulation) or roof type of equivalent performance.
- All habitable rooms with windows to be fitted with 4/12/4 or 4/16/4 thermal glazing, well-sealed when closed.
- All rooms with windows to be fitted with a standard trickle vent with indirect air path.

Reason: In the interests of residential amenity in accordance with Policy DM5 of the Allocations and Development Management DPD.

09

Prior to the occupation of the site, details of the acoustic fencing (as annotated on the approved plan) including height, materials and finish shall be submitted to approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with Policy DM5 of the Allocations and Development Management DPD.

010

No hedge or tree that is to be removed as part of the development hereby permitted should be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

011

No building on site shall be occupied until details of bat and bird boxes have been submitted to and approved in writing by the local planning authority. The details shall include the design, type, numbers and the precise height at which they will be installed. The boxes shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity in accordance with Policy DM7 of the Allocations and Development Management DPD.

012

Prior to the commencement of development a reptile mitigation strategy shall be submitted to and approved by the local planning authority. For the avoidance of doubt, the reptile mitigation strategy shall include details of the method and timings for the capture and translocation of common lizard to a suitable receptor site. Development shall thereafter be carried out in accordance with the approved strategy.

Reason: In the interests of maintaining and enhancing biodiversity in accordance with Policy DM7 of the Allocations and Development Management DPD.

013

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

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

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

014

With reference to condition 13, the site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

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

015

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and minimise the impact on wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and in the interests of nature conservation.

Notes to Applicant

01

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

Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

02

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

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

03

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

04

This application should be read in conjunction with the Section 106 Agreement that secures the following:

Developer Contribution Secured
Affordable Housing – 6 number units (Plots 4 to 9) being 1 bed flats for affordable rent (30% on site)
Community Facilities – 21 dwellings x £1,384.70 = £29,065 (index linked to 2016)(Policy Complaint)
Public Open Space – 590m ² and this would be managed by a management company (such as NASH) and secured through the legal agreement. (This contribution represents 212m ² more than the minimum (378m ²) required by policy.

BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

APPEALS A

APPEALS LODGED (received between 17 October 2016 and 14 November 2016)

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

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Regeneration and Growth

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/D/16/3157540	16/00548/FUL	3 Pings Close Besthorpe Newark On Trent Nottinghamshire NG23 7HT	Householder application for demolition of existing garage, new side extension with new garage and room over, including new hard standing parking to front	Fast Track Appeal
APP/B3030/D/16/3157565	16/00479/FUL	Stud Farm House Ossington Lane Sutton On Trent Newark On Trent Nottinghamshire NG23 6NX	Householder application for replacement of existing two bay timber garages with new three bay steel and masonry garage	Fast Track Appeal
APP/B3030/W/16/3158081	16/00996/FUL	Land Adjacent To Old Farm House Pingley Lane Staythorpe Newark On Trent Nottinghamshire NG23 5RH	Erection of detached 3 bedroom bungalow (Revised application 16/00405/FUL)	Written Representation
APP/B3030/D/16/3158618	16/00625/FUL	53 Westbrook Drive Rainworth NG21 0FB	Householder application for proposed two storey and single storey rear extension incorporating existing garage.	Fast Track Appeal
APP/B3030/D/16/3160059	16/01017/FUL	34 Nottingham Road Lowdham Nottinghamshire NG14 7AP	Householder Application for Loft conversion, creation of new dormer and internal alterations.	Fast Track Appeal
APP/B3030/C/16/3160467	16/00114/ENF	Hulleys Close Church Lane Epperstone Nottinghamshire NG14 6RD	Appeal against	Written Representation

APP/B3030/C/16/3160826	16/00180/ENF	Robin Hood View Caravan Park Middle Plantation Farm Belle Eau Park Bilsthorpe Nottinghamshire NG22 8TY	Appeal against Unauthorised Development	Written Representation
APP/B3030/W/16/3156583	16/00782/FUL	The Plough Main Street Coddington Newark On Trent Nottinghamshire NG24 2PN	Alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings (re-submission of 15/02253/FUL).	Written Representation

APPENDIX B: APPEALS DETERMINED (between 17 October 2016 and 14 November 2016)

App No.	Address	Proposal	Decision	Decision date
15/02109/FUL	Adjacent To Sherwood Forest Lodge Main Road Kings Clipstone Nottinghamshire	Construction of a Single Storey Dwelling and Garage	DISMISS	04.11.2016
16/00240/FUL	Land Adjacent 74 Westbrook Drive Rainworth Nottinghamshire	Proposed detached 2/3 bed dwelling	DISMISS	20.10.2016
16/00526/OUT	Kerkyra Old Great North Road Sutton On Trent NG23 6QL	Erection of one bungalow	DISMISS	27.10.2016
16/00390/FUL	51 Lansbury Road Edwinstowe Nottinghamshire NG21 9QH	Proposed dormer bungalow	DISMISS	04.11.2016
16/00393/FUL	Minster Veterinary Centre Maltkiln Lane Newark On Trent Nottinghamshire NG24 1HN	Application to remove Condition 8 of planning permission 15/01996/FUL. Condition 8 relates to the construction of a footway adjacent to the west side of Maltkiln Lane.	ALLOW	25.10.2016
App No.	Address	Proposal	Decision	Decision date

16/00316/FULM	Land North Of Staunton Works Alverton Road Staunton In The Vale Nottinghamshire NG13 9PE	Erection of 6 No. poultry buildings, boiler building, site office, access and hardstandings.	ALLOW	03.11.2016
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RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Regeneration and Growth



Appeal Decision

Site visit made on 22 September 2016

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 25 October 2016

Appeal Ref: APP/B3030/W/16/3152391

**Minster Veterinary Centre, Maltkiln Lane, Newark on Trent,
Nottinghamshire NG24 1HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Sparks on behalf of Minster Veterinary Centre against the decision of Newark and Sherwood District Council.
 - The application Ref 16/00393/FUL, dated 7 March 2016, was refused by notice dated 20 May 2016.
 - The application sought planning permission for an extension and new car park without complying with a condition attached to planning permission Ref 15/01996/FUL, dated 5 January 2016.
 - The condition in dispute is No 8 which states that: No part of the development hereby approved shall be brought into use unless or until a new 2.0m wide footway adjacent to the west side of Maltkiln Lane has been provided in accordance with plans first submitted to and approved in writing by the Local Planning Authority.
 - The reason given for the condition is: To promote sustainable travel and in the interests of highway safety.
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Decision

1. The appeal is allowed and planning permission is granted for an extension and new car park at Minster Veterinary Centre, Maltkiln Lane, Newark on Trent, Nottinghamshire in accordance with the application Ref 16/00393/FUL, dated 7 March 2016, without compliance with condition 8 previously imposed on the planning permission Ref 15/01996/FUL, dated 5 January 2016, but subject to a revised condition 8 and the other conditions previously imposed which are set out in the schedule attached to this decision.

Reasons

2. The initial application resulted in permission being granted to extend the existing veterinary centre and provide a car park to the rear. Condition 8 requires that a new two metres wide footway adjacent to the west side of Maltkiln Lane be provided. The application seeks to remove that requirement.
 3. Paragraph 206 of the *National Planning Policy Framework* states that planning conditions should only be imposed where they are necessary, relevant to
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- planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It has been established through the courts that a condition must fulfil some planning purpose; it should fairly and reasonably relate to the development being allowed; and it should not be unreasonable.
4. I have been provided with the three plans listed in the original decision. These do not identify the location of the pavement referred to in the condition. Maltkiln Lane extends from Trent Lane all the way around the bend to the 'Hoval' works entrance. It is not clear from the condition whether the intended footpath should be located between the site and Trent Lane; across the front of the appeal site; alongside the proposed parking area; or a combination of these sections of road to the west of Maltkiln Lane.
 5. The Highway Authority comments of 18 November 2015 indicate that a footway link should be provided between the site and Trent Lane along the west side of Maltkiln Lane. The plans submitted as part of the appeal show the extent of the highway ownership between Trent Lane and the appeal site. Based on this information, my understanding is that the footpath would extend only from the corner of the appeal site to the junction with Trent Lane where a footpath terminates. Without the aid of the additional information, the condition is insufficiently precise.
 6. The new section of pavement would allow for access from the appeal site to and from the retail park to the west without the need to cross Maltkiln Lane. It would also connect into the wider footpath network. Given the worn nature of the verge it would appear that this is already a desire line for pedestrians. As the initial proposal was to extend the existing veterinary centre, it is reasonable to assume that this would increase the existing demand for access. I am satisfied that measures to improve accessibility would fulfil a planning purpose and would go some way to support Spatial Policy 7 of the Core Strategy 2011 which promotes sustainable modes of travel and the provision of safe, convenient and attractive access for all.
 7. I have been provided with no evidence to demonstrate that the requirement would fairly and reasonably relate to the development being allowed. There are a number of units beyond this site which appear to have been recently constructed including a retail warehouse, gym and children's play-centre. The required pavement would serve the original veterinary customers, the additional customers but also the visitors and workers to the other uses in Maltkiln Lane.
 8. The new units in Maltkiln Lane are only served by the footpath on the opposite side of the road. This terminates before the new retail unit. Access on foot to the gym and the play-centre then requires pedestrians to walk within the road. Access to the retail unit is similarly either via the road or between the parked cars in the marked bays. As visitors to these units are already required to walk within the road, I consider it likely that they would also use the new footpath to take the shorter route to the retail park.
 9. I am not satisfied that the proposed works would fairly and reasonably relate to the extension and the alterations proposed. It would serve significantly more pedestrians than those resulting from the greater size of this unit. To require

- the entirety of the cost of such works to fall on the appellant would be overly onerous and would appear to be unreasonable, particularly as I have no evidence to suggest that footway improvements have been required with regard to the other new uses beyond this site.
10. In comparison to the other units in Maltkiln Lane, the appeal site is well served with regard to pedestrian access. Pedestrians need only cross the road and use the existing pavement which links to crossing points which allow access towards the retail park. I acknowledge that the existing pavement does not have a dropped kerb which would hinder users in wheelchairs, mobility scooters and with pushchairs but this situation already exists in relation to the existing facility. The appellant has suggested that a condition to require a dropped kerb within the existing footpath would address this concern and would represent a more appropriate requirement.
 11. I agree that the provision of a dropped kerb opposite the site would allow for improved access. It would provide access from the proposed disabled bays and the main entrance of the site. Although there would be some conflict with the out-of-hours access, I am not satisfied that this would result in concerns with regard to highway safety. It would also enable the existing hedge to be retained which is of benefit with regard to the appearance of the area.
 12. Overall, whilst a new pavement would be of some benefit, I am not satisfied that the scale of the requirement is commensurate with the benefits or that it would relate fairly or reasonably to the development proposed. The condition is not in any event, sufficiently precise. I therefore allow the appeal. I do however consider that a condition requiring a dropped kerb opposite the site would meet the six tests within the *Framework*. It would also fulfil a planning purpose; be fairly and reasonably related to the development; and it would represent a reasonable and necessary requirement.
 13. In allowing the appeal, a new planning permission is created. The original permission contains a number of conditions. The *Planning Practice Guidance* makes clear that decision notices under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. I have no information before me about the status of the other conditions imposed or whether matters remain outstanding. I have therefore imposed all those that I consider remain relevant. In the event that some have been discharged, that is a matter which can be addressed by the parties.
 14. I have altered condition 8 to eliminate the requirement for a new footpath and to require a dropped kerb and associated textured paving. I have also altered condition 1 so that it retains the implementation date of the original permission. I have excluded condition 11 which states that no advertisement is approved by this permission as such a condition is not necessary given the requirements of the Advertisement Regulations.

Peter Eggleton
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall not begin later than 4 January 2019.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the following approved plans: MV 497-A100; MV 497-A 1002 Rev P3, MV 497-A603 Rev P6.
- 3) 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.
- 4) No development shall be commenced until details of the external colour/finish of the cedar cladding has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.
- 5) No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - a) A schedule designed so as to enhance the nature conservation value of the site, including the use of locally native plant species (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;
 - b) Means of enclosure;
 - c) Car parking layouts and materials; and
 - d) Hard surfacing materials.
- 6) The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 7) No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, hours of illumination, together with measures to minimise overspill and light pollution. The lighting scheme shall be carried out in accordance with the approved details and the measures to reduce overspill and light pollution shall be retained thereafter.
- 8) No development shall be commenced until details of a dropped kerb and appropriately profiled surfacing within the pavement opposite the site has been submitted to and approved in writing by the local planning authority.

No part of the development hereby approved shall be brought into use until the approved works have been completed in accordance with these details.

- 9) No part of the development hereby approved shall be brought into use until the vehicle access, visibility splays, parking and servicing areas have been provided as shown on drawing MV497-A1002 Rev.P3. The parking and servicing areas shall not be used for any purpose other than parking, loading and unloading of vehicles.
- 10) No part of the development hereby permitted shall be brought into use until an existing site access that has been made redundant as a consequence of this consent and as shown on plan MV497-A1002 Rev.P3 is permanently closed and the access crossing reinstated as verge/footway as appropriate in accordance with details to be first submitted to, and approved in writing by, the local planning authority.
- 11) No development shall take place until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.



Appeal Decision

Site visit made on 30 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 3 November 2016

Appeal Ref: APP/B3030/W/16/3153789

Land North of Staunton Works, Alverton Road, Staunton in the Vale, Nottinghamshire NG13 9PE

- 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 Edward Mayman against the decision of Newark and Sherwood District Council.
 - The application Ref 16/00316/FULM, dated 23 February 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the erection of 6 No. poultry buildings, boiler building, site office, access and hardstandings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 No. poultry buildings, boiler building, site office, access and hardstandings on Land North of Staunton Works, Alverton Road, Staunton in the Vale, Nottinghamshire NG13 9PE in accordance with the terms of the application Ref 16/00316/FULM, dated 23 February 2016, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.
3. I have had full regard to the environmental information and particularly that contained within the Environmental Statement (ES), which accompanied the planning application.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the local area.

The proposal

5. The site is a field bounded by hedgerows and trees that is alongside Alverton Road, just to the north of Staunton Works and beyond the settlement of Staunton in the Vale, within the countryside. The proposal is primarily to erect 6 poultry units with associated buildings on the main body of the site. The enterprise would have a capacity of 250,000 broiler chickens per cycle with
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each cycle lasting 45 days. On that basis, the proposed operation would have an annual throughput of about 2 million broiler chickens.

6. Each new broiler-rearing unit would be identical, measuring some 94.5metres by 21.2metres with a ridge height of about 5.6metres. Between the southern end of each pair of poultry units would be feed bins reaching a maximum height of 8.6metres. A concrete apron for vehicles to turn and park would run along the southern end of the poultry units, which would also serve a new boiler house. A gatehouse would be placed to one side of the boiler house. On each side of the row of poultry units would be grassland with new planting within the site and around most of the perimeter. The hedgerow along the site's highway frontage would be realigned to provide the necessary visibility at the proposed access point off Alverton Road.

Principle of development

7. Within the countryside, Policy DM8 of the Council's Allocations and Development Management Development Plan Document (DPD) states that development will be strictly controlled. Among the types of development identified in DPD Policy DM8 that are deemed to be acceptable in the countryside is agricultural/forestry that requires planning permission.
8. The ES identifies the proposal as agricultural development and I concur with that opinion. Consequently, the proposal is acceptable, in principle, within the countryside under DPD Policy DM8. Additionally, this policy requires an explanation of the need for the development, and its siting and scale in relation to the use that it is intended to serve. It also states that proposals should take into account any potential visual impact that they create.

Reasons

Character and appearance

9. The site falls within the South Nottinghamshire Farmlands Character Area and the Cotham Meadowlands as defined in the Council's Landscape Character Assessment Supplementary Planning Document (SPD). The SPD notes that the characteristic features for this area are a flat low lying topography, open spacious views sometimes enclosed by rising ground, a remnant pattern of large hedged fields, small broad-leaved plantations and an absence of farmsteads and other buildings. The SPD describes the overall condition of the landscape in this area as very poor and its sensitivity as very low. That some industrial buildings of Staunton Works are close to and evident from the site reinforces my view that the landscape sensitivity of the area to which the site belongs is very low even though the wider area encompasses the setting of some designated heritage assets.
10. The proposal, involving the construction of a row of sizeable poultry units, together with a boiler house, gatehouse, feed bins and hardstanding, would represent a significant change to the site. It would result in the loss of an agricultural field with new large-scale built development and related vehicle movements encroaching into the countryside. Even so, the proposed development would take advantage of a subtle difference in ground levels with the site forming part of a slight natural depression in the landscape with rising ground particularly to the east. Mature hedgerows and trees would also largely

screen the site, with its boundaries strengthened by additional planting. Furthermore, the new buildings, although sizeable in floor area, would be relatively low profile with their walls and roof coloured Juniper Green that would assist their assimilation into the landscape. Consequently, the new built form would be a discrete element in the landscape especially in longer-range views. Additional native tree and shrub planting and the provision of grassland areas within the site would mitigate the landscape impact even further. Taking into account all of these points and the condition and sensitivity of the local landscape, I consider that the appeal scheme would have a minor adverse effect on the site and its immediate surroundings.

11. The representations indicate that local people value the countryside around Staunton in the Vale. However, it is not covered by any qualitative designation nor is it identified in the evidence before me as being of scenic value or beauty. Furthermore, from what I saw traveling to and from the site, groups of agricultural buildings are not uncommon feature within the wider area.
12. There would be some limited hedgerow removal to accommodate the formation of the new access. A considerable length of hedgerow would also be repositioned on either side of the proposed access, which could take some time to achieve its principal mitigating effects. Nevertheless, additional planting elsewhere with the site and around its edges would more than offset this. The new planting would be consistent with the rural character of the area and would represent a benefit to the landscape of limited local significance. Overall, the significance of the landscape effects would be minor.
13. With regard to the visual effects of the new development, hedges and trees would largely restrict views into the site from most public vantage points. Users of Alverton Road would be aware of the presence of the new poultry units, feed bins and the boiler house, projecting above the boundary hedgerows especially during the winter months. However, the extent of screening provided by existing vegetation and the supplemental landscaping would limit the scale of the change in view. From what I observed, Alverton Road is not busy with most users traveling freely and at some speed as they pass the site. In doing so, drivers and passengers would glimpse the upper part of some of the new buildings. Nevertheless, on the immediate approach to the site's new entrance along Alverton Road, in both directions, the new buildings would have a modest presence and would not draw the eye, as their agricultural character would not be unexpected in this rural setting.
14. There would be greater awareness of the proposal opposite the new access with the full length of the nearest poultry unit in view as well as the gatehouse, part of the boiler house and a section of the new access road. Even so, the new buildings would be set back from the public highway behind an area of grassland with new tree planting. Most users of Alverton Road would be passing the site at some speed and so views across the development from the site's entrance would be fleeting, at best. Those highway users slowing down and turning into the site would be likely to be visiting or working at the site and thus familiar with the appeal scheme. Overall, I consider that the proposal would have a moderate visual effect when seen from Alverton Road.
15. From other highways and public rights of way, the proposed development would be barely perceptible with only parts of the new buildings seen from

- some distance with trees and hedgerows on the intervening land. The proposal would not materially change these views and it would have a negligible visual effect from these locations.
16. Parts of the new development would be evident from Staunton Grange situated to the northwest of the site. Having viewed this residential property from the site, it is likely that the upper parts of the poultry buildings and feed bins would be seen from it. However, the hedgerow along the northern boundary of the site would be bolstered with new planting and the use of recessive colours to the buildings would help blend them into the landscape. As a result, the adverse visual effect would be of moderate significance from this vantage point. Other properties are located further away with greater screening provided by existing vegetation and the local topography so the effect of the development would be of minor significance on their visual amenity.
 17. The level of activity associated with the new development would be significant, with 1,488 vehicle movements predicted each year and the vast majority of these would be heavy goods vehicles (HGVs). During the construction phase, there would also be an increase in traffic to and from the site albeit over a relatively short time period. Nevertheless, the overall volume of traffic generally and HGVs specifically would not unduly disturb the visual amenity of the local area, which I saw already includes lorries passing the site.
 18. Overall, the proposal would offer some limited benefits to the landscape mainly through hedgerow and tree planting. Otherwise, there would be minor adverse effects on the local landscape and moderate adverse effects in views from the site's new entrance off Alverton Road and from Staunton Grange. To my mind, the effects of the new development would not be so great as to be significant. It would not appear inappropriate in scale and form to its context, which includes industrial buildings nearby, nor would the proposal be an uncharacteristic or unsympathetic addition to the local landscape.
 19. On the main issue, I therefore conclude that the proposed development would not cause significant harm to the character and appearance of the local area. Accordingly, I find no material conflict with Core Policy 9 of the Core Strategy (CS) or DPD Policy DM8. These policies aim to ensure that development is of an appropriate form and scale to its context and that it complements the existing built and landscape environments. Nor would the adverse effects on the character and appearance of the locality conflict with a core principle of the National Planning Policy Framework (the Framework), which is to recognise the intrinsic character and beauty of the countryside.

Other matters

Amenity

20. The Framework states that local authorities should focus on whether the development itself is an acceptable use of the land, and the impact of use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. In this case, the proposed operation would require an IPPC permit from the Environment Agency (EA). This regime would place the highest levels of protection on the operation of the proposal to safeguard the occupiers of nearby properties and the environment.

21. Objectors express considerable concern about the prospect of noise and also emissions from the new development with reference particularly to odour, gases and dust particles. These matters are largely covered in the ES.
22. The appellant's noise impact assessment considered the effect of noise on nearby dwellings from ventilation fans, on-site vehicle movements and from the use of the road network. The nearest dwelling in this case is Staunton Grange. The noise levels from the ridge mounted ventilation fans and side inlet vents and related transport activities were found to be very low even if windows of the dwelling were open, and substantially below the World Health Organisation environmental noise ingress limits. On that basis, the noise impact of the development during the night, when ambient levels are lower and residents are more likely to be at home, would be very low.
23. The process of rearing broiler chickens has the potential to affect air quality through the generation of dust including fine particles, emissions of airborne pollutants (ammonia being the main substance of concern) and odour from poultry manure. In this instance, the poultry units would incorporate ventilation systems with controls on temperature and humidity.
24. The appellant's Odour Assessment sets out descriptions of how odours may be perceived at different concentrations. Odour concentrations are expressed as European odour units per cubic metre of air (oue/cubic metre). From 3 to 5 oue/cubic metre, odours may be detectable, but they would generally be described as faint. Modeling of emission dispersion from the proposal indicates that levels would be well below 3oue/cubic metres. It is unclear whether the modeling exercise included cleaning out of the units. However, the main doors of the units would be on the south elevations, away from the nearest dwelling and the EA would take cleaning out into account in considering an application for the IPPC permit. The EA has also confirmed in writing that ammonia impacts from the proposal would be screened out and therefore detailed modeling in that regard is not required.
25. The dust report refers to DEFRA research which demonstrates that emissions from poultry units in terms of particulate matter reduces to background levels by 100metres downwind of even the highest emitting poultry houses and are sufficiently diluted so as not to pose a risk to those living in the vicinity. The dust report concludes the proposed poultry units are located 310metres from the nearest sensitive receptor and this is well beyond the distance where dust problems can occur.
26. Given the topography of the site and the generous distance between the poultry units and the nearest dwellings, the proposal will not result in any undue overbearing or overshadowing impacts. Existing vegetation and new planting would further screen the development and visually soften views of the new buildings when seen from beyond the site. With regard to potential light pollution, a condition could be imposed to require full details of external lights to ensure that the effects of the development are acceptable on the amenity of nearby residents.
27. That the local community has genuine concerns about the effect of the proposed development primarily on living conditions and health is in no doubt. However the evidence before me indicates that the proposal should not cause

an unacceptable worsening of conditions for residents or visitors to the local area. The environmental permitting regime also provides reassurance that the new development should not be incompatible with a good standard of living conditions in the local area.

28. Therefore, I conclude that the proposal would not unacceptably worsen the amenities of local residents or visitors to the area. It would adhere to a core planning principle of the Framework, which is to secure a good standard of amenity for all occupants of land and buildings.

Highways

29. The appellant's Transport and Access Statement concludes that a safe and secure access to the site can be achieved with no adverse consequences for the operation of local roads based on the nature and volume of vehicle movements generated by the proposal. The plans show that the required visibility splays can be achieved at the entrance off Alverton Road and that a HGV can turn on the concrete apron so that it can both enter and exit the site in forward gear.
30. The Highway Authority (HA) also states that the additional vehicles generated by the proposal can be accommodated on the road network with no significant harm to highway safety. For highway safety, the HA has recommended that HGVs be routed to the north of the site, which would avoid traveling through Staunton in the Vale and Kilvington to the south and negotiating the bends in some roads to which some objectors refer. Such an arrangement is acceptable to the appellant and could be covered by a condition. The agreed routing plan would take into account the suitability of roads to carry HGVs including any weight restrictions that apply. Once approved, that plan would be binding on the proposed operation.
31. Subject to the imposition of suitable conditions to deal with access arrangements, visibility and HGV routing I find that the development would include safe access and that it would be appropriate for the highway network in terms of volume and nature of traffic generated.

Flood risk and drainage

32. The western part of the site is located within Flood Zones 2 and 3, wherein there is a medium to high probability of flooding as a result of a 1 in 100 year event on the River Devon. Some objectors also note that the site floods.
33. A detailed flood risk assessment (FRA) has been carried out, which notes that the areas proposed for development and access thereto are outside Flood Zones 2 and 3. On that basis, there is no additional risk of flooding to people at the site. The FRA also notes that the development is beyond the limit of 1:1000 year fluvial flooding and so there is no need to apply the Sequential Test. As the proposal is classified as an agricultural use it is regarded as 'less vulnerable' than other uses such as housing. The FRA states that it is appropriate for 'less vulnerable' uses to be located within Flood Zone 3 and that it is not subject to the Exception Test.
34. The proposal includes a surface water management strategy in the form of a sustainable drainage system. The FRA concludes that it is very unlikely runoff from impermeable surfaces could not be managed using infiltration and

recommends that surface water should be mitigated using a 1,100square metre attenuation pond taking into account increased peak rainfall due to climate change. This pond would then release runoff into a drainage ditch to the west of the site at an attenuated rate that would not exceed the calculated green field run-off rate. As a result, surface water run-off rates to receiving watercourses would not be increased as a result of the development, which is a requirement of the Internal Drainage Board. Details of the attenuation pond and the arrangements for surface water disposal could be covered by condition.

35. With regard to foul drainage, each of the poultry units would be washed out at the end of each growing cycle with the inside of each building drained to a sealed tank and the wall surfaces treated with penetrating sealer to prevent leakage. The dirty water tanks would be below ground and would need to be compliant with the EA's permitting standards.
36. The EA raises no objection to the proposal provided that a condition is imposed to require the implementation of measures identified in the FRA. The County Council similarly raises no objection if the proposal adheres to the FRA. I have no reason to reach a different conclusion on these matters.
37. Therefore, with suitable conditions to ensure that the FRA is adhered to and the site is properly drained, the proposal would meet the flood risk and water management objectives set out within the Framework, which broadly aim to steer development away from areas with the highest flood risk.

Ecology

38. The appellant's Extended Phase 1 Habitat Survey found no protected species or rare habitats on or near to the site including those of butterflies. The Survey does, however, make clear that its findings are valid until July 2017, after which updated surveys would be required to ensure that the status of the site for European protected species has not changed.
39. The appeal scheme includes grassland areas and a significant water feature that together with a varied bank structure would enhance biodiversity by providing new habitats and landscaping suitable for nesting birds, bats and amphibians. Consequently, there would be a net gain in the value of habitats on the site. I note that Notts Wildlife Trust, Notts County Council (Ecology) and Natural England all raise no objection to the proposal.
40. Against that background, there would be no significant impact on ecology with significant opportunities to enhance biodiversity, which could be secured through conditions. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving to net gains for nature. The proposal would be in accordance with this national policy.

Heritage assets

41. With additional planting along the site's northern boundary, the setting of the Grade II listed pidgeoncote at Staunton Grange would not be affected by the proposal given the intervening topography and vegetation that would effectively screen it from the site. Similarly, the gently undulating land levels and greenery, coupled with the generous separation distance involved, would

ensure no harmful effect on the setting of other listed buildings in the wider area. The proposed development would therefore have no effect on their significance as designated heritage assets and thus would comply with the Framework with regard to conserving such assets.

Other considerations

42. The cost of developing the poultry enterprise is estimated at £3.2 million. The project therefore represents a substantial investment in the local economy. It would also create 2 full time jobs and support associated services and industries within the poultry sector and in the local economy. The proposal is consistent with the support for economic development in rural areas and the development of agricultural businesses given in the Framework, to which I attach significant weight.
43. Once operational, the appeal scheme would produce poultry meat for which consumption is growing and is expected to continue to do so. It would contribute to meeting that need in a location that is well connected to poultry processing plants and generally away from dwellings. The scale and siting of the operation reflect those considerations. The role of the development in contributing to meeting food needs therefore carries some weight in support of the appeal. The development would also incorporate a biomass heating system and sustainable drainage measures, which point to the environmental sustainability credentials of the new poultry enterprise.
44. Reference is made to the possibility that the development may justify an agricultural workers dwelling on the site. Any request for planning permission for this type of development would be determined on its own merits in the light of the development plan, national policy and all other material considerations prevailing at that time.
45. Many objectors consider that the proposal should be resisted on animal welfare grounds. However, in line with national policy, my focus is on the whether the development itself is an acceptable use of the land, and the impact of the use. Other pollution control regimes will cover the control of processes or emissions.
46. Objectors consider that the proposal would deter visitors to a recently approved holiday park at Kilvington Lakes. However, few details of this development have been provided and there is no convincing evidence before me to support this assertion. My attention is also drawn to complaints of odour at poultry unit at Orston although these problems do not necessarily indicate that similar issues are likely to arise in this instance.
47. An interested party considers that the proposal, if permitted, would set an undesirable precedent for further development in the countryside. However, I disagree. Each case should be assessed on its own merits, as I have done.
48. I acknowledge that the development has attracted strong opposition including a lengthy petition against the proposal. However, the level of objection is not, in itself a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons, which are supported by substantial evidence. In assessing the proposal, I have taken into account all of the submitted representations at both the application and appeal stages, and all of the evidence before me.

Balancing exercise

49. The Framework sets out three dimensions to sustainable development: economic, social and environmental. The scale of the investment in the poultry enterprise and the associated job-creation are factors that would contribute to build a strong economy. Social gains would principally be achieved through the role of the development in helping to meet food needs. There would be moderate adverse landscape and visual effects although new landscaping and measures to enhance biodiversity would constitute environmental benefits. Incorporating a biomass heating system and sustainable drainage into the new development also strengthen the environmental credentials of the proposal.
50. The appellant has provided a cogent case to support the need for the development and has explained how its siting and scale relate to the use that it is intended to serve. It is an acceptable form of development in the countryside under DPD Policy DM8. The proposal would not significantly harm the character and appearance of the local area. It would not worsen the amenities of local residents or visitors to the area, not would it materially harm highway safety, drainage, flood risk, ecology or the setting of any designated heritage assets.
51. Overall, I consider that the totality of benefits clearly outweighs the harm arising from the proposed development. Taken as whole, the proposal represents a sustainable form of development.

Conditions

52. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, conditions are imposed requiring details of ground and floor levels, external materials, landscaping and external lighting. In the interests of highway safety, conditions are attached to provide appropriate visibility splays and to require that the access road is 7.3metres wide for a distance of at least 20-metres into the site from the highway. For the same reason, a condition is imposed to require that HGVs are routed to the north of the site, away from nearby settlements.
53. To promote biodiversity, a condition is necessary to provide measures to enhance wildlife, notably breeding birds and bats. Details of surface and foul water disposal are required by condition to ensure that the site is properly drained. To ensure that flood risk is minimised, the recommendations of the FRA should be fully implemented, which is secured by a condition. My assessment of the proposal reflects its capacity for up to 250,000 broiler chickens at any one time. A higher number of birds could have different consequences for the environment. Consequently, a condition is imposed to place a limit on the total number of broiler chickens on the site.
54. Where appropriate, I have amended the Council's suggested conditions to more closely reflect the Planning Practice Guidance and in the interests of clarity. A condition that requires the Council's written approval of the arrangements to deal noise and odour emanating from the site as required under the Environmental Permitting Regulations 2010 unnecessarily duplicates other legislation. It does not meet the test of necessity. Therefore, this condition

has not been imposed. Similarly, a condition that refers to the need for updated ecological surveys to be carried out after July 2017 is unnecessary since the surveys that support the Extended Phase 1 Habitat Survey, upon which my assessment has been based, remain extant.

Conclusion

55. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs IP/EM/01, IP/EM/02A, IP/EM/03, IP/EM/04, IP/EM/05, IP/EM/06, IPA20278 11A Sheet 1 of 2 and IPA20278 11A Sheet 2 of 2.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings and structures 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.
- 4) No development shall take place until details of existing and proposed ground levels and the finished floor levels 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 details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. sealed carcass bin, signs); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports); retained landscape features and proposals for restoration, where relevant.

Soft landscape works shall include measures to protect retained trees, hedges and shrubs growing on the site; details of the attenuation pond that are in accordance with the Flood Risk Assessment reference K0720 dated January 2016; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, numbers and densities where appropriate; and an implementation programme.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out accordance with the implementation programme. Any trees, shrubs, hedges or plants which within a period of 5-years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

- planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No development shall take place until an external lighting scheme has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
 - 7) No part of the development hereby permitted shall be brought into use until the access road to serve it has been designed and thereafter completed to a standard that provides a minimum width of 7.3metres for at least the first 20metres from the nearer edge of the public highway.
 - 8) No structure, erection or planting exceeding 0.6metres in height shall be placed in front of a line from a point 2.4 metres measured along the centre line of the access to serve the development hereby permitted from the nearer edge of the carriageway, to points measured 215metres in a northbound direction and 175metres in a southbound direction along the nearer edge of the carriageway from the centre line of that access.
 - 9) No development shall take place until proposals for the incorporation of features into the development hereby approved that are suitable for use by bats and breeding birds, including a timetable for their implementation, have been submitted to and approved in writing by the local planning authority. The proposals shall be installed and thereafter permanently retained in accordance with approved details.
 - 10) No clearance of any vegetation between 1st March and 31st August (inclusive) in any year shall take place unless a detailed survey of the site has been undertaken beforehand by suitably qualified person to check for nesting birds. Where nests are found in any vegetation to be cleared, a 4-metre exclusion zone shall be left around the nest until breeding is complete. Completion of breeding shall have occurred when a suitably qualified person confirms it in writing to the local planning authority.
 - 11) No development shall take place until a scheme for the disposal of foul water and surface water from the site, which includes details of sustainable drainage measures and a programme for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented in accordance with the approved details and programme.
 - 12) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment Report K0720 dated January 2016.
 - 13) No development shall take place until details of a route for heavy goods vehicles associated with the construction and operation of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The approved details shall be fully adhered to thereafter.
 - 14) The development hereby permitted shall be restricted to a maximum of 250,000 broiler chickens at any one time.

Costs Decision

Site visit made on 30 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 3 November 2016

**Costs application in relation to Appeal Ref: APP/B3030/W/16/3153789
Land North of Staunton Works, Alverton Road, Staunton in the Vale,
Nottinghamshire NG13 9PE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Edward Mayman for a full award of costs against Newark and Sherwood District Council.
 - The appeal was against the refusal of planning permission for the erection of 6 No poultry buildings, boiler building, site office, access and hardstandings.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. That the Officer's report recommended that planning permission be granted subject to conditions does not prevent the Council from taking a different decision. Where it does so, however, reasonable planning grounds should be given for taking a contrary decision and relevant evidence should be produced at appeal to support that decision.
4. In this case, the Council's reason for refusal, which refers to the scale of the new buildings and the associated level of activity and to the visual impact of the development on the countryside and the rural character of the area, is precise, specific and relevant. It refers to relevant development plan policies and the National Planning Policy Framework. The Council's statement of case, which should be read along with the Officer's report and other background papers, substantiates that reason. It explains the Council's concerns in the light of the development plan policies that are cited in the reason for refusal. To my mind, this evidence provides a reasonable basis for the Council's stance.
5. The Council's decision was not taken lightly. It followed consideration of the Officer's report, a debate to which Members of the Committee appear to have contributed and a site visit. At the site visit, Members would have had the opportunity to experience and appreciate the site and its surroundings and form their own opinion about the potential consequences of the proposal if it

- were to be approved. Given the considerable scale of the new built form and size of the intended poultry operation, I consider that Members were entitled to reach a conclusion that planning permission should be withheld.
6. It is unfortunate that the Officer's report identified the site as falling within the wrong Landscape Character Zone (LCZ) as defined in the Landscape Character Assessment Supplementary Planning Document (SPD). The site was incorrectly identified as being within the 'Alfreton Village Farmlands', which was classified as being in very good condition with moderate landscape sensitivity. That category thus set the bar higher with regard to landscape quality and sensitivity than would have been the case had the correct LCZ been reported, which was the Cotham Meadowlands. The condition of the landscape in this area is described in the SPD as very poor and its sensitivity as very low. As such, Members of the Committee were misinformed and may well have considered the quality of the landscape to be higher and its sensitivity to be greater than should have been the case. The Council acknowledged this error in its statement of case.
 7. From the minutes of the Committee's meeting, it is not possible to gauge the significance of the landscape classification in the debate or the weight that was attributed to it by Members. Consequently, I am unable to conclude that the Council's decision turned on this particular issue. It is clear, however, that Members did visit the site beforehand and their opinions would have been shaped by their impressions of the landscape at that time. As such, Members would not have been solely reliant on the advice provided by Officers.
 8. Had the correct LCZ been reported at the Committee meeting it is possible that Members could have resolved to grant planning permission thus negating the need for the recourse to appeal with its associated costs. However, the Council's reason for refusal goes beyond the effect of the proposal on the local landscape. Furthermore, there is no clear indication from the minutes of the Committee meeting that the debate was so finely balanced as to hinge on this particular issue. To the contrary, the concerns that were expressed by Members at the meeting appeared to be wide ranging.
 9. Landscape that is graded lower for its quality and sensitivity may well be better suited in principle to accommodate new development than landscape that is ranked higher. However, it does not necessarily follow that the development sought would therefore have been considered to be acceptable given that much depends on the details of the proposal and its relationship to the landscape, amongst other matters. For these reasons, I am not convinced that a more favourable outcome to the applicant would have resulted from the Committee meeting if its Members had been informed of the correct LCV at that time.
 10. The applicant is critical of the Council in failing to promptly review its decision and to reappraise the proposal in the light of the correct landscape designation. However, as the Council had determined the application there was no formal opportunity for it to do so. Officers could have invited the applicant to resubmit the application to allow the Council to reconsider and re-determine the scheme. Equally, that option was available to the applicant to pursue in any event, which, if successful, could have avoided the appeal.

11. Reference is made in the Council's evidence to that part of DPD Policy DM8 that deals with employment uses rather than agricultural development. My reading of this part of the Council's statement is that it primarily outlines the content of the policy. It does not explicitly treat the proposal as an employment use nor is the development assessed as such against this element of the policy.
12. My assessment of the effects of the proposal differs from that of the Council. This arose mainly because I made different judgements on the evidence, rather than because of any significant inadequacies in the content of the Council's case. That I came to a different conclusion, and allowed the appeal does not mean that the Council failed to show clearly why in its view the development should not be permitted or that it failed to substantiate its case.

Conclusion

13. Overall, I consider that the Council has not prevented or delayed development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated.

Gary Deane

INSPECTOR