

Dear Sir/Madam,

**PLANNING COMMITTEE**

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on **Tuesday, 4 July 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

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1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
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<b><u>PART 1 - ITEMS FOR DECISION</u></b>	
5. Janandra, Station Road, Harby (17/00280/OUT) (Site Visit: 9.30am – 9.40am)	14 - 30
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9.	White Cottage, Farnsfield Road, Bilsthorpe (17/00596/FUL) <b>(Site Visit: 11.55am – 12.05pm)</b>	80 - 93
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11.	Land at Staveley Court, Farndon, Newark (17/00218/FUL)	106 - 121
12.	White Cottage Farnsfield Road Bilsthorpe Nottinghamshire (17/00665/FUL)	122 - 134
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17.	Field Reference 2564 A17 Winthorpe, Nottinghamshire (17/00921/FULM)	221 - 244
18.	Local Development Framework Task Group	Verbal

Three Members of the Planning Committee to be nominated to the Local Development Task Group (Planning Committee representatives For 2016/17 were Councillors G.P. Handley and D.R. Payne and B. Wells).

## **PART 2 – ITEMS FOR INFORMATION**

19(a).	Appeals Lodged	245 - 246
19(b).	Appeals Determined	247 - 253

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

None

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

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

None.

## **NOTES:-**

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 6 June 2017 at 4.00pm.

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

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

ALSO IN

ATTENDANCE: Councillor: D. Clarke and Mrs G. Dawn.

01. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Mrs K. Arnold.

02. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Member/Officer

Agenda Item

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

Agenda Item No: 14 – Garages Adj. 27-29 Almond Grove, Farndon (17/00042/FUL). Directors of Newark and Sherwood Homes declared their interest on the grounds of potential bias and took no part in discussion or voting.

Councillor R. Blaney

Agenda Item No. 17 – Gable House, Morton (17/00382/FUL), Personal Interest as the applicants parents were known to him.

Councillors Mrs M. Dobson and  
D.R. Payne

Agenda Item No. 8 – Land to the Rear of 21 Strawberry Hall Lane, Newark (17/00544/FUL), Personal Interest as known to the parents of the applicant.

Councillor J. Lee

Agenda Item No. 12 – Land at the Rear of Franklyn, Lower Kirklington Road, Southwell (17/00623/FUL), Personal Interest as known to the applicants family.

Councillor Mrs P.J. Rainbow

Agenda Item No. 12 – Land at the Rear of Franklyn, Lower Kirklington Road, Southwell (17/00623/FUL), Personal Interest as the applicant is her neighbour.

All Members of the Planning  
Committee

Agenda Item No. 7 – Ivy House, Barnby Road, Balderton (17/00473/FUL), Personal Interests as the property is owned by Newark and Sherwood District Council.

Agenda Item No. 16 – Castle House, Newark (17/00749/ADV), Personal Interests as the property is owned by Newark and Sherwood District Council.

03. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

04. MINUTES OF THE MEETING HELD ON 9 MAY 2017

AGREED that the minutes of the meeting held on 9 May 2017 be approved as a correct record and signed by the Chairman.

05. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business as follows: Agenda items 15 and 9 were taken after agenda item 4, the agenda resumed to its stated order thereafter.

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

The Committee considered the report of the Deputy Chief Executive, which sought minor alterations to the previously approved and implemented garage building as follows: The increase in the depth of the structure by 0.1m; the increase in the ridge height of the main structure by 0.1m; the increase in the ridge height of the trailer store by 0.15m; the insertion in the northern roof slope of 5 x conservation style roof lights; and the addition of a pair of timber doors to the front of the trailer store. In addition, it was proposed to demolish the existing glazed lean to conservatory situated on the front of the Old Vicarage and replace it with a more solid structure of the same foot print but with a lantern roof.

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

AGREED (with 13 votes for and 1 vote against) that the application be deferred pending a site visit.

07. LAND AT LOW FARM, CHURCH LANE, MAPLEBECK (17/00694/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the erection of a detached two storey, five bed house.

Members considered the application and it was commented that Maplebeck was an isolated village, which was part of its charm. The design was considered inappropriate for the plot due to the modern design which would be prominent and over powering. Other Members disagreed and felt that the SP3 policy was in place to protect the village, the Parish Council however were in favour of the development and this was a prime site to build a luxury home.

AGREED (with 8 votes for and 6 votes against) that full planning permission be refused for the reasons contained within the report.

08. LAND NORTH OF MAID MARION AVENUE, BILSTHORPE (16/002086/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought outline planning permission for up to 52 dwellings with associated roads and landscape areas.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from neighbouring residents.

Councillor Ward, representing Bilsthorpe Parish Council, spoke against the application in accordance with the views of Bilsthorpe Parish Council as contained within the report.

Members considered the application and a Member commented that the petition in opposition to the application submitted to Bilsthorpe Parish Council, should be issued to Newark and Sherwood District Council and Nottinghamshire County Council (NCC), to highlight the highway issues regarding the A614 and A617 as presented by the Parish Councillor. It was further commented that this area was within the village envelope and had a large area indicated for future development. This site had been considered by SHLARR and was considered a suitable site; however the land had not been submitted as an allocated site. It was commented that although there was no highway objection, Members had witnessed problems with on street parking on Maid Marion Way at the earlier site visit meeting and urged for the petition to be submitted to NCC. A Member moved approval in accordance with Officer recommendation for approval of reserved matters and commented that improvements to the access to the site may need to be addressed by putting restrictions on car parking on Maid Marion Way at the reserved matters stage.

Other Members commented that whilst the site was suitable for development, a further minimum hundred cars travelling through Maid Marion Way was not acceptable. Concern was also raised regarding the local doctors surgery being full to capacity and not registering any further patients.

A vote was taken and lost to grant outline planning permission with 6 votes for and 8 votes against.

A vote was taken and lost to defer the application, pending discussions with NCC Highways regarding alternative/additional access, with 6 votes for and 8 votes against.

A vote was taken to refuse the application on Highways grounds and lost with 4 votes for and 10 votes against.

As the matter had effectively not been determined, rule 24.7 of the Council Procedure Rule applied which effectively disapplied the normal "six months" rule in the case of decisions of the Planning Committee in respect of the determination of applications.

For the avoidance of doubt it was also moved to suspend standing orders to the extent necessary to enable a vote to be taken.

A vote was taken and carried to suspend standing orders with 11 votes for and 3 votes

against.

AGREED (with 10 votes for and 4 votes against) that outline planning permission be approved, subject to the conditions and the completion of a Section 106 Agreement as contained within the report

09. LAND ADJACENT TO BROADLANDS, SOUTHWELL ROAD, FARNSFIELD (17/00392/RMAM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought approval of reserved matters for the erection of 48 No. 2, 3, 4 and 5 bedroom houses with associated works.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer, which revised Condition 2.

Members considered the application and felt that the landscape buffer required further enhancement. Concern was raised regarding the density of the site with no open green space for children to play. The swale area also raised concern regarding safety for children and that it would be controlled through a Management Company.

Concern regarding the appropriateness of the mix of houses was raised. It was confirmed that two and four bedroom homes were identified as being required in the Housing Need Survey for the District, which included the Southwell sub-housing area within which Farnsfield was located.

The Business Manager Growth and Regeneration confirmed that there would be an offsite contribution for the play and open space area. In terms of the swale, it was confirmed that there was often a need to carefully address health and safety concerns for open ditches which can occur with a SUDS approach. The swale would be empty of water for a large proportion of the year.

AGREED (unanimously) that reserved matters be approved subject to the following:

- (i) conditions contained within the report;
- (ii) a deed of variation of the Section 106 Agreement;
- (iii) landscape buffer enhanced relative to Condition 4; and
- (iv) Condition 2 to be revised as set out in the Schedule of Communication.

10. IVY HOUSE, BARNBY ROAD, BALDERTON (17/000473/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, where permission was sought for the change of use of 3 bedroom dwelling on the same site as the school to a vacation/respite centre.

A schedule of communication was tabled at the meeting, received after the agenda was published from the Planning Case Officer, which sought Committee approval to remove the last sentence of the paragraph entitled 'Impact on the open countryside' and to remove condition 3.

Councillor Mrs L. Hurst, representing Balderton Parish Council, spoke against the application in accordance with the views of Balderton Parish Council as contained within the report.

Members considered the application and whilst some Members raised concern regarding the traffic congestion issues around the school with parked vehicles, other Members felt that was a small sacrifice for a much needed service. It was also commented that the respite care was only for two rooms and therefore the demand for school parking would have gone when the carers arrived in the evening.

A Member commented that the property was owned by the Council and the lease, when renewed could be renegotiated to include an additional requirement for car parking to secure more on-site parking.

AGREED (unanimously) that:

- (i) full planning permission be approved subject to the conditions contained within the report, with the removal of condition 3; and
- (ii) Officers be requested when renewing the lease to negotiate additional onsite car parking.

*(Councillors Mrs A.C. Brooks and J. Lee left the meeting at this point).*

11. LAND TO THE REAR OF 21 STRAWBERRY HALL LANE, NEWARK (17/00544/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought a re-submission of a previously refused application for the change of use of an area of garden land to provide additional parking for staff cars associated with Seventy Seven Motors.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda which contained further information in support of the scheme from the Applicant.

Councillor Mrs G. Dawn, local Ward Member for Newark Bridge Ward, spoke against the application. It was commented that Seventy Seven Motors had been in situ for many years and were an asset to Newark. The neighbours and company had lived in harmony during that time. The company however had got this application wrong. This would be back land development and would set a precedent. The erection of a fence and landscaping would not soften the noise from this proposed car park. It was considered an invasion of privacy for neighbouring properties. Reference was made to Policy NUA1 – Newark Urban Area in the Bridge Ward Neighbourhood Plan, which stated that development should not impact on residential areas. It was felt that the Planning Committee should not overturn policy for this planning application.

Members considered the application and some Members considered the application acceptable as there were no objections from Newark Town Council. There would also be a six foot fence around the proposed area. Other Members felt that the proposal would create a boundary change in Newark for commercial/industrial activity which

should only be undertaken through the local plan process and full Council.

A vote was taken and lost to grant planning permission with 4 votes for and 8 votes against.

AGREED (with 8 votes for and 4 votes against) that contrary to Officer recommendation, planning permission be refused on the grounds of introducing commercial/industrial activity into a residential area and the conflict and precedent that would cause.

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

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

12. MEADOW LEA, NEWARK ROAD, KILVINGTON (17/00552/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the removal/variation of Condition 3 attached to planning permission 16/00535/FUL; erection of two storey detached house as per planning permission 10/01728/FUL.

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

Councillor J.V. Goosage Parish Meeting Chairman, representing Alverton and Kilvington Parish Meeting, spoke against the application in accordance with the views of Alverton and Kilvington Parish Meeting as contained within the report.

Members considered the application and it was commented that the original application should be adhered to which consisted of traditional materials. The proposed amendments were considered to be out of character and alien in appearance with the surrounding area which was open countryside.

AGREED (with 10 votes for and 2 votes against) that contrary to Officer recommendation Planning Permission be refused for the following reason.

The proposal seeks to amend the materials (Condition 2) and implicitly the plan condition (Condition 3) with changes proposed to detailing and the omission of the chimney and porch. In the opinion of Local Planning Authority the amendments proposed are considered to be out of character and alien in appearance with the surrounding area which is open countryside.

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

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

13. RULE NO. 30 – DURATION OF MEETINGS

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

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

14. TENTERS COTTAGE AND ADJACENT SITE, EAKRING (17/00597/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought variation of condition 2 of Planning Permission 16/00883/FUL (demolition of southernmost existing cottage (No. 2 Tenters Cottage) and erection of replacement two bedroom cottage, demolition of derelict outbuildings (Nos. 1 & 2 Tenters Cottage), erection of pair of two bedroom semi-detached cottages, erection of three bedroom detached dwelling and creation of new access to No.1 Tenters Cottage) which requires that Phase B (demolition and reconstruction of No. 2 Tenters Cottage) should be completed before Phase C (new pair of 2 bedroomed semi-detached cottages) and replace with condition that new pair of cottages cannot be occupied before the demolition and reconstruction of No. 2 Tenters Cottages is complete.

Members considered the application and felt that the amendment to the wording of the condition was acceptable.

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

15. LAND AT THE REAR OF FRANKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (17/00623/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the construction of a two storey dwelling.

Members considered the application and felt, having regard to the two significant allocated sites SOHO4 and SOHO5 adjacent to this site, which would produce 100 houses; this proposed development should be resisted. Moreover it was considered that the development would be contrary to the Southwell Neighbourhood Plan.

AGREED (with 6 votes for, 5 votes against and 1 abstention) that contrary to Officer recommendation, planning permission be refused on the grounds that the proposal was piecemeal and an uncoordinated development, resulting in a cramped development that does not meet the housing needs for Southwell.

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

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

16. DENHOLME COTTAGE, HALAM ROAD, SOUTHWELL (17/00675/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the erection of a detached 1.5 storey dwelling on garden land currently associated with the residential property Denholme Cottage.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Nottinghamshire County Council Highways Authority.

Members considered the application and felt that it was inappropriate.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused for the following reasons:

- (i) Inappropriate back land development;
- (ii) Cramped and overcrowded;
- (iii) Large expanses of hard surfacing/car dominated visible from public realm; and
- (iv) Limited visibility at point of access due to the cars parking on the highway due to the close proximity of the primary school.

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

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

Having declared interests on the grounds of bias given their positions as directors of Newark and Sherwood Homes. The Chairman and Vice-Chairman took no part in the discussion in relation to the following minute.

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

17. GARAGES ADJACENT 27 – 29 ALMOND GROVE, FARNDON (17/00042/FUL)

The Committee considered the report of the Deputy Chief Executive which sought permission for the demolition of garage court and the development of two, two bed bungalows.

This application was deferred from the 9 May 2017 Planning Committee, to allow the exploration of opportunities to provide off-street parking elsewhere. Since then the Planning Case Officer, Nottinghamshire County Council Highways Officer, Newark and Sherwood Homes and the local Members had undertaken a site visit. A further meeting had taken place 5 June 2017 and there would be further on-going discussions with

Nottinghamshire County Council regarding whether a scheme could be made available to residents for the provision for dropped kerbs at a reduced cost, which could be achieved through economies of scale. The feasibility of car parking on the grass verge was also being pursued.

The Business Manager Growth and Regeneration confirmed that twelve of the 24 garages were rented, four of which were by Newark and Sherwood Homes tenants and eight privately. In terms of displacement there would therefore be very limited additional car parking on the highway. An update regarding the situation with the bus provider was also provided to Members, which clarified that the issues raised were not just regarding the movability of the bus through the parked vehicles, it was also about viability.

Members considered the application and felt that due to the work being undertaken regarding the drop kerb scheme and using a grass verge area for car parking, there were no planning grounds to refuse the application.

AGREED (with 9 votes for and 1 abstention) that full planning permission be approved subject to the conditions contained within the report.

*(Councillors G.P. Handley and D.R. Payne returned to the meeting. Councillor D.R. Payne resumed Chairman).*

18. CASTLE HOUSE, NEWARK ON TRENT (17/00749/ADV)

The Committee considered the report of the Deputy Chief Executive which sought advertisement consent for the display of the Council's logo and lettering on the front elevation of the building. The sign would be externally illuminated.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Newark and Sherwood District Council Conservation.

Members considered the application and concern was raised regarding the wording 'Castle House' being too close to the Newark and Sherwood District Council wording.

AGREED (with 10 votes for and 2 votes against) that advertisement consent is approved subject to the conditions contained within the report and an additional condition that requires for a scheme for siting of words 'Castle House' being submitted prior to installation.

19. GABLE HOUSE, MIDDLE LANE, MORTON (17/00382/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought the erection of a four bedroom dwelling to the rear of Gable House.

Members considered the application and it was commented that Fiskerton Parish Council were in support of the application. The railway station was in walking distance and there was an hourly bus service in place.

AGREED (with 6 votes for , 6 votes against and the Chairman using his casting vote in favour of granting the application) that planning permission be approved contrary to officer recommendation, subject to conditions which shall be delegated to officers and to include the removal of permitted development rights.

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

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

20. APPEALS LODGED

AGREED that the report be noted.

21. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 7.55pm

<b>Application No:</b>	<b>17/00280/OUT</b>	
<b>Proposal:</b>	<b>Erection of 2no Bungalows with all matters reserved except access</b>	
<b>Location:</b>	<b>Janandra, Station Road, Harby, NG23 7EQ</b>	
<b>Applicant:</b>	<b>Mr C Medley</b>	
<b>Registered:</b>	<b>06 March 2017</b>	<b>Target Date: 01 May 2017</b>
	<b>Extension of time agreed until 7 July 2017</b>	

**This application has been referred back to Planning Committee after originally being reported in May 2017. Members resolved not to determine the application but asked officers to seek amendments to the scheme and the proposal has now been revised on the basis of Members' discussions.**

The Site

The application site is an agricultural field/grazing paddock of approximately 0.09 hectares located to the north of the settlement of Harby. The site is located between residential properties to the south and the existing Queen Eleanor County Primary School to the north.

The site has an existing gated vehicular access to the east to link the site to Station Road. The site is delineated by a substantial hedgerow to the eastern boundary, a metal 2m high fence to the northern boundary with some mature trees, the boundary to the south has been removed and only 1m high metal posts are in situ. The western boundary is clear of demarcation and rolls out to open ploughed fields.

The site is largely uneven and has had material deposited on it with a pile of rubble located close to the northern boundary.

The site area has been reduced from the original submission to only include the front half of the site which is located within flood zone 1 as defined by the Environment Agency maps. (The rear part of the site that was originally included within the red line was located within Flood Zone 2).

Relevant Planning History

PREAPP/00184/15 - Proposed development - 2 x 3 bed end terraces and 1 x 2 bed mid terrace – 08.09.2015

13/00645/FUL - New Pre-School Nursery on Existing Farm Land – Approved 23.07.2013

The Proposal

Outline planning permission is sought for the erection of two bungalows on former agricultural

land. The application is in outline form with only access a consideration and matters of Appearance, Landscaping, Layout and Scale all reserved. The layout as submitted with the application is purely for indicative purposes to show how the dwellings could be arranged on the site and is not for formal consideration. The indicative plan has been revised to show the footprints of two units at the front of the site.

The previous submission which Members heard in May was for three dwellings laid out with one unit at the front of the site within flood zone 1 and two to the rear within flood zone 2.

#### Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter and a notice has been displayed at the site.

#### Planning Policy Framework

##### The Development Plan

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

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

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

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

#### Other Material Planning Considerations

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Landscape Character Assessment SPD 2014

#### Consultations

**Harby Parish Council** – No comments received on revised proposal.

Supported originally submitted proposal.

**Nottinghamshire County Council – Highway Authority – 20.06.2017** - No additional comments required.

20.03.2017 - This is an outline application with access details to be determined at this stage.

For this proposal to proceed it would need to be demonstrated how vehicular access could be achieved that offers 2.4m x 43m visibility splays in both directions. A previous permission for this site (13/00645/FUL) was required to provide the same and that application had to include some of the frontage of 'Janandra' to achieve this.

Failure to provide satisfactory visibility splays would raise highway safety concerns and a recommendation to refuse would be submitted. However, the applicant may wish to consider this further and submit the required details.

29.03.2017 - Further to comments dated 20 March 2017, revised drawing 1452M/002D has been received which satisfactorily addresses the visibility splay issue.

No objections are raised subject to the following conditions:

- No part of the development hereby permitted shall be occupied until the access to the site has been completed, and surfaced in a bound material for a minimum distance of 5m back from the nearside edge of carriageway

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

- The shared private driveway shall be laid out to a width of not less than 5 metres for at least 10 metres back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance with details first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway; ensure that adequate off-street parking provision is made, and; enable vehicles to enter and leave the site in a forward direction, all in the interests of highway safety.

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

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

- No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 1452M/002D are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.25m metres in height.

Reason: In the interests of highway safety.

Note to Applicant:

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

**Environment Agency** – (On originally submitted scheme) Two of the dwellings fall in Flood Zone 2 and as such standing advice should be applied to those plots.

**NSDC Environmental Health (Contamination)** – 05/04/2017 - Aerial photography and anecdotal evidence suggests that some building rubble may have been recently stored at the application and there is the possibility for building rubble to contain asbestos.

Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the development phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in Environmental Health at Newark and Sherwood District Council on 01636 650000.

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at:

<http://www.hse.gov.uk/asbestos/regulations.htm>.

For further information on this subject please visit our website at:

<http://www.newark-sherwooddc.gov.uk/asbestos>

**NSDC Strategic Housing** – 26/04/2017 - The District Council's Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. There is no requirement on the proposed site (Janandra, Station Road, Harby) as the proposal is under the threshold. (The threshold for the Harby area is 10 units and above).

Housing Need

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

Any proposed new housing in SP3 villages must meet an identified proven local need 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.

Harby Parish Council underwent a Parish Housing Needs Survey in 2012. The survey established a picture of housing need in the parish of Harby and concluded that:-

“Our conclusion is that there is currently insufficient evidence that a development of affordable dwellings is required. However, there is evidence that Harby suffers from a lack of low cost housing, particularly for first time buyers. The Parish and District Councils may want to take note of this evidence and take action in order to encourage a sustainable future for Harby”.

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. Harby demonstrates housing that is above the national average 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 Harby has a good supply of this type of housing and they appear on the open market for sale. Currently there are 2 x 3 bedroom properties (1 x 3 bed bungalow) on the open market for sale that would meet this demand.

I conclude that there is no ‘local’ evidence of housing need. I acknowledge that residents however, comment that there is a lack of low cost housing. The applicant has not demonstrated that the proposed properties will be low cost and therefore will not be meeting the local preference for low cost housing.

**NSDC Equalities and Access officer – 15/03/2017 - Observations**

**Neighbours/Interested parties** – One letter of support has been received on the original submission stating they fully support the building of the bungalows and the waste parcel of land would be tidied up and the village desperately needs more housing to keep the school sustainable.

Two letters of support have been received on the revised submission supporting the proposal reiterating the tidying up of the waste bit of land and needing housing to keep Harby and the School sustainable. The second letter stated support to ensure Harby’s existing infrastructure is maintained stating they have lost its Post Office and the School has plenty of spaces. The letter questions the land as flood plain stating it hasn’t flooded in at least 50 years and it is significant in terms of run-off due to the huge amount of farm land behind it.

## Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) principal of development, 2) the impact on highway safety.

### Principle of development

#### Current 5 Year Land Supply

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

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district’s overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which is expected to receive reserved matters consent to allow a start in March 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (S106 awaiting execution). NSDC are confident that the SUE’s can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic

Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that *on the balance of the evidence available to them* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement

(see <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult/ti/PRPreferredApproachStrategy16/consultationHome>).

The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be an Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspector's decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is

adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

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 does not include the settlement of Harby as one which is capable of supporting additional growth with its nearest Principal Village identified as Collingham. The application site is located within the rural area and therefore Spatial Policy 3 applies. The site constitutes a greenfield parcel of agricultural land which has not been previously developed but also forms a gap site between existing ribbon development of residential properties and the primary school to the north.

Spatial Policy 3 of the Adopted Core Strategy states that housing should be provided for in settlements with an identified local housing need and housing will be focussed in sustainable accessible villages. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. This is Location, Scale, Need, Impact, Character.

#### *Location*

The application site is located within the main built up area of the village although to the fringe of the settlement. Harby does have some limited facilities to offer new development of a Primary School, Pub and village hall however it does not have very good public transport access to other Service Centres or Principal Villages. Travel Wright provide the no.67 bus service between Newark and Saxilby (Lincoln) and although there is one stop in Harby (Low Street) the earliest bus from Newark is 12:40 and Collingham at 12:58 which arrive in Harby at 13:35. There is 1 subsequent bus which stops at both Newark and Collingham which departs Newark at 14:03 and arrives in Harby at 15:05. There are 4 busses which depart from Collingham however the earliest is 12:58 and the latest is 17:35. An extract of the bus timetable is provided in Table 1 below. Harby is close to the settlement of Saxilby which is located within Lincolnshire and does provide for more local facilities, however the bus service to Saxilby is inferior than from Newark or Collingham with Harby identified as a 'Demand Responsive Area' and therefore the bus does not automatically stop in Harby and the stop has to be booked in advance with the bus company. However there is one scheduled route from Saxilby to Harby which leaves Saxilby at 13:50 and arrives in Harby at 14:00.

## Newark - Collingham - Saxilby

Show all stops

Newark Bus Station (Bay A)	07:40	09:03	10:03	11:03	12:03	12:40	13:03	14:03	15:48	17:08	18:08			
Newark Bus Station (Bay AE)	06:40													
Newark, opp Kirk Gate	06:42	07:42	09:05	10:05	11:05	12:05	12:42	13:05	14:05	15:50	17:10	18:10		
Newark, opp Lincoln Street	06:45	07:45	09:08	10:08	11:08	12:08	12:45	13:08	14:08	15:53	17:13	18:13		
Newark, adj Gainsborough Drive	06:47	07:47	09:10	10:10	11:10	12:10	12:47	13:10	14:10	15:55	17:15	18:15		
Winthorpe Demand Responsive Area	06:52	07:52	09:15	10:15	11:15				14:15	16:00	17:20	18:20		
Winthorpe, opp Holme Lane						12:50								
Langford, opp Elmtree Farm	06:56	07:56	09:19	10:19	11:19	12:19	12:54	13:19	14:19	16:04	17:24	18:24		
Collingham, adj The Green	07:00	08:00	09:23	10:23	11:23	12:23	12:58	13:23	14:23	16:08	17:28	18:28		
Collingham Braemer Road (N-bound)									14:27					
Collingham, adj Queen Street	07:02	08:02	09:30	10:30	11:30	12:25	13:00	13:25	14:30	16:10	16:13	17:30	17:35	18:30
Collingham, opp The Hemplands	07:05	08:05	09:32	10:32	11:32	12:28		13:28	14:32	16:13	16:15	17:33	17:38	18:33
South Scarle Demand Responsive Area							13:04		14:34	16:17	17:42			
Besthorpe, adj Trent Lane									14:38	16:21	17:46			
Besthorpe Demand Responsive Area						13:08								
North Scarle Demand Responsive Area							13:09		14:39	16:22	17:47			
Girton Lane (opp)									14:40	16:23	17:48			
Girton Demand Responsive Area						13:10								
Spalford Demand Responsive Area							13:15		14:45	16:25	17:53			
South Clifton Demand Responsive Area							13:19		14:49	16:27	17:57			
North Clifton Demand Responsive Area							13:21		14:51	16:29	17:59			
Thorney Demand Responsive Area							13:28		14:58	16:38	18:06			
Wigsley Top Road (SE-bound)							13:32		15:02	16:40	18:10			
Harby Low Street (N-bound)							13:35		15:05	16:43	18:13			
Saxilby Demand Responsive Area						13:45								
Saxilby, adj Thonock Drive									15:15	16:53	18:23			

Table 1: Bus route Newark - Saxilby

On the basis of the above information I am not satisfied that the settlement of Harby, locationally has sufficient facilities to support further development in its own right and is reliant on the day to day facilities provided in other more sustainable settlements both within the Newark and Sherwood District area and beyond. The transport links to these settlements are inferior and thus new residents would be reliant on the use of their own car to access shops and other services which are not provided for in the existing settlement. I therefore consider that locationally the proposal fails to accord with Spatial Policy 3 of the Core Strategy.

### Scale

The proposal is sought for two single storey residential bungalows on a site which is approximately 0.09ha in area. At the last Census in 2011 the number of properties in Harby was 128, the Council has received notification of 10 completions to properties since 2011 with 2 commitments which haven't yet been constructed. The proposal constitutes a 3% increase in the total number of properties in Harby which I consider to be of low scale in comparison to the overall number of properties within the settlement.

### Need

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. Harby demonstrates housing that is above the national average price 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 Harby has a good supply of this type of housing and they appear on the open market for sale. Currently there are 2 x 3 bedroom properties (1 x 3 bed bungalow) on the open market for sale that would meet this demand.

The settlements of Harby, Thorney and Wigsley have in 2015, published a Community Led Plan for the period of 2015-2025, which illustrates their vision for new development within the communities. This plan stated that within Harby the highest demand was for detached family homes (58% of respondents) on individual plots; however there was also a high demand for affordable/shared ownership properties (46%), bungalows (47%) and semi-detached properties (50%).

Whilst it is clear that substantial work has gone into producing the document, it only shows the preferences of those surveyed. Whilst this carries some weight as an aspiration, the results in the Community Led Plan alone do not demonstrate a proven local need as required by Policy SP3. Identified proven local need is not just a question of what the demand is but also needs to include an analysis of the current housing stock to help identify what is required. The Council's Spatial Policy 3 Guidance Note states *'Housing need should not be confused with the state of the housing market in a particular settlement at a particular point in time' and that 'Assessments should be based on factual data such as housing stock figures where the need relates to type of housing or census data where the need relates population groups.'* A Housing Needs Assessment, which is the identified route for providing a clear needs assessment has not been produced for Harby and thus whilst the Community Led Plan is a useful document it represents a desire and aspiration for development and not a proven local need. I therefore consider that the document carries very little planning merit and thus there is no identified proven local need identified within Harby and the proposal fails to accord with the Need criterion of Spatial Policy 3.

Comments have been received from the Council's Strategic Housing officer who states that in 2012 Harby Parish Council underwent a Parish Housing Needs Survey which sought to establish a picture of housing need in the parish. It concluded that there is insufficient evidence that a development of affordable housing is required within the parish but there is evidence that the parish suffers from a lack of low cost housing, particularly for first time buyers. I therefore consider that as no formal needs survey has been submitted subsequent to this in 2012 then again there is no identified housing need proven for the parish. Furthermore, the applicant has not demonstrated that the proposed properties will be low cost and therefore will not be meeting the local 'preference' as stated in 2012, for low cost housing.

### *Impact*

I consider that a scheme could be designed so it does not have a detrimental impact upon nearby residents. The proposal is for 2 properties, which is low scale, and the level of car-borne traffic

caused by the development whilst unsustainable in locational terms is unlikely to be overly excessive in terms of impact due to the proximity to the neighbouring more sustainable settlement of Saxilby.

### *Character*

The erection of two dwellings is considered low scale and the application is only in outline form with layout to be considered as a reserved matter. The site lies to the north of a row of ribbon development comprising of single storey bungalows which are set in wide fronted plots. The layout as proposed, whilst only illustrative, shows how 2 properties would integrate on the site and as 2 properties are proposed it would seem to make the most logical sense. However this illustrated layout and the number of properties proposed would introduce an alien layout with narrow fronted plots with two plots served from one access which I consider is out of character with the immediate locale. I therefore consider the proposal would fail to accord with the character criterion of Spatial Policy 3.

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

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

- contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth;
- supporting strong vibrant and healthy communities by creating a high quality built environment with accessible local services that reflects the needs of the community; and
- contributing to protecting and enhancing the natural built and historic environment and to adapt to climate change including moving to a low carbon economy.

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

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

Therefore whilst the Council is taking a pragmatic approach to new development in this period of transition in the current housing supply, it has not been proven to the satisfaction of officers that an identified local need is established within Harby. The Community Led Plan, whilst a useful tool is only an aspiration and carries little weight within the planning balance. I am also unconvinced that the site and settlement of Harby is adequately served and serviced by existing facilities or public transport and thus the proposal is located within an unsustainable location. I note that the agent has submitted a list of activities and facilities provided within the settlement which was reported as a late item to Members previously in May. Such facilities however were mainly mobile, such as the butchers, fish and chip van, library, newspapers, bakery van, fresh fish delivery, which I consider to be a response to provide occasional services to a village which is in an unsustainable location, rather than established uses based within the settlement that serve the residents. Such facilities could be achieved in any settlement and are not a permanent base within the village. I still consider the settlement is not wholly supportive of additional speculative development and thus the settlement of Harby fails to be adequately sustainable to support further development.

#### 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 and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

Access is a matter which is to be considered as part of this application and not at reserved matters stage. Initially the proposal received concerns from the Highways Officer due to the unsatisfactory visibility splay which was shown on the plans. However the submission of an amended access arrangement sought to satisfy those concerns and the proposal is now considered acceptable from a highway safety perspective, subject to the imposition of suggested conditions.

I therefore consider the proposal to be acceptable with regards to highway safety and accords with Spatial Policy 7 of the Core Strategy, Policy DM4 and DM5 of the ADMDPD.

#### Impact on Flood Risk

The site area has been reduced following discussions by Members at the May Committee meeting and is now solely located within flood zone 1 as defined by the Environment Agency's data maps which is defined as being at lowest flood risk. The application site to approximately 35m is located within flood zone 1 and beyond this, which is now outside the application site, being within flood zone 2.

New dwellings are classed as more vulnerable development according to the Environment Agency data maps. As the site is located within flood zone 1 there is no requirement to undertake a Sequential or Exceptions Test approach to development and development within the application is considered acceptable in terms of flood risk.

As such the proposal is considered to accord with Core Policy 10 of the Core Strategy.

### Housing mix

Whilst housing type, design and layout are not for consideration at this stage, the applicant had previously stated that the general mix is a 2, 3 and 4 bedroomed bungalow however due to the amended site layout the proposed mix is for two 3 bedroomed dwellings. Whilst this is not a varied mix, this cannot be reasonably achieved to the extent to which the policy warrants with only two units. I therefore consider this does not represent an adequate reason for the refusal of planning permission and the proposal generally accords with Core Policy 3 of the Core Strategy.

### 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.

The nearest impacted neighbour would be Janandra. This is a single storey bungalow located close to the northern boundary of the application site. Whilst no details have been submitted on the appearance of the bungalows and the layout submitted is only indicative, I am unable to determine a true impact from the development. Nonetheless the buildings, given they would only be single storey, would likely to have limited impact upon the amenities of nearby occupiers and indeed the main impact would be upon the increased vehicle movements caused by the development and the siting of the driveway. The driveway is proposed along the northern boundary of the site adjacent to Janandra. With up to 2 vehicles per property this would significantly increase the noise already experienced in the area. However I do not consider the number of properties proposed and the associated vehicle movements as a result of those dwellings to significantly harm the amenities of nearby occupiers. If the buildings proposed were greater than single storey or had rooms which could be occupied in the roof space then I consider the proposal could have unacceptable impacts on the amenities of the surrounding occupiers due to the increased potential for overlooking and overbearing impacts. Therefore should Members resolve to approve the application I suggest that a condition should be imposed to restrict the scale of the buildings to single storey only with no accommodation within the roof space.

As it stands I do not consider the proposal at Outline stage to cause significant harm to the amenities of neighbouring occupiers and I am satisfied that a suitable scheme could be designed to address the impact to amenity to neighbouring occupiers. As such the proposal accords with Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

### Impact on the Landscape and Ecology

The site is identified within the Council's Landscape Character Assessment SPD as being located within the East Nottinghamshire Sandlands Policy Zone ES PZ 02: Wigsley Village Farmlands with Plantations. The landscape condition is defined as being of moderate condition with a very low impact to sensitivity. As such the outcome is to create landscape features in new development such as new hedgerows and restore existing, enhance existing tree cover and landscape planting and promote biodiversity. The proposal does not include measures for landscaping only those shown indicatively on the submitted layout plan. The site is currently a greenfield site and would provide a degree of biodiversity and ecological value however this has not been demonstrated

through the submission of an ecological survey. Nonetheless the site is not identified within a protected area for ecology and thus I consider it to provide a low ecological value.

Core Policy 12 of the Core strategy and policy DM7 of the ADMDPD states that new proposal should protect, promote and enhance green infrastructure. Proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The indicative layout allows the provision of a new hedgerow around the site with some indicative siting of trees. I consider that despite this layout the site does have capacity to increase the biodiversity of the site through the planting of hedgerows and native trees which I consider would accord with Core Policy 12 and policy DM7.

The erection of 2 dwellings I consider would have limited impact upon the character of the wider landscape area due to the low scale nature of the development and the presence of existing built development to the north and south. Therefore the proposal is considered to adhere to Core Policy 13 of the Core Strategy and the Landscape and Character Assessment SPD.

### Conclusion and Planning Balance

The site is located within a rural area and not within an 'Other Village' as identified by the Core Strategy. The settlement of Harby has limited facilities to support further development and the public transport to and from the settlement is sporadic and limited, therefore new residents would be reliant on the use of a private car for everyday facilities. Harby does not have an identified housing needs survey which objectively assesses the current housing position and the future aspirations for housing in the village. Whilst Harby and neighbouring settlements have produced a Community Led Plan, this is not a recognised housing needs survey and only constitutes an aspiration for housing need and carries little, if any planning weight overall. I therefore consider that the proposal does not meet an identified housing need established in the settlement. Support has been received to the proposal as it would provide potential support for the local primary school, however I do not consider this an overriding reason to seek to approve the application as the catchment for the school is greater than the settlement of Harby and no further details have been provided to show the school is low on numbers or indeed suffering due to a low intake of pupils.

The site would provide acceptable vehicular access to the site to the satisfaction of the Highway Authority subject to imposition of conditions. As this is the only matter for consideration at Outline stage and due to the comments from the Highways Authority I do not consider the access to be inappropriate.

Members will be aware of the current 5 Year housing land position currently faced by the Council, however the Council feels as though, due to the OAN, it is in a stronger position with regards to its housing position and is not therefore reliant on approving development in unsuitable and unsustainable locations.

On balance, I therefore consider that although the Council is being pragmatic to housing development outside of defined settlements identified in Spatial Policy 1 and 2, the site and settlement is unsuitable to support additional residential development and the benefits of providing 2 bungalows, which is low scale, does not outweigh the harm caused when taking into account the sustainability of the area to accommodate new dwellings. It is recommended that planning permission be refused for the reason stated below.

## **RECOMMENDATION**

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

01

Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new development will be considered against a number of criteria including need and location. In the opinion of the Local Planning Authority the provision of 2 dwellings would not enhance or maintain the vitality of the village to such a degree that warrants development in this location. Harby does not have a Local Needs Assessment which clearly identifies a proven local need for new housing within the identified settlement and whilst Harby has limited facilities, new residents would be reliant on the use of a car to access other essential day to day facilities due to the poor public transport network.

The proposal therefore fails to comply with the location and need criteria of Spatial Policy 3 and would thus represent the promotion of an unsustainable pattern of development, contrary to the key aims of the National Planning Policy Framework, the Newark and Sherwood Core Strategy 2011 and explicitly Spatial Policy 3.

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

## BACKGROUND PAPERS

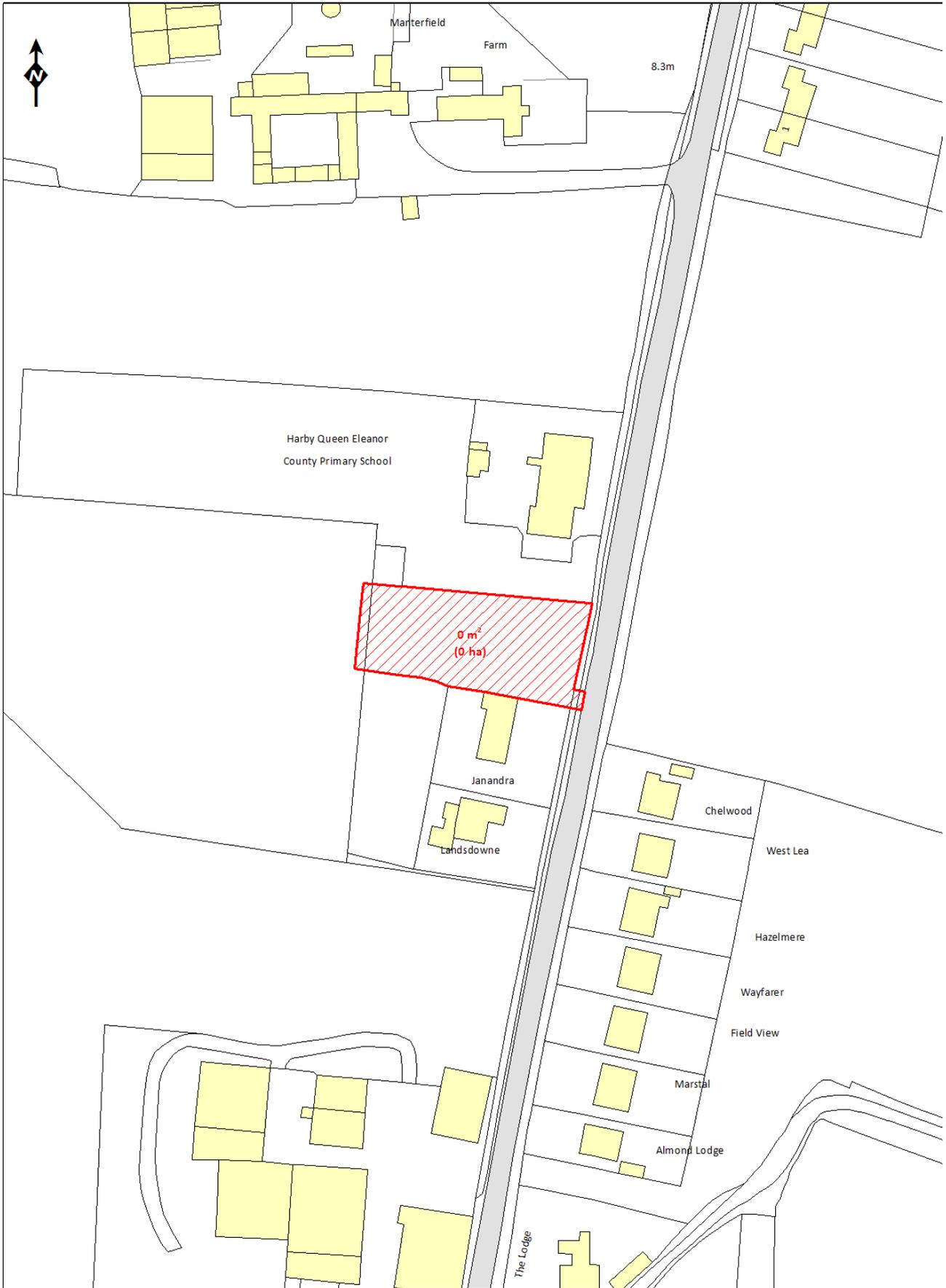
Application case file.

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

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

Committee Plan - 17/00280/OUT



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<b>Application No:</b>	<b>17/00644/FUL</b>	
<b>Proposal:</b>	<b>Householder application for erection of garage building, demolition of existing conservatory and replacement with new and all associated external works</b>	
<b>Location:</b>	<b>The Old Vicarage, Church Lane, South Scarle Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr B Mason</b>	
<b>Registered:</b>	<b>04/04/17</b>	<b>Target Date: 30/05/17</b>

**This application is being referred to the Planning Committee for determination by the local ward members (Cllr Clarke & Dobson) due to the officer recommendation being contrary to that of the Parish Council.**

**The item was deferred from the June meeting to allow for a site visit to be undertaken.**

The Site

The host property is a detached two storey red brick dwelling with associated outbuildings situated on the western edge of the village of South Scarle. The Old Vicarage is designated as a building of Local Interest and is set back some distance from the roadside with a lawned area situated to the front and a well treed driveway providing access from Church Lane. Access is also available via an approved driveway from Main Street to the east of the site which has been surfaced with crushed stone and a timber 5 bar gate installed.

The site has been the subject of a number of planning applications notably; the erection of a dwelling to the rear of the Old Vicarage (11/01818/FUL; refused 2012), an extension and conversion of the coach house to ancillary accommodation (14/01725/FUL & 15/00942/FUL approved 2014 & 2015), the re-instatement of a driveway to Main Street (15/01608/FUL approved 2015) and the construction of a garage and lean-to, to the rear of the dwelling (15/02125/FUL approved on appeal 2016). The proposed garage would be situated to the east of the dwelling within an area which forms part of the garden area of the Old Vicarage and on the same foot print of the currently extant scheme.

To the north of the development site are collections of new build and converted dwellings which form Beeches Court. Immediately to the north of the proposed garage site is an agricultural building associated with Beeches Farm. To the south are 2 red brick dwellings (1 & 2 Redmay) which were approved in the 1980's. The development site is also situated within the South Scarle Conservation Area.

### Relevant Planning History

**15/02125/FUL** - Householder application for construction of a garage, lean-to building and all associated external works. Refused April 2016, appeal allowed September 2016. Members will note that this permission has been started (and indeed was noted as retrospective) in the appeal decision.

**15/01608/FUL** - Householder application for driveway re-instatement to Main Street, including new gates and fence. Approved November 2015

**15/00942/FUL** - Alterations to existing coach house to form annex to dwelling including all associated external works. Approved July 2015

**15/00814/TWCA** - Undertake the following works: Large row of Conifers to be felled; Large Ash tree to felled; 1 No. Conifer to the rear to be felled due to the access issues; and 4 No. Bushes to be felled. Consent granted June 2015

**14/01725/FUL** - Householder application for alterations and extension of existing Coach House/garage with demolition of part, and including associated external works. Approved November 2014

**11/01818/FUL**- Erection of a new dwelling. Refused March 2012

### The Proposal

The proposal seeks to make minor alterations to the previously approved and implemented garage building, notably;

- The increase in the depth of the structure by 0.1m
- The increase in the ridge height of the main structure by 0.1m
- The increase in the ridge height of the trailer store by 0.15m
- The insertion in the northern roof slope of 5 x conservation style roof lights and
- The addition of a pair of timber doors to the front of the trailer store

In addition, it is proposed to demolish the exiting glazed lean to conservatory situated on the front of the Old Vicarage and replace it with a more solid structure of the same foot print but with a lantern roof.

It is proposed that the garage be constructed of the same materials as previously approved by the inspector notably red facing brickwork, timber boarding and grey slates. The glazed conservatory would be constructed from a brick to match the dwelling.

### Departure/Public Advertisement Procedure

Occupiers of seventeen properties have been individually notified by letter, a site notice has been

displayed and an advert placed in the local press.

## **Planning Policy Framework**

### **The Development Plan**

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

Core Policy 9 – Sustainable Design

Core Policy 14- Historic environment

#### **Allocations & Development Management DPD**

DM5 – Design

DM6 – Householder Development

DM9- Protecting and enhancing the historic environment

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

#### **South Scarle Parish Council – Object.**

General opinion was the garage was more of an industrial scale than a family garage and placed too close to adjacent properties.

#### **NSDC, Conservation Officer – No objection**

The Old Vicarage is a 19<sup>th</sup> century building associated with the significant Grade I landmark Church of St Helen. Its architectural interest and historic association with the church ensures that the Old Vicarage is a positive building within the South Scarle Conservation Area (CA). A post-medieval timber framed building to the north of the church, also known as the Old Vicarage, is Grade II listed. This building was once the parsonage, and dates to the 17<sup>th</sup> century. The group formed by the Old Vicarage, parsonage and Church of St Helen is a significant element at the heart of the CA.

### **Legal and policy considerations**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In addition, section 66 of the Act requires the LPA to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

significance. Key issues to consider in proposals for additions to heritage assets, including new development in CAs, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

### Assessment of proposal

The proposed changes to the garage approved via 15/02125/FUL are modest. The increase in height to the ridge appears to be 100mm. Such a minor alteration is unlikely to have any discernible impact on the overall appearance of the structure, and therefore will cause no harm to the CA or setting of nearby listed buildings. As set out in our advice regarding the original scheme (ref 15/02125/FUL), the scale, form and appearance of the garage was not felt to be unduly prominent, and such a minor alteration is unlikely to change that perceived impact. The addition of matching garage doors in the left hand bay is also acceptable, and does not fundamentally alter the garage workshop character of the proposal.

However, the addition of domestic rooflights, albeit of a conservation variety, is slightly at odds with the workshop character of the garage, and I consider that reducing the number of roof lights would be an improvement. A pair of tripartite equally spaced or a single arrangement of coupled

rooflights centrally on the main garage structure would better convey the workshop character than the domestic rooflights, and would be acceptable as an alternate approach (see examples attached).

The proposed replacement conservatory is similar in scale, following the same foot print, but with a lantern light rather than lean-to configuration. Conservation has no objection to this and finds that it will have a very limited impact on the character and appearance of the CA.

Notwithstanding the above comments regarding the rooflights, Conservation finds the development to be acceptable and compliant with heritage policies and objectives contained within the Council's LDF DPDs and section 12 of the NPPF. As the proposal is not considered to harm the CA or setting of listed buildings, the proposal accords with the objective of preservation required under sections 66 and 72 of the Act.

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

This application has been considered in terms of its potential impact on road safety, highway capacity and sustainability. It is noted that the existing dropped kerb vehicular access on to Main Street, does not extend as far as indicated on drawing 14.BM.09D and therefore, to avoid potential overrunning of the verge, widening of the crossing is necessary.

**Neighbours/Interested parties** - 12 letters of representation have been received from 6 neighbouring properties raising the following objections:

- The proposal should be treated as a new application
- Cannot understand why the applicant would consider increases in dimension for the garage and inclusion of rooflights given a decision has already been made on an acceptable scale
- The fourth trailer store bay has now been incorporated into the main structure. As such the main building has increased in all directions and constitutes a significant increase and material change in the buildings footprint
- The garage has previously been ruled to not have windows in the roof. I ask why these are now being considered as part of a bigger building. Would suggest that if windows are required they are inserted in the western wall. The decision for the Coach House detailed that no dormer windows shall be constructed. Can I request that the same be attached to this application should consent be granted
- The siting of the garage totally obscures natural light to neighbouring dining area window and would have detrimental impact on living room light
- The proposed rooflights would result in extensive loss of privacy to neighbouring properties
- Concern is raised regarding the cramped and overbearing effect the garage would have on 2 Redmay Corner resulting in overshadowing

- The increases in scale result in the appearance of a building more akin with a two storey house than a residential garage
- The garage due to its size and structure in addition to the approved driveway would lead to an urbanizing effect on the surrounding area and would lead to an over intensive form of development
- The development is considered to be contrary to policies DM5, DM9 and Core Policy 14
- There is no attempt to maintain the rhythm of the spacing & setting of a Conservation Area
- An application for a new dwelling of a similar size, scale and footprint to the garage was dismissed at appeal in 2013
- It is considered necessary to view the site as a whole with all previous applications been taken into consideration. The site could be seen as a potentially longer term development process to segregate the Old Vicarage into multiple residential areas with separate accesses
- Concern regarding the impact the garage would have on the overall plan area of the CA and not just on the Old Vicarage in addition to the harm caused by the existing timber & red mesh netting fencing on the CA
- The proposed garage would dominate the small green site
- There remain better sites for the proposed garage to the west of the main dwelling
- Concern raised that the condition required by county highways in relation to the access construction has not been complied with
- Not heard for consent being granted based on the size of an applicant's vehicles. This is supposed to be a domestic garage and not for a business. The vehicles detailed in the submission are not domestic vehicles and could result in more commercial vehicles using the site
- As the proposal would be the only garaging for the Old Vicarage would expect that if consent is granted the same conditions previously applied be attached in relation to can't be converted to a separate dwelling
- Prior to the applicant receiving approval he dug foundations and poured concrete despite being told not to by enforcement officer's
- The footings are close to the side elevation of the neighbouring property and will surely compromise it by enlarging
- I have no objections to the proposed conservatory but it has been lumped with the garage alterations

### Comments of the Business Manager

Whilst this application falls within the definition of a 'householder application' (meaning that it is a proposal within a residential garden for purposes incidental to that house, i.e. an outbuilding) it has generated considerable local concern. As Members will be aware simply the volume of objection to a scheme is not, in itself, a material consideration to which significant weight can be attached. Rather, one is required to focus on the material planning issues which are raised and to balance whether such material planning considerations should lead to an overall decision to approve (with conditions) or refuse consent.

### Principle of Development

For the avoidance of doubt the principle of the construction of a four bay garage to the east of the Old Vicarage has been established by the inspectors appeal decision in September 2016. Given that development has commenced this scheme remains extant. I note, as I refer to below, that this appeal was allowed without any planning conditions attached restricting future conversion to residential (on the basis that the appeal Inspector stated that a separate planning consent would be required) or removing the ability to insert window openings (the appeal Inspector explicitly considering this but deeming such a condition unreasonable).

As Members will be aware the presence of an extant planning permission is capable of representing a 'fall-back' position, which is a material planning consideration to which weight should be attached when coming to an overall balanced judgement on the acceptability of a planning application. I refer throughout to this extant consent. In terms of the principle of development this, despite clear local views both now and at the time of its original consideration, has been established. Any conclusion to the contrary would be both unacceptable and leave the Authority open to an award of costs at an appeal (the appellant previously applied for costs against the Council) on the grounds of unreasonable behavior. Members are advised to focus, in determining acceptability of this scheme on the differences (as set out within the above description of development section) between the approved extant scheme and the scheme before members this evening. Indeed, Policy DM6 of the Allocations and Development Management DPD accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

### Impact on Character and Appearance of the Conservation Area

There are essentially two matters at the heart of the issue of identifying any Conservation harm in this instance (by which I mean any harm over and above the extant scheme). The comments from the Conservation Officer are noted and helpful in this regard.

Firstly, there is the issue of scale, character, and siting. As detailed above the proposed increase in the scale of the garage both height and depths are modest. From a distance or street level such changes are arguably imperceptible. On these elements it is not considered that these minor revisions would result in any greater harm to the character and appearance of the South Scarle Conservation Area than that deemed to be acceptable by the inspector in his decision in 2016.

In relation to the proposed roof lights in the front roof slope of the building; concern has been raised by the conservation officer that the proposed openings would be at odds with the workshop character of the garage, appearing somewhat domesticated. Whilst domestication is a cause for concern this must be balanced against whether such domestication is so harmful as to justify a refusal of a scheme. Indeed, the proposed building must, by its very nature, be used for domestic purposes (i.e. incidental to the enjoyment of the dwelling house).

In the spirit of securing the most sensitive scheme possible discussions have been entered into with the applicant to seek revisions to the openings, notably to reduce the number or look to change the style to a pair of coupled tripartite windows. The applicant has stated that the current proposal would allow optimum natural light into the building and as such is unwilling to reduce the number or style of openings proposed. Whilst the proposed openings as detailed above could appear at odds with the workshop appearance of the proposed structure, given the set back of the building from the roadside; approximately 35m in addition to its orientation; gable end orientated towards the road, the Conservation Officer and I concur that it would be difficult to maintain a refusal on this ground alone. That is certainly true if one considers this issue in the context of the fall-back position provided by the extant approval.

I have referred above to the fact that the previous Inspector failed to apply a condition in allowing the appeal removing permitted development rights for the insertion of new window openings. Whilst on the face of it that could be an oversight the issue in this case is that the Inspector explicitly considered the issue of removing permitted development for windows, concluding that it would not be necessary. The only reference to other changes to the roof was with respect to dormer windows, which the Inspector concluded would need planning permission in any event.

In fall-back terms the applicant could look to continuing to construct the appeal garage and whilst constructing allow for provision within the roof slope (space between the rafters) for window openings to be inserted at any later day (even the day after substantial completion<sup>1</sup>). The number of roof lights or which roof slope they were placed is not limited. Additionally, this would not require planning permission under Part 2 Class C of the General Permitted Development Order (providing they do not protrude more than 0.15m beyond the plane of the roof and are not higher than the highest part of the roof).

With this in mind, it is considered that there are no grounds to refuse the scheme for the introduction of roof lights. If Members are of the opinion that the roof lights are unacceptable for the planning and conservation reasons set out it would be open for you to consider a planning condition to delete them from the scheme. The applicant would still be entitled to appeal such a

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<sup>1</sup> *What is substantially complete must always be decided as a matter of fact and degree. It is not therefore possible to define precisely what is meant by the term "substantially completed". Arguably, in the case of a house, it is not substantially complete until all the external walls, roof-tiling, woodwork, guttering and glazing are finished; but it might be regarded as substantially complete if only some internal plastering or decorating, or external decorating work, remains to be done, particularly if use of the building for its intended purpose has started. All the relevant circumstances must be considered in every case.*

condition and given the context of the fall-back I have described above I consider an appeal Inspector is likely to allow any such appeal.

The existing lean to glazed conservatory is proposed to be replaced with a more substantial structure albeit occupying the same footprint. Its replacement is considered to be acceptable and would not detrimentally impact upon the character and appearance of the conservation area.

For the reasons cited above the proposed development is considered acceptable and would accord with Core Policy 14 and DM9 of the core strategy and DPD respectively.

#### Impact upon Amenity

In terms of impact on neighbouring amenity, detailed consideration was given as part of the previous consent for the garage by officers particularly in relation to the amenity of the closest neighbouring property No. 2 Redmay situated to the south of the proposed garage. As part of the appeal decision the inspector made the following comments in relation to the perceived impact on amenity resulting from the proposed garage towards No. 2 Redmay;

*Given the height of the building, it would be more imposing than the existing fence. However, it would not be overbearing for the adjacent residents when using their driveway or when within the main front room of the house. The new building would have a greater impact on the dining area of 2 Redmay Corner as this is located close to the side boundary. The room has its main aspect to the rear and this would not be altered. The forward facing window is at a high level and although it provides a limited outlook, its main function is to increase light to the room. The outlook from that window would be altered when in certain parts of the room but not to the extent that living conditions would be unacceptably harmed. Similarly, light levels would not be altered to the extent that unacceptable harm would result. Overall, I do not find conflict with the amenity requirements of DPD Policy DM5 or CS Spatial Policy 3.*

Whilst the concerns raised by neighbouring residents in relation to the perceived harm resulting from the proposed increases in depth and height of the garage are noted, it is not considered that such modest increases (10cm in depth and overall height and 15cm in height of the trailer store) would result in any significantly greater degree of loss of amenity to that considered to be acceptable by the inspector within his decision in 2016.

The introduction of 5 roof lights within the northern roof slope of the garage is noted. The roof lights would be positioned approximately 4m above ground level and orientated towards an agricultural building which forms part of Beeches Farm and partially towards the rear amenity area of 1 Beeches Court. Given the positioning in the roof slope of the windows and that no first floor is proposed within the building (Members will note that I recommend a restrictive condition to prevent the insertion of a first floor) it is not considered that the proposed roof lights would result in any potential overlooking.

The alterations to the conservatory on the southern elevation of the Old Vicarage are not considered to result in any loss of neighbouring amenity.

### Impact on Highway Safety

The comments from NCC Highways Authority are noted. From undertaking a site visit it would appear that driveway has been partially implemented under 15/01608/FUL. However as per comments received from neighbouring properties it is noted that no hard bound material has yet been laid for the first 2m of the access nor the kerb dropped for the full extent of the access mouth. It is as such considered acceptable to re-attach these conditions to any future consent.

Subject to the above conditions it is not considered that the proposed development would result in any highway safety concerns and would accord with Spatial Policy 7 of the Core Strategy.

### Other Matters

The concerns reiterated during this application regarding the potential for the garage to be changed to a dwelling are again noted. The inspector previously considered the condition proposed by the Authority tying the garage to be as ancillary accommodation to the main dwelling but cited this condition as unnecessary given the requirement for a change of use to anything other than ancillary accommodation to be subject to its own application for future planning consent. Based on the appeal Inspectors decision it is difficult now to conclude it appropriate to re-introduce such a condition. That said, an informative could be attached to ensure the applicant is aware that consent is only being granted for the use of the building as ancillary to the use of the site as a residential premises.

Consideration has been had to the imposition of a condition removing the ability of the applicant to construct a first floor within the garage in order to better define the consent and to prevent any possible overlooking of the private amenity space of 1 Beeches Court to the north. As previously discussed within the above character section, the applicant has stated that the proposed roof lights are required to allow natural light into the garage building. Given the dimensions of the building and height of the garage door openings it is considered that any first floor would be of limited functionality given the steeply pitched roof and would forego the usefulness of the proposed roof lights in illuminating the garage. However, in the interests of better defining the consent and preventing potential loss of neighbouring amenity it is considered pertinent to remove permitted development rights for the construction of a first floor space within the garage building and ensure the garage is used for the purposes proposed as part of this application.

The comments received regarding the nature of the application are noted in addition to the garages location, however it is the applicant's choice to submit an application and whilst the Local Planning Authority can seek to make amendments to improve the scheme before them they cannot seek to question the reasons why the application has been submitted. This was also the conclusion of the previous appeal Inspector.

### **Recommendation:**

Approve, subject to the following conditions

## Conditions

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

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

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

- Garage – site plan, floor plan, elevations & section Drawing No. 14-BM-09D
- Proposed conservatory – plan & elevation Drawing No. 14-BM-10

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

Reason: So as to define this permission.

3. 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

Slate (natural)

Timber boarding

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

4. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development

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

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

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

6. Notwithstanding the garage hereby approved, no first floor shall be constructed within said structure without first receiving consent from the Local Planning Authority by way of an application for planning permission.

Reason: So as to define this permission and in the interests of neighbouring amenity.

### **Informative**

01

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

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

02

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

03

The development makes it necessary to extend an existing vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 99 32609 to arrange for these works to be carried out.

04

The garage approved shall only be used for purposes ancillary to the use of the site known as the Old Vicarage as a residential premises. Any use not deemed as ancillary to this use would require the submission of a further application for change of use.

### **BACKGROUND PAPERS**

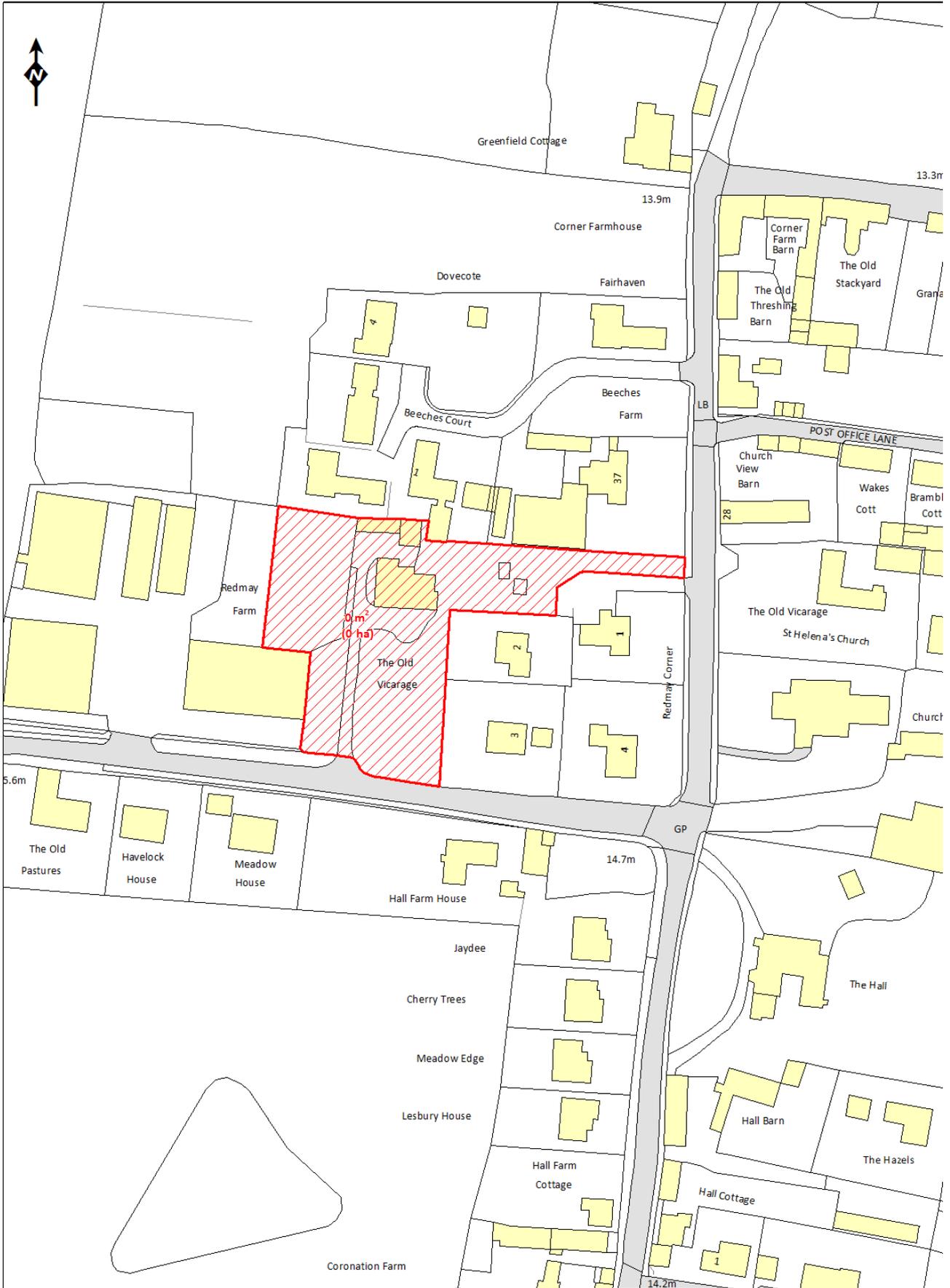
Application case file.

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

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

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

Committee Plan - 17/00644/FUL



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<b>Application No:</b>	<b>17/00801/FUL</b>	
<b>Proposal:</b>	<b>Two detached dwellings</b>	
<b>Location:</b>	<b>Land Off Hockerton Road Hockerton Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr Richard Craven Smith Milnes</b>	
<b>Registered:</b>	<b>28.04.2017</b>	<b>Target Date: 23.06.2017</b>
	<b>Extension of Time Agreed Until 7<sup>th</sup> July 2017</b>	

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

The Site

The application site is a broadly rectangular plot to the west of the junction between the A617 and Hockerton Road. The site as existing forms a vacant piece of land which appears to have been recently cleared of some vegetative cover (albeit the boundaries surrounding the site remain densely vegetated).

The proposal site is in Hockerton which, whilst not a Conservation Area, is an attractive historic village. The proposal site is also close to the Grade II\* listed medieval church and the Grade II listed Manor Farmhouse and separately listed barn and stables associated with Manor Farm.

The site is also in close proximity to other historic barns of Local Interest. In addition, at least part of the site was once (if not still) associated with the Old Rectory, an attractive Local Interest building of Georgian origin. The northern boundary of the proposal site is bound by the same red brick wall which encloses the Old Rectory and there is a gateway leading from the formal garden area of the Old Rectory, through a garden wall and into the proposal site. An estate fence in poor condition can also be seen part way through the proposal site. Late C19 maps suggest part of this site was an orchard, with various enclosures within it and small outbuildings on the eastern border.

Relevant Planning History

There is no planning history of relevance to the site itself although the applicant has sought pre-

application advice on a proposal for 2 dwellings.

As will become apparent in the appraisal section below, there are other schemes in the village which are considered material to the current application.

### The Proposal

The application seeks full planning permission for the erection of two detached two storey dwellings. Both dwellings are four bedrooms with internal double garages. The plots are proposed to be perpendicular to one another such that the building line of Plot 1 would be parallel to the A617 in the northern part of the site and the building line of Plot 2 would be parallel to Hockerton Road in the southern part of the site.

The dwellings would have a maximum pitch height of approximately 7.48m and an eaves height of approximately 4.61m with the single storey garage element on Plot 1 being approximately 5.38m in height.

The total floor space of the Plot 1 would be approximately 225m<sup>2</sup> whilst Plot 2 would have an approximate floor space of 233m<sup>2</sup>. Facing materials would be brickwork with a pantiled roof.

Both dwellings would be accessed from a shared access to the south eastern corner of the site from the existing Hockerton Road.

The application has been accompanied by a Planning and Design and Access Statement as well as a Heritage Statement and an Arboricultural Report which confirms that 5 trees within the site are retention category 'A' and 9 trees are retention category 'B.'

Comments received during consultation make reference to the application being sited at the wrong address (Land off Caunton Road rather than Hockerton Road). This was an administrative error which has been amended throughout the life of the application. The error related solely to the road name and the consultation procedure correctly notified adjacent neighbours as well as placing a site notice adjacent to the site. Given that the plans are clear as to the site's positioning, it is not considered that neighbouring occupiers have been prejudiced by reference to the wrong road name. Indeed the comments received reflect the ability for the plans to be assessed as per the intentions of the proposal.

### Departure/Public Advertisement Procedure

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

## Planning Policy Framework

### The Development Plan

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

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

#### **Allocations & Development Management DPD**

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM9 – Protecting and Enhancing the Historic Environment

### Other Material Planning Considerations

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Spatial Policy 3 Guidance Note

### Consultations

**Hockerton Parish Council** - In regards to the planning application 17/00801/FUL for 2 new dwellings, the parish meeting has voted unanimously to object to the proposal.

This vote was based upon the information that was available at the meeting. Questions were asked that could not be answered by the land owner at the meeting in concern of drainage and sewage treatment, impact near a busy junction, safety of perimeter wall, overhanging trees, and impact on neighbours.

Unfortunately the planning application gave the wrong address for the site thus giving much confusion in the village and the neighbouring properties were not notified as per normal procedure.

**NSDC Conservation** - The proposal site is in Hockerton which, while not a Conservation Area, is an attractive historic village. The proposal site is also close to the Grade II\* listed medieval church and the Grade II listed Manor Farmhouse and separately listed barn and stables associated with Manor Farm. Development here has the potential to affect the setting of these listed buildings.

The site is also in close proximity to other historic barns of Local Interest. In addition, at least part of the site was once (if not still) associated with the Old Rectory, an attractive Local Interest building of Georgian origin. The northern boundary of the proposal site is bound by the same red brick wall which encloses the Old Rectory and there is a gateway leading from the formal garden area of the Old Rectory, through a garden wall and into the proposal site. An estate fence in poor condition can also be seen part way through the proposal site. Late C19 maps suggest part of this site was an orchard, with various enclosures within it and small outbuildings on the eastern border.

In general village plan form terms it would not necessarily be out of character for modest development here and the site is within that you could discern to be the built form of the village.

#### *Impact on the setting of Grade II Manor Farmhouse and barns*

The proposal site is clearly inter-visible from Manor Farmhouse and its associated outbuildings. While the setting of these buildings benefit from a low density and semi-rural village environment, they are based *within* the village and so are seen in the context of other low scale village development, rather than rural isolation. Given the potential separation distance, the use of a sympathetic boundary treatment, a low scale and low density development, traditional materials and traditional overall form, I think there is potential to erect two houses here without causing harm to the setting of Manor Farmhouse or its associated farm buildings.

I am pleased to note a simple post and rail fence proposed (the height of which should be controlled) which should suit the semi-rural character of the area and avoid a suburban finish.

The two houses have a simple plan form and have been adequately sited to still afford this sense of spacing and low density character. The overall design idea of the new houses is a faux barn, which does make for a relatively simple and low impact appearance. The use of faux barn detailing alongside more domestic features, like a porch and Juliet balcony, is a little uncomfortable, but has been done with some restraint and is not in itself harmful. I also appreciate the use of segmental arches over openings and simple fenestration. The materials are red brick and pantile, which reflect the local character and materials. The only slightly unattractive element is the garage doors on plot 2 within a two storey element. The doors would benefit from a timber lintel or segmental arch and the wall above could do with some openings, or blind openings. This is an important elevation as it will be inter-visible with Manor Farmhouse.

#### *Impact on the setting of the local interest Old Rectory*

While there is very likely to be a historical association between this proposal site and the Old Rectory there is a clear boundary and character distinction between the two sites. The site does not resemble an orchard anymore and, while there remains the historical association, its contribution to the setting of the Old Rectory is primarily now derived from a sense of space and greenery and from the high brick wall forming part of the boundary. I feel the two proposed new houses are of a density and siting that still preserves this overall green and low density setting. I

feel the use of a simple two storey form, traditional detailing and materials will also help these houses become a neutral feature in the setting of the Old Rectory.

The boundary wall to the Old Rectory should not be breached and should be preserved as part of this development, which I believe it is. The condition of the wall, which is leaning in places, should be considered at this point and repairs may prove necessary. I would not want to see housing approved here and then applications made to demolish the boundary wall as new residents were unable or unwilling to repair/maintain it. Could we secure the repair of the wall as part of this application?

#### *Impact on the setting of the Grade II\* Church of St Nicholas*

It would also not be harmful to the setting of the church to have low scale development here, which is far enough away from the church that it would not 'cramp' the church or church yard. A two storey form and the use of simple gables and pantiles roofs will make for a neutral addition in the setting of the church. Any views created of the church in conjunction with the two new houses would not necessarily be out of character, incongruous or obscure any important vistas.

#### *Trees, landscaping & site entrance*

My preapp noted some mature yew trees on the eastern boundary, which in themselves are attractive but might be historically important in conjunction with the church and/or the Old Rectory and I believe these are shown as being retained. Greenery is very important to the semi-rural character of Hockerton and I believe the majority of the greenery on the site is being retained? That is certainly what I have inferred from the block plan which looks very similar in terms of trees identified to the tree survey report.

The existing site entrance is being re-used. I note a visibility splay annotated but also note that the trees around the entrance are being largely retained, so believe this will retain a fairly low impact approach. I believe the access has to bridge a ditch and maybe the exact details of this could be conditioned to avoid an overly engineered approach.

#### *Archaeology*

I am pleased to see the pre-application advice has been followed and an archaeological report has been carried out. I note this concludes some potential for archaeological finds and disturbance. As such we should ensure there is a condition to capture this by a scheme of archaeological mitigation, to be agreed.

#### *Conclusion*

Overall, I think the principle of these two new houses is acceptable. The land falls broadly within the built form of the village. There is a historic association of this being open land cultivated as an orchard in association with the Old Rectory, but it is not discernible as an orchard now and the

attractive brick wall of this is being retained. The buildings have been sited to keep a good sense of space around them and avoid cramping the Old Rectory and Manor Farmhouse. The new build houses are of a comparable scale, materials and detail to the local vernacular, but the elevation of plot 2 with the two garages could be improved. The overall greenery of the site seems to be retained.

Subject to conditions and a better detail to the garage elevation of plot 2 I think the setting of the nearby heritage assets will be preserved.

**NCC Highways Authority** – This application is for the construction of two detached dwellings, served by an existing access, although this will require widening. The site is of sufficient size to easily accommodate this proposal and the associated parking.

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

1. No part of the development hereby permitted shall be brought into use until the access to the site has been widened in accordance with the approved plan (dwg. 02) and constructed in accordance with the Highway Authority's specification. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 02 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. Reason: To maintain the visibility splays throughout the life of the development and in the general interests of highway safety.

Note to applicant

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

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

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

**8 letters of representation (4 from the same party) have been received all of which raise objections to the scheme which can be summarised as follows:**

- The NPPF specifically encourages the use of public transport but these dwellings will not be served by public transport
- The application should consider a public footpath across his land to Southwell
- The application form is incorrect in saying there will be no highway alterations
- There appears to be no consideration for disabled access
- The occupants would not be able to walk safely to the village hall or the pub
- The application has an incorrect address so no neighbouring consultations have been received
- The development would pose a risk to the stability of trees on the eastern boundary
- The ditch to the eastern boundary should be protected from blockages
- The access on the block plan is misleading, it cuts across private land – the more vehicles using this access will pose a greater risk of accidents
- There doesn't appear to be enough turning space for vehicles
- There is no proven local need for houses of this size
- The application does not say how drainage and sewage will be handled
- The church is no longer in use and the use of the village hall is limited
- The plans are incorrectly labelled
- There is only one bus twice a week to Southwell
- The visibility at the junction is poor
- There are other houses on the market or being built
- The greenfield site should be retained
- Wildlife will be affected
- No details of boundary treatments have been provided
- The size of the properties will cause visual impacts which will block light to neighbouring properties
- The landscaped area contributes to the setting of the adjacent listed building.

#### Comments of the Business Manager

##### *Principle of Development*

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within other villages in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3. The five criteria outlined by Policy SP3 are location, scale, need, impact and character. Hockerton falls to be considered as an 'other' village against Policy SP3. Before turning to assess the current proposal against the criteria of Policy SP3 it is also pertinent to set out the Council's housing supply position.

## *Five Year Housing Land Supply*

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

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will also be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2013). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that *on the balance of the evidence available to them* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector’s decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are

confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf> ).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and a defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be a Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination, the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspector's decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

The following is an assessment of the proposal against the criteria of SP3.

#### *Location*

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.'

The first element of assessment; whether or not the development is within the main built up area of villages, in the absence of village envelopes, is somewhat a subjective matter. It is noted that the boundaries of the site are in some part shared with neighbouring residential curtilages. The land on the opposite side of the A617 is relatively open in nature. Nevertheless I am mindful that

given the separation of the A617, and the vegetated boundary treatment, the site would undoubtedly be more readily interpreted with the residential curtilages to the south. On this basis it is considered reasonable to conclude that the site is within the main built up area of the village.

In addition to the above, the locational criterion of SP3 also requires consideration of the local services available. To confirm, Hockerton has a village hall, village church and public house. I appreciate from the content of the comments received during consultation that the use of these services at present may be limited, but they nevertheless provide opportunity for village facilities should the need arise.

Members will be acutely aware that local services and their sustainability implications have been subject to assessment through the determination of numerous applications in SP3 villages. In reaching a judgement on the current application, officers consider it necessary to explicitly reference other decisions which form a material consideration to the current determination. This includes other decisions taken in Hockerton as well as decisions taken in other villages on the basis of seemingly similar provision of services.

There have been numerous applications for additional residential development in Hockerton in recent years. This includes land within the ownership of the applicant. Notably two detached dwellings have recently been erected on land to the west of the site (reference 15/01920/FUL and 15/01678/FUL) and there is an extant permission for the erection of three additional dwellings nearby (references 16/01824/FUL and 17/00105/FUL). The approval of the extant schemes were made under delegated powers in January and March respectively on the basis of no objections raised by the Parish Council. In both of these decisions, officers concluded that the existing services within the village would be adequate to serve the proposed occupiers. In reaching this judgement the accessibility of Hockerton to Southwell and Newark gained the attachment of weight in the overall balance, on the basis of paragraph 55 of the NPPF which states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby." Clearly given the timing of these decisions, both were taken in the context of the Council's pragmatic approach to development in respect of the five year land supply position. On the face of these decisions, it would seem appropriate to conclude in this case that the services of the village are sufficient to support additional housing. It would be extremely difficult to resist the application on the basis that the services of the village were inadequate given the stance which has been taken in the recent past.

However, officers are extremely conscious of a scheme which was presented to Members at the last committee meeting for an additional dwelling in Maplebeck (also an SP3 village). One of the reasons for refusal of this application (reference 17/00694/FUL) was that Maplebeck did not provide the services necessary to warrant the development being considered sustainable. Members should be aware that the services available in Maplebeck are identical (in terms of form) to those available in Hockerton. Nevertheless, officers have identified what they consider to be material differences between the two settlements which would warrant coming to a different

view. The definition of sustainability is thus a matter of context and balance, including with settlements nearby. We are not talking in this instance of significant new built form outside of a village. Nor do we have before us evidence from consultees that infrastructure has reached an unacceptable tipping point.

Whilst Maplebeck and Hockerton are relatively close to one another (approximately 4 miles between them); the latter settlement is geographically closer to the larger more sustainable settlements of Southwell and Newark. In respect of the former, the site is approximately 2.2km away from the urban boundary of Southwell. There is no doubt that this is beyond the distance which one would reasonably walk for local services, but the journey by vehicular transport could easily be taken within 5-10 minutes. I appreciate that the use of the private car is not something that should be advocated in sustainability terms but I am also mindful of the context of paragraph 55 of the NPPF which acknowledges that *'where there are a group of smaller settlements, development in one village may support services in a village nearby.'* Indeed this is an approach Members took in overturning officer recommendation of another SP3 village application at the June Committee meeting for a scheme in Morton (reference 17/00382/FUL).

Taking all factors into account, and given that as an authority Hockerton has already been accepted as a sustainable settlement for further small scale and in village residential delivery, officers consider that it would be extremely difficult to resist the current application on the basis that the current services are inadequate to support the proposed occupiers.

#### *Scale and Impact of Development*

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. As is already alluded to above, there have been a number of recent applications for further housing in the village, some of which have been built and others which remain extant.

One could take a view that the provision of two additional dwellings would begin to tip the balance beyond 'small scale' development within the village as a whole. However, this would be purely in respect to a numerical assessment which in itself does not automatically create harm. This then leads to the third criterion of impact.

SP3 requires that development proposals should not have a detrimental impact on the amenity of local people (discussed further below) nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. The application form submitted confirms that the foul sewage of the proposed dwellings will be dealt with by septic tank and the surface water will be dealt with through a soakaway system. The Parish Council objection makes reference to questions that could not be answered by the land owner in respect of these matters but unfortunately it is not clear to the level of detail which was sought. Officers have no reason to conclude that the scheme couldn't deliver an acceptable means for dealing with sewage and surface water through the suggested means and there are no objections from relevant expertise

that would be a cause for concern. Without an identified harm, it is considered that it would not be appropriate to resist the application purely on the basis of the numerical addition of dwellings. Matters of surface water drainage can be adequately dealt with by condition if Members are minded to agree with the officer recommendation.

#### *Need for Development*

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need.

The Design and Access Statement submitted to accompany the application references that the application is *'based upon a need to deliver new homes in this location, to meet an identified housing need.'* However, no evidence has been provided to substantiate this comment. I am conscious that the village was subject to a Housing Needs Survey in 2006, but this is now considered too out of date to be attached any weight whatsoever (especially given the advances in housing delivery since this time which have already been referenced.) On this basis, for the avoidance of doubt, officers consider that the applicant has failed to demonstrate a proven local need for the delivery of two additional dwellings. Nevertheless, whether or not this falls to be a determinative factor to the recommendation is weighed in the overall balance below noting the current pragmatic approach being taken by the LPA.

#### *Impact on Character including Heritage Setting*

Policy SP3 of the Core Strategy requires that new development should not have a detrimental impact on the character of the site and surrounding area. Policy CP9 identifies that the District Council will expect new development to be of a high standard of sustainable design that, amongst other things, demonstrates an effective and efficient use of land that where appropriate promotes the re use of previously developed land and optimises site potential at a level suitable to the local character of the area.

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing.

Given the proximity of the nearby heritage assets identified above, there remains a likelihood that the proposed development could affect the setting of the listed buildings. Policies CP14 of the Core Strategy and DM9 of the Council's Allocations and Development Management DPD Adopted July 2013, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. One of the key issues to consider in proposals for new development affecting heritage assets include proportion, height, massing,

bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The proposed dwellings are substantial in both their scale and footprint offering four large double bedrooms and ample living space at ground floor as well as an internal double garage. Nevertheless the size of the plot is ample such that this design can be delivered in plan form without appearing cramped in the overall street scene. It is stated within the submitted Design and Access Statement that the scale of the dwellings is comparable in terms of other recently approved dwellings in the village. Having appraised the schemes which have been approved, I consider that it would be difficult to disagree with this statement. Indeed given the precedent of modern development which has been set nearby, I consider that it would be difficult to resist the application on the basis of its presented design. In reaching this judgement I am mindful that the design presented appears to reference nearby development in terms of incorporating large glazed elements which emulate a barn style. This makes for a relatively simple and low impact appearance.

The proposal has been assessed by colleagues in Conservation with the full comments listed in full above. No objection is raised to the principle of erecting two dwellings within the site in terms of the likely impacts on the setting of nearby listed buildings. Comment is offered on the design of the dwellings in terms of more domestic features such as the porch and Juliet balcony on Plot 2 and the garage doors. I consider these to be relatively minor design points but the comments have nevertheless been passed to the agent to address. A revised plan has been submitted in respect of Plot 2 which has removed the Juliet Balcony and added segmental arches and a small window to the south west elevation.

The application has been accompanied by an archaeological desk based assessment dated April 2017. The submission of this document is welcomed in allowing an upfront assessment given the proximity of the church precinct. On this basis, the application is confirmative with the requirements of paragraph 128 of the NPPF in describing the significance of heritage assets affected. There is an acknowledgement within this document that *'clarification of the archaeological potential could be achieved through further archaeological work'* and that the site is *'suitable for geophysical survey and for evaluation trial trenching.'* On the basis of these conclusions, it is considered reasonable to attach a condition requiring further archaeological work should the application be approved.

#### *Impact on Residential Amenity*

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

As is already identified the overall site area is of an ample size to allow for the delivery of two relatively large plots despite the proposed scale of the dwellings. This has the benefit in terms of residential amenity of increasing separate distances. The block plan annotates that Plot 1 would be approximately 16m from the closest neighbouring boundary and Plot 2 would be approximately 25.5m away. The respective plots would have an approximate separation distance of 19m.

It is acknowledged that the proposal would have a visual impact to the nearest neighbouring residents particularly to the west. In respect of Plot 2 this would be most pronounced for the dwelling known as Rectory Barns (the L-shaped plan form shown on the block plan but not labelled) and no. 1 Church Lane (labelled as such on the submitted block plan). Dealing firstly with the former, the neighbouring dwelling does have a number of first floor windows on the east elevation. However these are predominantly narrow slit windows in acknowledgement of the barn style of the dwelling and therefore do not appear to serve habitable rooms. Owing to the separation distances between the rear elevation of Plot 2 (over 30m) I do not consider that the proposal would amount to a detrimental impact on their amenity in respect of overlooking or overbearing impact. The impact of Plot 2 to No. 1 Church Lane would be significantly reduced owing to the level of vegetative cover within the site and along the boundary.

Whilst Plot 1 would be situated closer in spatial terms to the built form of The Old Rectory, given the orientation of the plot it would be the gable end which would be orientated towards the neighbouring plot. There is a first floor window proposed on the northwest elevation, but this would be a secondary window to a much larger window to the same room on the south west elevation. I therefore do not consider that the outlook of this window would create a loss of privacy which would justify a resistance of the proposal. I have identified no other amenity impacts which would render the application contrary to the relevant element of Policy DM5.

#### *Impact on Highways*

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

The comments in respect of the shared nature of the access and potential conflicts that this may cause are noted. However I have also noted the comments of NCC Highways which have been listed in full above. These comments raise no objection to the application subject to the imposition of conditions including the requirement for the access to be widened and for visibility splays to be kept free from obstruction. On the basis of these conditions I have identified no harmful impacts on the safety of the highways network which would justify a resistance of the proposal.

#### *Impact on Trees*

The application has been accompanied by an Arboricultural Report dated March 2017. As identified above, this survey references 5 trees of retention Category A and 9 trees of retention

category B (there are also 26 category C trees and 1 category U). Given that the site is not within a designated conservation area and there are no specific Tree Preservation Orders within the site, the trees at present are not afforded any level of protection.

The positioning of the dwellings appears to have taken account of the existing vegetative cover within the site which contributes greatly to the established character of the site. Indeed the submitted block plan confirms that the existing trees along the boundary of the site would be retained. The report suggests some works to existing trees (including the removal of the U category tree T26) and the removal of the trees growing close to the boundary wall along the north eastern boundary. The report also incorporates methods of protection for existing trees. Further landscaping details and means of tree protection could be secured by condition.

### ***Conclusion***

The application has been carefully assessed against Spatial Policy 3 (Rural Areas) of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying 5 criteria namely, location, scale, need, impact and character.

With regards to location, the site is considered to be in the main built up area of the village and as is rehearsed fully above, Hockerton is considered, on the basis of proximity to larger settlements, previous decisions, and in-village, very small scale developments, acceptable.

Whilst the Authority is now more confident than it was 4 months ago that it has a 5 year supply it is not considered that in this case a refusal is now justified on principle grounds, notwithstanding the lack of demonstrable need advocated in SP3.

### **RECOMMENDATION**

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

#### **Conditions**

01

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

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

02

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

- Block Plan – 3300 Drawing No. 02

- Plot 1 Proposed plans and elevations – 3300 Drawing No. 03
- Plot 2 Proposed plans and elevations – 3300 Drawing No. 04 Rev. A

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

Reason: So as to define this permission.

03

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

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

04

No part of the development hereby permitted shall be brought into use until the access to the site has been widened in accordance with the approved plan (dwg. 02) and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 02 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

07

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

Reason: In the interests of residential and visual amenity.

08

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

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

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

Reason: In the interests of visual amenity and biodiversity.

09

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

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

10

No development shall be commenced until a scheme for archaeological investigation, mitigation and recording has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall take place in accordance with the agreed scheme.

Reason: In order to adequately address and safeguard any archaeological interest that the site may have.

11

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

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

### **Notes to Applicant**

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

02

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

03

The existing hedge/shrubbery along the site frontage requires regular maintenance to ensure visibility from the site access.

**BACKGROUND PAPERS**

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

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

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



<b>Application No:</b>	<b>17/00641/FUL</b>	
<b>Proposal:</b>	<b>Erection of a two bedroomed dwelling and detached garage, including internal and external alterations (Revision of Approved Planning Permission 15/02291/FUL)</b>	
<b>Location:</b>	<b>Roewood Lodge, Bleasby Road, Thurgarton, NG14 7FW</b>	
<b>Applicant:</b>	<b>Mrs Shelley Lafferty</b>	
<b>Registered:</b>	<b>10 April 2017</b>	<b>Target Date: 05 June 2017</b>
	<b>Extension of time agreed in principle</b>	

**This application has been referred to Planning Committee for determination following a call in from Councillor Roger Jackson and the recommendation being contrary to that of Thurgarton Parish Council.**

The Site

The application site historically formed part of the residential garden serving Roewood Lodge, situated immediately to the north-east of that property but it has now been separated from the curtilage by a close boarded timber fence along the northern boundary to enclose it as a separate parcel of land. It is situated fronting Bleasby Road on the eastern edge of the settlement of Thurgarton. Roewood Lodge is a newly renovated dwelling which has been recently rendered with the appearance of being a dormer bungalow with a large dormer window situated in the front roof slope and which utilises the rear roof to provide a two storey rear addition. The Bleasby Road frontage is currently defined by a low (approx. 1.2m high) red brick wall.

To the south of the site is South Croft which is also two storey in height, detached and set within a substantial plot. The land which forms the development plot slopes up gently from the roadside from east to west with the rear of the site being steeper in incline. The proposed plot is approximately 15m in width x 45m in depth. There are a number of trees situated within the land, with a particularly large coniferous tree situated on the south eastern corner of the site. The site is designated as being within Flood Zone 1 in accordance with Environment Agency flood zone maps and is within Thurgarton Conservation Area.

Relevant Planning History

16/01503/NMA - Application for a non-material amendment to planning permission 15/02291/FUL for Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) – Refused 11.10.2016

15/02291/FUL - Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) – Approved 05.04.2016

15/00438/FUL - Construction of new two-storey dwelling and garage – Refused 19.05.2015

### The Proposal

Full planning permission is sought for the erection of a detached two bedroomed dwelling with a detached garage. The proposal is an amendment to a previously approved application (15/02291/FUL) which approved a detached two bedroomed dwelling over two floors.

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

The extant permission approved a layout with the following facilities. On the ground floor there is a lounge, kitchen/dining room, bathroom/wetroom, bedroom and integral garage. On the first floor there was 1 bedroom with en-suite.

Members should note that this application originally sought an internal layout comprising 4 bedrooms, however due to the existence of the Housing Needs Survey (discussed in the appraisal section below) it is now sought to be retained as a two bedroom dwelling as previously approved, and this is reflected in the description of development. The main alterations are internal with more utilisation of the first floor space, insertion of a first floor window, roof dormer and roof light in the rear elevation, alteration of the garage door to a window on the front elevation, one additional rooflight in the side (north-east) elevation and alteration of a previously approved window to a set of French doors at ground floor and a roof light in the south-west elevation. The footprint and scale of the new property is not altered from the previously approved application.

The proposed garage is detached and located to the front of the site and this was not in the previously approved scheme. Amendments have been sought for this following concern from consultees and residents. The originally proposed rooflights have been removed, the ridge height has been reduced from approximately 5.5m to 5.1m with an eaves height at 2.4m, and the siting has been moved from approximately 800mm from the highway edge to now 2.3m within the site.

### Departure/Public Advertisement Procedure

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

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity & Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment

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

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

### **Thurgarton Neighbourhood Plan (Adopted May 2017)**

Policy 1 : New Development  
Policy 2 : Residential Development  
Policy 3 : Transport Impact of Development  
Policy 6 : Historic and Natural Environment

### **Other Material Planning Considerations**

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Thurgarton Conservation Area Appraisal 2008  
Thurgarton Housing Needs Survey 2015

### **Consultations**

**Thurgarton Parish Council – 04/05/2017 – Object to application (as a 4 bedroomed dwelling) for the following reasons:**

- A significant modification to the approved planning application (15/02291/FUL);
- The original two bedroomed property satisfied one of the needs highlighted in the recent housing needs survey, the modification from two to four beds means that it no longer satisfied this need;
- The inclusion of a large double detached garage with overhead storage built up to the boundary of the property not only produces a risk of a road collision for anyone exiting the property on to Bleasby Road, a known speed issue road, turns what was a pleasant looking house in to one that does not fit in with the character of the village;
- The housing needs survey identified a need for 10 houses of varying sizes to be built within the village, there are now 25+ approved, an 18% increase in housing for the village;
- No housing needs survey produced with this application.

**No comments received at the time of print on revised proposals.**

**NCC, Highway Authority - (02/05/2017) – The application site is located on the C17 Bleasby Road, which is restricted to 30mph. A new vehicular access is proposed to serve the new dwelling for**

which visibility splays of 2.4m x 43m are required in accordance with the current Highway Design Guide (6C's). The site plan submitted does not accurately provide the required visibility splays. Therefore, it is recommended that a suitable plan be submitted demonstrating adequate visibility splays prior to formal conditions being imposed.

*06/06/2017 - Amended site plan 1702/SK12 Rev P2*

The amended plan does not satisfactorily address my previous concern relating to the provision of visibility splays from the proposed access. The plan is of an insufficient scale/size to adequately measure up to 43m in each direction, which should be measured to the nearside edge of carriageway.

Therefore, could the applicant/agent provide a suitable plan demonstrating the required visibility splays from a 2.4m set back distance.

*16/06/2017 Site plan with visibility splays (dwg. no. 1702/SK25)*

The plan does not adequately demonstrate the visibility splays of 2.4m x 43m, as the splays should be measured from the proposed access to the nearside edge of carriageway.

Whilst there are no highway objections to this proposal it is recommended that the following condition be imposed:

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

*21/06/2017* No objection to the access subject to the imposition of the 4 suggested highways conditions from the 2015 approved application along with the following additional condition.

No part of the development hereby permitted shall be brought into use until the site frontage boundary is provided at a height not to exceed 0.6m in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

**NSDC, Conservation** - The application site is an open plot, within Thurgarton Conservation Area. The principle of a new house here, and its design, were established in application 15/00438/FUL. I note minor amendments to the design of the house now (a change in fenestration to part of the building) which does not materially alter my earlier comments about this house and in any event are acceptable. As my comments are not materially altered with regard to the house then please refer to my 2015 comments.

The main difference with this application is the proposed new roadside garage.

This street in Thurgarton has a mixture of housing types and ages and there is a fairly strong pattern for both later houses set back from the road and older properties that address the road. Generally the properties addressing the road sit gable end onto the road, but there are also examples of ridges running parallel to the road. There are also some later garages built in a similar fashion and position to the one now proposed.

I am aware that this is a small development plot but do not think it would be out of character or harmful to see a single storey outbuilding addressing the road, with a residential property set back behind it, given the overall plan form of this road.

I believe the garage is designed to retain the existing trees on site, which is something I would be keen to see. Generally the design of the garage is acceptable. It is not wholly traditional for this area but I note it relates to a modern design in the main house and as it has a broadly simple and traditional form it is acceptable.

My only suggestion is that the appearance would be better without a road side roof light and this should be negotiated out (and then secured through removal of relevant pd rights). The garage is already to be light by two, double, gable windows and potentially a roof light to the rear, so I cannot see why this is needed at all. While there is the odd exception, generally the buildings fronting Bleasby Road are an uninterrupted pantile structure, which gives a simple and traditional character to this part of Thurgarton it would be good to maintain.

Subject to removal of the roadside rooflight this application would preserve the character and appearance of Thurgarton Conservation Area, in accordance with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

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

**NSDC, Access and Equalities officer** – No observations beyond those previously advised on the previous application.

**Representations have been received from five local residents on the original submission which can be summarised as follows:**

- Object to the garage being put right at the front of the garden;
- Object to the first floor window in the garage as may be living space at a later date;
- There is already a surfeit of large properties within the village and I feel that more smaller residential properties are required in the village to attract first time buyers;
- The size and positioning of the garage does not take in to account the nature of traffic on Bleasby Road. It would provide a limited view to the south west without the vehicle pulling partially on to Bleasby Road;
- The siting and access to the garage may cause difficulty when exiting the property in a forward direction especially if more than 2 cars are parked on the property. Building the garage further back from the south-east boundary might reduce the potential for creating a traffic hazard;
- Overdevelopment of the property;
- The multiple rooflights at the rear of the property, whilst necessary to provide light for rooms in the loft are intrusive to both neighbours;
- New 4 bedroomed property with detached garage would be incongruous and unsuitable

addition to Bleasby Road;

- Large mature maple tree has apparently been felled without permission;
- New garage is very unattractive compared with the existing plan;
- New window on the garage would overlook our property;
- It would create an unpleasant corridor effect not in keeping with the current village environment in a Conservation Area;
- New windows on the property overlook our property;
- Contradicts the Neighbourhood Plan;

One representation has been received on the amended scheme which can be summarised as follows:

- No further comments other than object to the size and position of the garage.

### Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) Principle of development, 2) the impact on the character and appearance of the Conservation Area; 3) the impact on residential amenity of surrounding occupiers, and 4) the impact on highway safety.

### Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Thurgarton is defined within the settlement hierarchy within Spatial Policy 1 as an 'other village' within the Rural Area and as such should be considered against Spatial Policy 3. Ordinarily within these settlements new development is considered against five criteria; location, scale, need, impact and character. However this site already has extant planning permission granted under 15/02291/FUL which established the principle of development and remains a significant material planning consideration in the determination of this application. The previous permission is a 'fall-back' position for the applicant and this proposal is only sought to vary the design and introduce a detached garage to serve the dwelling and not to re-rehearse the principle of a new dwelling. Therefore I consider due to the extant permission on the site and that there would be no net additional dwelling created by this application which has not already been assessed, I consider the principle of development to be acceptable. Nonetheless other material planning considerations are still applicable and these are outlined in detail below.

### Impact on the Character and Appearance of the Conservation Area

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy Core Policy 14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Core Policy 9 of the Core Strategy states that all new development proposals will be expected to contribute to and sustain the rich local distinctiveness of the District and achieve a high standard of sustainable design that is appropriate in form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that the rich

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

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

The development site is located within Thurgarton Conservation Area. The Conservation Officer has not raised any objections to the proposal on the basis of the design or massing of the proposal given the mixed nature of the dwellings along Bleasby Road, and given the current spacing between dwellings, it is apparent that it is in keeping with the character of the street scene. They did raise comments on the presence of rooflights in the new garage which have been duly removed by the applicant. There are also some later garages built in a similar design and position to the one proposed on this application and as such it is not considered that the garage would be out of character or harmful to the character and appearance of the Conservation Area.

The proposed dwelling would be constructed of materials in an attempt to blend in with the existing housing stock which is red brick and tiles which shall be controlled by way of condition should Members seek to resolve to approve the application. Subject to suggested materials condition the development is not considered to detrimentally impact on the character of the surrounding area and would preserve the character and appearance of the Conservation Area.

#### Impact on the Residential Amenity

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

Concern has been expressed during the processing of the application that the proposal would cause harm to the amenity of surrounding occupiers.

The siting of the dwelling within the plot has not altered from the already approved permission (15/02291/FUL) neither has the scale from ground level and juxtaposition to neighbouring dwellings and boundaries. The first floor has been utilised more in this application than the previous which has led to the insertion of a dormer window to the rear elevation and alterations to previously approved window positions. These are:

#### *Front elevation*

- Alteration of the garage door to windows to serve a utility on the ground floor;
- Increase in height of the ground floor window to serve the snug/tvroom.

#### *Rear elevation*

- Insertion of French doors on the ground floor to serve the study;
- Insertion of first floor windows to serve the main bedroom;
- Insertion of a rooflight to serve the dressing room;
- Insertion of a roof dormer to serve a bedroom.

*North-east elevation (side to Roewood)*

- Insertion of one rooflight (retention of two as previously approved) to serve an ensuite.

*South-west elevation (side)*

- Alteration of a window on the ground floor to French doors to the kitchen/living room;
- Insertion of a rooflight to the bedroom.

Whilst the number of alterations are substantial from the previously approved scheme, mainly with the greater utilisation of the first floor of the dwelling, I do not consider the alterations would substantially increase the degree or perception of overlooking, overbearing impact or overshadowing to the detriment of neighbouring occupiers.

There are new rooflights located at first floor however these are located 1.7m above internal finished floor level and therefore they are unable to be utilised as a direct means of outlook and serve purely for light and ventilation purposes. I therefore consider that the insertion of the rooflights would not cause any significant direct overlooking impacts which would be detrimental to the amenities of neighbouring occupiers.

Concerns have been expressed that the siting of the garage would cause their amenity to be compromised. I consider that the revised siting of the garage and the juxtaposition to neighbouring occupiers coupled with the removal of the rooflights, would all ensure that the amenities of neighbouring occupiers would not be detrimentally compromised by the siting of the garage to the front of the dwelling.

I consider that the revised design of the dwelling and the resulting design of the garage would adhere to the character and distinctiveness of the surrounding area and would not cause any detrimental impacts upon residential amenity. Therefore the proposal is considered to accord with policy DM5 of the ADMDPD and the NPPF which is a material planning consideration.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. Policy 3 (Transport Impact of Development) of the Thurgarton Neighbourhood plan states "*developments should make provision for suitable levels of off-street parking for the development proposed and off-street manoeuvring space for the vehicles likely to service the proposed use.*"

The applicant has submitted plans which show the potential visibility splay to the property however this is reliant on part of the splay overlapping third party land (Roewood). Members will be aware that permission has already been granted for a dwelling with vehicular access which is a substantial material planning consideration. This was at the time when the applicants were the owners of Roewood Lodge and the 'site plan' contained Roewood Lodge within the land owned as well. Although the need for a visibility splay plan was mentioned in the comments received from highways colleagues at the time, no condition was imposed or suggested by them to ensure the visibility splay was provided and the submitted plans showed that this could not be achieved without reliance on land at Roewood Lodge. Instead four conditions were imposed relating to the access which included surfacing, drainage etc. In the interests of meeting current design standards the applicant has been asked to agree with the now adjoining landowner the ability, via a Section 106 agreement, to secure the visibility splays required. The recommendation currently presented is subject to a S106 on this basis.

Some residents have raised the issue that the garage was raised as a highway safety issue on the application in 2015 as an objection was raised from highways colleagues that the visibility splay to the south-west of the site could not be achieved. Having reviewed this application (15/00438/FUL) I have seen that the double garage was located on the back edge of the highway boundary and this application proposes the garage set back from the highway by approximately 2.3m which ensures the required splay can be achieved to the south-west. Highways are satisfied with this arrangement and as such I consider the siting of the garage, in this instance, would not cause any harm to highway safety.

Therefore the proposal to create a new access to Bleasby Road is not considered to result in a detriment to highway safety and accords with Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD as well as the Thurgarton Neighbourhood Plan, the NPPF and PPG which are material planning considerations.

### Flood Risk and Drainage

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. Flooding within Thurgarton is a concern and the Neighbourhood plan (paragraph 2.8) states that new development must not cause other properties to be put at any greater risk and it is necessary through floor levels, rainwater and sewerage disposal and landscaping, to alleviate any future problems. The proposal would not result in a considerable increase in the amount of hard surfacing and there would still be a significant degree of permeable surfaces into which any surface water would be able to soak away. It is therefore considered that the proposal would not significantly increase the surface water run-off to the detriment of the surrounding area.

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

### Impact on Trees

In accordance with the aims of Core Policy 12, Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the ADMDPD states "*new development, should protect, promote and enhance green infrastructure.*"

The applicant has submitted a Tree Survey dated March 2017 which shows the trees within and adjacent to the site and classifies those in terms of their maturity and condition. There are three trees (T2, 8 and 9) which are most affected by the construction of the dwelling and garage and which are due to be retained by the proposal. T2 is a semi-mature Cedar rated as good condition, T8 is a mature Snowy Mespilus rated as good condition and T9 is mature Wild Cherry also rated as good condition. It is not proposed that these trees would be detrimentally impacted by the development and protection measures are proposed. The most affected tree, T2, is proposed to have additional root protection measures and the construction of the garage would be on a raft foundation with cantilevered ground-beam portions to ensure there is no adverse effect on the tree roots.

Additional trees are proposed to the rear of the property and if Members resolve to approve the application a landscaping condition would be imposed. As such I consider the proposal would enhance the local biodiversity and the retention of the trees on the site would contribute to the local character which includes the Conservation Area. Therefore the proposal accords with the Development Plan taking into account the material planning considerations.

### Conclusion

The principle of a new dwelling on this site has already been accepted and there is currently an extant planning permission for the site. It is considered that the proposal to amend the approved design of the two bedroomed dwelling is acceptable and the re-sited and amended design to the garage is also acceptable. The proposal would not cause significant detrimental impact upon neighbour amenity nor would it, subject to the imposition of appropriate conditions, cause harm to highway safety or the character and appearance of the Conservation Area. All other material planning considerations are weighted in favour of the proposal. As such the scheme is considered acceptable for the reasons set out within this report.

### RECOMMENDATION

**That full planning permission is approved subject to the following conditions and the signing of a S16 agreement to secure in perpetuity an appropriate visibility splay.**

01

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

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

02

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

- 1702/SK12 Rev P3 – Proposed Site Plan;
- 1702/SK13 Rev P2 – Street Elevation and Site Section as proposed;
- 1702/SK14 Rev P2 – Proposed Ground Floor Plan;
- 1702/SK15 Rev P2 – Proposed First Floor Plan;
- 1702/SK16 Rev P2 – Proposed Roof Plan;
- 1702/SK17 Rev P1 – Proposed Front Elevation;
- 1702/SK18 Rev P2 – Proposed Rear Elevation;
- 1702/SK19 Rev P1 – Proposed Side (NE) Elevation;
- 1702/SK20 Rev P2 – Proposed Side (SW) Elevation;
- 1702/SK21 Rev P2 – Proposed Section A;
- 1702/SK22 Rev P2 – Proposed Garage Plans and Elevations;
- 1702/SK23 Rev P2 – Proposed Garage Street Elevation;

- 1702/SK25 Rev P2 – Vision Splays Site Plan.

Reason: So as to define this permission.

03

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Bricks
- Roofing tiles – clay

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

04

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

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

Treatment of window and door heads and cills

Verges and eaves

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

05

Notwithstanding the submitted plans, no development shall take place until a topographical survey of existing ground levels, together with details of the proposed finished levels, has been submitted to and approved in writing by the local planning authority. Development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

06

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

07

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

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

08

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

Reason: In the interests of highway safety.

09

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

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

10

No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

11

No part of the development hereby permitted shall be brought into use until the site frontage boundary (eastern boundary) is provided at a height not to exceed 0.6m from finished ground level in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12

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

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

Reason: In the interests of visual amenity and biodiversity.

13

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

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

## Note to Applicant

01

The development makes it necessary to make a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

02

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

03

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

04

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: [waste.management@nsdc.info](mailto:waste.management@nsdc.info).

## BACKGROUND PAPERS

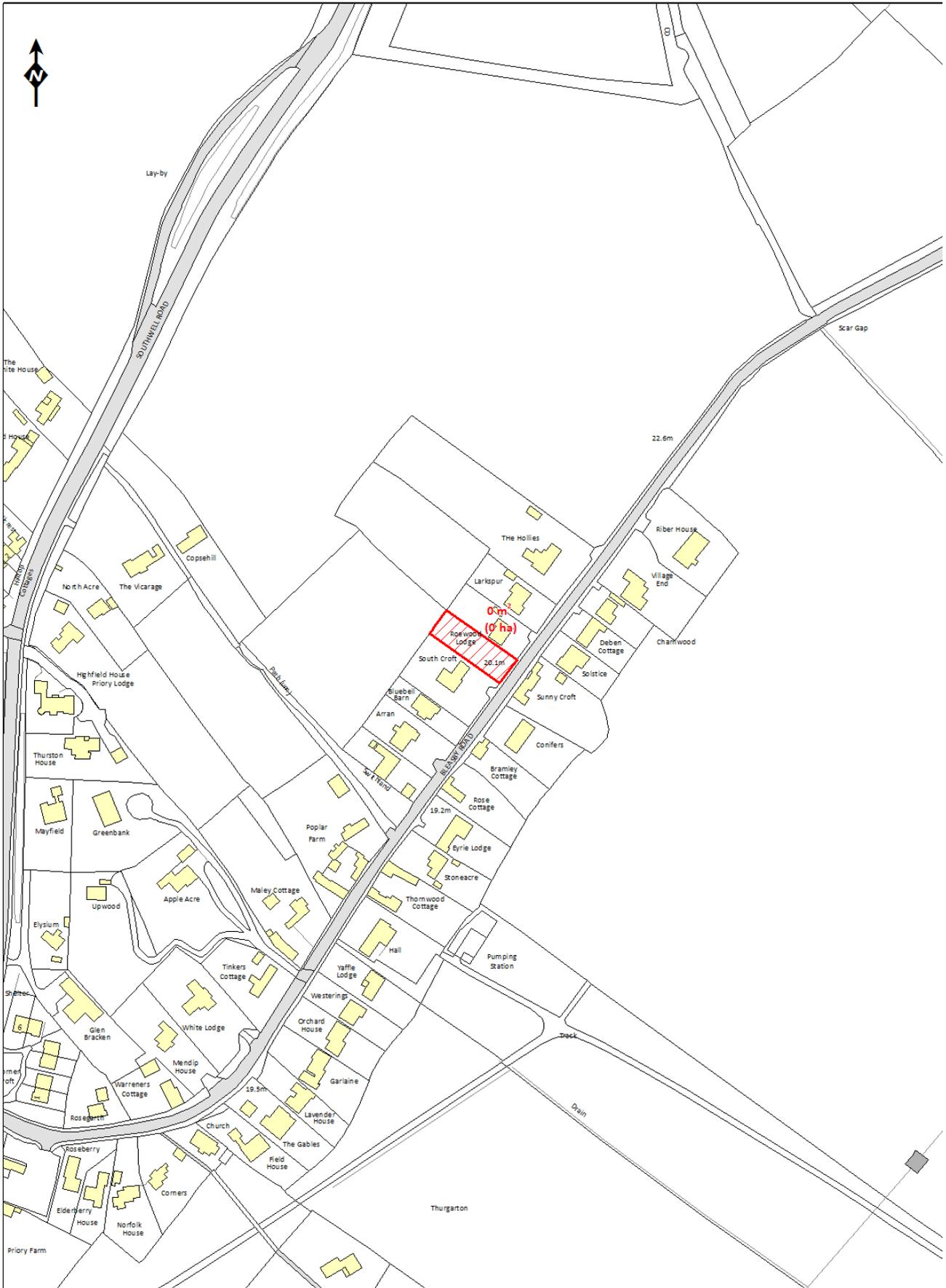
Application case file.

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

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

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

Committee Plan - 17/00641/FUL



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<b>Application No:</b>	<b>17/00596/FUL</b>	
<b>Proposal:</b>	<b>Proposed New dwelling</b>	
<b>Location:</b>	<b>White Cottage, Farnsfield Road, Bilsthorpe, NG22 8SJ</b>	
<b>Applicant:</b>	<b>Mr A Kettle</b>	
<b>Registered:</b>	<b>28<sup>th</sup> March 2017</b>	<b>Target Date: 23<sup>rd</sup> May 2017</b>

**This application has been referred to Planning Committee because objections have been raised by the Parish Council regarding planning application reference 17/00665/FUL which relates to a development plot immediately adjacent this site. The objections relate to the site’s access, which is shared by both development plots, therefore it was considered pertinent to bring this planning application to Members so that both proposals could be concurrently considered.**

The Site

The site is located to the southern edge of the village of Bilsthorpe and is just within the village envelope for the area. The plot is currently a grassed garden area associated with White Cottage and is served by an existing vehicular access to White Cottage.

The neighbouring property, Woodlands, is a traditional two storey detached dwelling.

White Cottage itself is a large 2 storey pitched roof, white rendered detached dwelling with single storey additions to the rear and is defined as a Local Interest building and as such is a non-designated heritage asset. It is sited close to the substantial mature hedging along the Farnsfield Road boundary.

Dwellings lie to the north and south of the site and the boundaries with these are treated mostly with trees and hedgerows.

There is also a separate planning application (17/00665/FUL) currently under consideration for a new dwelling to the east of the proposed site – this application is for a two-storey dwelling with detached double garage.

Relevant Planning History

17/00665/FUL – An application has been received by the District Council seeking full planning permission for the erection of a new two storey dwelling on land to the front (east) of the application site to which this report relates. This application is being represented to the Planning Committee as part of this agenda.

The Proposal

The proposal seeks consent for the erection of a 1.5 storey detached dwelling with integral garage

and workshop. The footprint of the dwelling will be L-shaped with a total area of circa 150m<sup>2</sup>. The maximum height of the extension will be 7.2m with an eaves height of 2.4m. It is proposed that the dwelling would be constructed of brick and slate with UPVC windows and doors. The dwelling will comprise 3 bedrooms (one with en-suite), kitchen/diner, living room and utility room with triple garage to the eastern elevation.

The property would be served by a garden extending southward with a depth of 22m.

The proposal has been amended during the course of the application following concerns raised by the Officer in respect of the overall scale of the proposed dwelling, namely the size of the garage, and the dwelling's proximity to the western boundary. Amended plans were received on 1<sup>st</sup> June 2017 showing a reduction in length for the integral garage and a minor re-siting of the dwelling away from the western boundary. This report and recommendation therefore relates to these amended plans.

A Design and Access Statement has been deposited with the application which outlines the description of the development, the context of the proposal, planning policy and justification, design constraints, opportunities and principles, amount, layout appearance, landscape, scale and access. It concludes that the proposed development has fully taken into consideration opportunities and constraints and is of appropriate size and scale to the adjacent built-up area and the capacity of local services and infrastructure. The development would have no detrimental effects on flood risk, highway safety, amenity or the character of the locality. The site is in a sustainable location with access to a range of services and facilities, and the quantum of development proposed is of a scale that can be readily integrated into the immediate locality and create a good relationship with surrounding properties. The proposal is therefore policy compliant.

#### Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter.

#### **Planning Policy Framework**

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

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

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

##### **Allocations & Development Management DPD**

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM3: Developer Contributions and Planning Obligations  
Policy DM5: Design  
Policy DM7: Biodiversity and Green Infrastructure

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

**Bilsthorpe Parish Council** – No comments were initially received from the Parish Council, however following the objection raised in respect of the adjacent development plot, comments were sought. The Parish Council have advised that if this planning application had been put to the council at the same time as 17/00665/FUL they would have objected. The concerns over access and parking raised for the adjacent application were due to the knowledge of this application and the greater impact a second dwelling would have upon the public highway.

**NCC Highways Authority** – *This application is for the construction of a new dwelling within the existing curtilage of White Cottage, using the existing access which is to be improved to accommodate an additional dwelling. The existing shrubbery and brick pillars at the site frontage will require removal to achieve the required visibility splays. The pedestrian visibility splays shown on block plan 523-02 should be measured from the back edge of footway.*

*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 improved dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority. **Reason:** In the interests of highway safety.*
- 2. No part of the development hereby permitted shall be brought into use until the visibility splays shown on plan 523-02 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. **Reason:** To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.*
- 3. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. **Reason:** In the interests of pedestrian safety.*
- 4. No part of the development hereby permitted shall be brought into use until the parking areas for both existing and proposed dwellings are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking shall not be used for any purpose other than the parking of vehicles. **Reason:** In the interests of highway safety.*
- 5. No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.*

### *Note to applicant*

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

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

**NSDC Contaminated Land Officer** – *Aerial photography shows that numerous cars have been stored at the proposed application site for prolonged periods in the past. In addition Environmental Health records reveal that there was a large fire at the application site. There is clearly the potential for contamination to be present as a result of these factors, I would therefore suggest the use of our full phased contamination condition.*

**A letter of representation has been received from a neighbouring property raising the following issues:**

- It is stated that surface water will be dealt with via soakaway. The plot slopes East to West and South to North so any surface water tends to run northwards
- The design of the new build means that a lot of hard standing close to the neighbouring property
- Concern over boundary treatments and how they may affect drainage
- Concern as to whether the existing Foul sewage drainage can cope with additional dwellings.

### Appraisal

#### **Principle of Development**

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Local Plan for Newark & Sherwood. Bilsthorpe is designated as a Principal Village within the Settlement Hierarchy set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 2 of the Core Strategy sets out that 25% of housing growth within Principal Villages will be focused in Bilsthorpe. The principle of new housing development on land considered to be on the edge of but within the main built up area of the settlement is therefore appropriate subject to any proposals having regard to the current use of the site and according with wider local and national planning policy considerations which are discussed further below.

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

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

The application site falls within a residential area which has a mix of traditional and more modern single and two storey semi-detached dwellings with a mix of render and brickwork and roof tiles.

The proposed dwelling would sit behind White Cottage and the other proposed dwelling sought under planning reference 17/00665/FUL and as such, I am of the view that the development does constitute backland development. Policy DM5 of the DPD states that *'proposals creating backland development will only be approved where they would be in-keeping with the general character and*

*density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted*'. The dwellings along the western side of Farnsfield Road within the vicinity of the site are not uniformed in appearance or building line and as such this allows for greater flexibility in terms of layout of the site; furthermore the adjacent dwelling to the south, Elm Field, is set further back than White Cottage and as such, the proposed dwelling will not be dissimilar in siting to this neighbouring property. Additionally, owing to the layout of the neighbouring sites, it would be difficult to replicate backland development within adjacent plots due to the size and shape of these plots, along with insufficient access points to the sites. I therefore do not consider this application likely to set a precedent which would harm the character and appearance of the area. Members may also note that the arrangement of dwellings to the east of the highway is relatively informal, with some examples of backland development. In terms of the site itself, a garage has previously been located close to the siting of the proposed dwelling and as such, built form in this location is not an entirely new feature within the landscape and would not result in a cramped appearance for the site, taking in to account the adjacent proposed dwelling. Given this, in this instance I am of the view that the backland land development is appropriate.

In terms of design, the dwelling takes the form of a red brick and slate chalet bungalow which references local design and materials. Additionally, the main bulk of the dwelling is fairly modest and is broken up by the single storey garage projecting eastwards; the garage has been reduced in length to reduce the scale of the overall building to ensure that is not dominating with the wider White Cottage plot. The dwelling has also been re-sited to sit back from the western boundary of the site to provide additional distance between the dwelling and the adjacent countryside, thus reducing any impact upon the adjoining landscape. I do however consider it appropriate to recommend the removal of permitted development rights to allow the local planning authority to retain control over future development within the plot so as to limit the impact upon the adjacent countryside, overdevelopment of the plot and further emphasising backland development. Landscaping and boundary treatments should also be conditioned as few details have been submitted with the application.

Paragraph 135 of the NPPF relates to impact of a proposal on the significance of a non-designated heritage. This states that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm to or loss and the significance of the heritage asset. I am satisfied that the scheme would not be detrimental to the setting of the White Cottage, the Local Interest Building to warrant refusal of planning permission.

Taking these factors into account I consider that, on balance, the form, layout, scale, design and appearance of the proposed development would not result in an undue impact upon the visual character or amenity of the immediate or the wider area. The proposal therefore complies with Core Policy 9 and Policy DM5 in this regard.

### **Impact on Residential Amenity**

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

The block plans submitted with the application does not show the proposed two-storey dwelling to the east of the site, however if Members refer to planning application 17/00665/FUL, the block plan submitted with this application indicates the relationship between the two proposed properties, although I am mindful that there is now a greater distance between the dwellings owing to the amended layout as detailed above. Based upon the most recent plans submitted, and to which this appraisal is based upon, there would be a distance of c.3.4m between the garages of the two properties, with a further 13.6m to the main dwelling, which I consider to be acceptable in terms of overlooking, overshadowing and overbearing impacts.

In terms of impacts upon existing neighbouring properties, there is a substantial distance between the proposed dwelling and the neighbouring properties, although I note that the dwelling has the potential to overlook the gardens of Woodlands and White Cottage, however there are no windows proposed at first floor level to the north and south elevations. I am of the view that there is sufficient distance between the proposed dwelling and the boundary with White Cottage, however the building is located close to the northern boundary with Woodlands, therefore I consider it appropriate to include a condition regarding first floor windows on the northern elevation should Members be minded to approve the application. I therefore do not consider it likely that these neighbouring properties are likely to be unduly impacted by the development.

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

### **Impact on Highway Safety**

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

The comments of the Parish Council with regards to limited parking and access are duly noted. However, the Highway Authority raises no objections to the proposal subject to the suggested conditions noted within the consultation section of this report which are considered reasonable should Members be minded to grant permission.

I am therefore satisfied that the proposed scheme provides an acceptable shared access and appropriate off street parking spaces so as not to result in highway issues to justify refusal on these grounds. The proposal is therefore considered to accord with Policies SP7 and DM5.

### **Other Matters**

#### *Contamination*

I am mindful that the application site has previously suffered a serious fire incident which destroyed a number of vehicles that were being stored on the land. The comments of the Environmental Health Officer are duly noted and given this site history it is considered reasonable to attach the suggested contamination condition should Members be minded to grant permission to ensure that the development can be carried out safely and to safeguard future occupiers of the proposed dwelling.

## *Drainage*

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 requires new development proposals to pro-actively manage surface water.

Comments received from a local resident regarding concerns over flooding have been duly noted. However, the site lies in Flood Zone 1, at lowest risk of flooding; dwellings are appropriate in this flood zone. Notwithstanding this a condition is suggested should permission be granted requiring the submission of drainage details in order to control surface water run-off and foul sewage disposal.

## **Conclusion**

Taking the above into account I am of the view that the proposed development would have an acceptable relationship with the character and amenity of the area, the amenity of the occupiers of adjoining and nearby properties and I consider that there are no highway matters sufficient to justify refusal on these grounds.

## **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

- Scheme Design – 523-02 Rev.B
- Revised curtilage plan received 2<sup>nd</sup> June 2017

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application, as stated on drawing no. 523-02 Rev.B, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- hard surfacing materials; and
- an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

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

08

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 at first floor level on the northern elevation of the development hereby permitted.

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

09

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

- 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;
- no development (including the erection of site huts) shall take place within the crown spread of any tree;
- no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- no services shall be routed under the crown spread of any tree
- no burning of materials shall take place within 10 metres of the crownspread 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.

010

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

Reason: In the interests of highway safety.

011

No part of the development hereby permitted shall be brought into use until the visibility splays shown on plan 523-02 Rev.B are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

012

Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

013

No part of the development hereby permitted shall be brought into use until the parking areas for both existing and proposed dwellings are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

014

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

015

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

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

016

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

#### Part A: Site Characterisation

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

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

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

#### Part B: Submission of Remediation Scheme

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

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

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

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

#### Part D: Reporting of Unexpected Contamination

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

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

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.

017

For the avoidance of doubt, the residential curtilage shown on Block Plan (received 2<sup>nd</sup> June 2017) shall remain as private garden area associated with the hereby approved dwelling.

Reason: In the interests of visual and residential amenity.

#### **Notes to Applicant**

01

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

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

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

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

#### BACKGROUND PAPERS

Application case file.

For further information, please contact 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](http://www.newark-sherwooddc.gov.uk).

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

Committee Plan - 17/00596/FUL



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<b>Application No:</b>	<b>17/00765/FUL</b>	
<b>Proposal:</b>	<b>Erection of lifetime dwelling, associated amenity area and parking</b>	
<b>Location:</b>	<b>Land at The Old Farmhouse, School Lane, Norwell</b>	
<b>Applicant:</b>	<b>Mrs C Cuthbertson</b>	
<b>Registered:</b>	<b>26.04.2017</b>	<b>Target Date: 21.06.2017</b>

**The Site**

The land is located to the side (south) of The Old Farmhouse and to the rear (west) of the Old School and The Old School House. The Old Farmhouse and The Old School House are grade II listed buildings. The site is located within the main built up area of Norwell and within the defined conservation area.

The host dwelling is accessed by an existing vehicular access from School Lane to the east of the site.

The application site is raised by approximately 0.5m from The Old Farmhouse. The site is enclosed by an existing substantial hedge to the western and southern boundaries. The site is open between The Old Farmhouse and the application site and there is a boundary wall and part hedgerow to the eastern boundary.

The host dwelling (The Old Farmhouse) ranges from single to 2.5 storey and is detached. There are residential dwellings located beyond the western, northern, eastern and southern boundaries and these range from single and two storey.

**Relevant Planning History**

13/01732/FUL - Erection of 1 No. dwelling with attached double garage. Erection of detached double garage to serve The Old Farmhouse – Refused 13.03.14

FUL/970974 & LBC/970975 - Addition of covered way – Approved 05.06.1998

LBC/950230 - Erect garages – Approved 11.07.1995

FUL/950211 - Erect garages and create new access – Approved 11.07.1995

LBC/940026 & FUL/940027 - Construction of storage shed, domestic workshop and external wc – Approved 26.04.1994

890889 - Residential development – Refused 26.06.1990

831122 - New vehicular access – Approved 23.01.1984

## The Proposal

Full planning permission is sought for the erection of a detached dormer three bed roomed lifetime dwelling. The application site is located to the south of the host dwelling and occupies a 0.19 ha site. The proposal utilises the existing vehicular access for The Old Farmhouse from School Lane.

The level of accommodation proposed comprises of an open plan kitchen/dining/living room, utility room and ground floor bedroom/dressing room/ensuite at ground floor with the addition of a guest bedroom and carers bedroom with ensembles at first floor within the roof space. The dwelling is designed as a 'L' shape with the principal elevation to the north and the amenity space to the south of the site.

A supporting statement has been submitted with the application stating that the dwelling has been designed around the personal need of the applicant to downsize and have a property adaptable for the future and if mobility becomes an issue. It also states that in allowing the applicant to downsize to a smaller property this would release a larger property back into the village.

## Departure/Public Advertisement Procedure

Occupiers of 10 neighbouring properties have been individually notified by letter, a site notice has been displayed and a notice has been published in the press.

## Relevant Planning Policies

### **The Development Plan**

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

Policies relevant to this application:

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 9 - Sustainable Design
- Core Policy 14 - Historic Environment

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

Policies relevant to this application:

- DM5 – Design
- DM9 – Protecting and enhancing the historic environment

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

## Other Material Considerations

National Planning Policy Framework (NPPF) 2012  
Spatial Policy 3 Guidance Note

## Consultations

**Norwell Parish Council:** The parish councillors considered the above application at their meeting last night and decided by a majority to support the proposal subject to a condition that, for the duration of the works, construction traffic must only use the drive area. The applicant was present at the meeting and agreed to the condition.

**NSDC Conservation** - The site is located within the historic core of Norwell which is a Conservation Area, first designated in 1972. From the Sanderson's map of 1835 the plot of land appears to form one portion of the original foci from which the village expanded and developed around.

The Ordnance Survey Map of 1884/5 shows the former school building (unlisted), The School House (Grade II listed: ref 1179237) and the Barn at School House Farm (Grade II listed: ref 1302079) already in situ, with the application site arranged as a vacant plot of enclosed agricultural land. This open field aspect remains today, thereby forming a strong relationship with the adjacent listed buildings, demonstrating its historical significance and continuity.

A comparison between the present map of Norwell and the 1884/5 Ordnance Survey map reveals a well preserved conservation area in which there has been minimal back land development or modern intervention behind the street frontages. As such, School Lane and the village as a whole is experienced as a rural, low density settlement with expansive and wide ranging views of the surrounding countryside.

## Assessment of proposal

In its present form, Conservation objects to the proposal. A determination has already been made regarding development on this site, under the previous refusal 13/01732/FUL for the erection of one dwelling on the current application site. Conservation made the following comments that were included in the submitted committee report:

*Conservation considers the development to be harmful to the setting of The Old Farmhouse and Old School House. The proposal is considered to adversely affect the character and appearance of the Norwell Conservation Area. The scheme does not therefore comply with sections 66 or 72 of the Act. The proposal is also not compliant with DM9 and CP14 of the LDF, nor Section 12 of the NPPF.*

The new application which has been revised from the 13/01732/FUL refusal is not considered to address the original concerns related to development on this plot of historically unoccupied land within the Norwell Conservation Area. Development in this location, notwithstanding present amendments to the footprint, ridge height, scale, massing and detailing of the proposed dwelling, is considered to negatively impact on the setting of two listed buildings, School House and the Barn at School House Farm.

The setting of these heritage assets are experienced and appreciated within the context of open views to and from the application site, which as previously mentioned has remained as an empty parcel of land and a key characteristic of the Conservation Area. There is no precedent for development within the backland land setting along School Lane and a single dwelling in this location would appear incongruous with its surroundings.

In this context, it is felt that the proposal will cause harm to the setting of the Barn at School House Farm and School House and the character of the Conservation Area. The proposal therefore does not accord with the objective of preservation set out under section 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, and does not comply with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

The following further comments have been received from the Conservation Officer;

For the avoidance of doubt, the reference to agricultural land in the report of 8th June 2017 is not in reference to a technical classification of land (as land that is designated for farming as opposed to land that falls within a domestic curtilage). The reference to agriculture relates to the fact that the application site forms part of a historic agricultural enclosure. While it is now within the ownership of the Old Farmhouse, it is not in use as domestic land to the rear of the property and it is appreciated within the setting of two listed buildings as open, unoccupied, undeveloped land. As such there are unbroken views both from and to the application site relating to the two designated heritage assets and Conservation considers that the setting would be subjected to less than substantial harm through development. Furthermore Conservation does not identify public benefits to outweigh this harm, in accordance with Paragraph 134 of the NPPF.

**Nottinghamshire County Council (Highways):** The agent has submitted an amended plan demonstrating that the existing access for the Old Farmhouse is to be utilised for this proposal. The access width is acceptable for this purpose. It is recommended that the site frontage boundary vegetation be cut back and maintained to improve the visibility from the access. Whilst there are no highway objections to this application, the following condition should be imposed:

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the LPA. The area within the visibility splays referred to in the Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: In the interests of highway safety.

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

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

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

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

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

**Trent Valley Internal Drainage Board:** There are no Board maintained watercourses within close proximity of the site.

Surface water run-off rates to receiving watercourse 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.

### **Neighbours/Interested Parties**

Nine letters have been received from neighbours objecting to the development on the following grounds:

- Out of character
- The reason for refusal on 13/01732/FUL are still applicable
- Large barn conversion that does not resemble a "cottage"
- Doesn't meet a local need
- Impact on archaeology
- Would affect school and scout hut with traffic and impact on road safety
- Concern over impact on highway safety
- No ecology survey has been done
- Impact on ecology
- Concern over loss of hedgerow
- Impact on Conservation Area
- Harm to group of Listed Buildings
- Loss of open space
- Dwelling built on undeveloped land
- Fails to provide significant public community benefit to outweigh the harm
- Inconsistent with NPPF
- Set precedent
- Small dwellings in the village area available
- Driveway would detract from setting of The Old School
- Scale of building is not appropriate

### Comments of the Business Manager

#### **Principle of Development**

The site is located within the main built up area of Norwell which is not identified as a main settlement within the Council's settlement hierarchy as stated with the Core Strategy, it is therefore a Rural Area and assessed under Spatial Policy 3 of the Core Strategy. Any new dwellings

within Rural Areas should satisfy 5 main criteria for new development. This is Scale, Location, Character, Need and Impact. Before turning to assess the current proposal against the criteria of Policy SP3 it is also pertinent to set out the Council's housing supply position.

### Five Year Housing Land Supply

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

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighbourhood planning as part of this is also noted.

Members will also be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2013). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement

Position Statement (see

[http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA Position Statement - Farnsfield Appeal.pdf](http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf)

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see

<https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>).

The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and a defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be a Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination, the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspector's decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

The following is an assessment of the proposal against the remaining criteria of SP3.

#### Location

Norwell like other Rural Areas does not have defined settlement boundary or village envelope defined within the development plan and so it is necessary to define the main built up area of the village by reference to the layout of any existing development. Paragraph 4.28 of Spatial Policy 3 states the main built up area normally refers to "*buildings and land which form the core of the village where most housing and community facilities are focussed.*" The site is considered to be located within the main built up area due to the layout of surrounding development and the proximity of the application site to existing development. Therefore locationally I am satisfied that the proposal meets the criteria for the siting of the development within the settlement.

#### Scale

The scale criterion refers to both the amount of development and its physical scale and size.

The number of dwellings proposed is one which is considered small scale, however the physical scale of the proposed dwelling is not considered to be insignificant or indeed small scale relative to its surroundings. It is acknowledged that the floor area of the proposed dwelling has been reduced from that of the previous scheme but the application still proposes a large three bedroom property. The maximum height of the proposed dwelling is approximately 5.7 m and it provides 3 bedrooms. Owing to the reason for the application, I consider the proposal for a 3 bedroomed dwelling to be excessive in this location. The agent has stated that the applicant wishes to downsize from the Old Farmhouse and wishes to stay in the village. The dwelling has also been designed to be adaptable to meet the changing needs of the client.

### Impact

With respect to impact, the development of a single dwelling would not produce a significant number of vehicle movements and as such would not create a severe detrimental impact with respect to impact on highways. Consideration of amenity impacts and impacts on local infrastructure are considered in greater detail within subsequent sections of this report.

### Character

Spatial Policy 3 states *“development should not have a detrimental impact on the character of the location”*.

The proposed siting of the dwelling is located on open land and which currently contributes positively to the setting of The Old Farmhouse and the wider significance of the Conservation Area. The Old Farmhouse, the Old School and the School House form a group of positive buildings within the Conservation Area and although modern buildings have been erected within the vicinity, this group of historic buildings is composite and an important feature of the Conservation Area. The openness of the application site provides context to the grouping and contributes to the wider character of the area.

A previous application on the site was refused and whilst this scheme present amendments to the footprint, ridge height, scale, massing and detailing of the proposed dwelling, it is still considered to negatively impact on the setting of two listed buildings, School House and the Barn at School House Farm. The setting of these heritage assets are experienced and appreciated within the context of open views to and from the application site, which has remained as an empty parcel of land and a key characteristic of the Conservation Area. There is no precedent for development within the backland land setting along School Lane and a single dwelling in this location would appear incongruous with its surroundings.

The application has been submitted with a Heritage Statement and this has concluded that the site can accommodate a modest dwelling at its southern end. The agent has submitted further information stating that between The Old School House and 1 School Lane a double garage has been built which obscures any view of the proposed dwelling. Between The Old School House and The Old School there is a gap where the proposed dwelling would be glimpsed behind a wall and vegetation. This partial view would be of the plain clay tile roof of the single storey north-south wing of the proposed dwelling, some 54m from the School Lane pavement. The statement submitted confirms that it is not considered that the proposed dwelling would have any material adverse effect on the listed buildings or the Conservation Area.

Having assessed the site and taken into consideration the comments of the Conservation Officer I

am of the opinion that the site is undeveloped land which forms part of the setting of two listed buildings. There are unbroken views both from and to the application site relating to the two designated heritage assets and therefore the setting would be subjected to less than substantial harm through development.

Due to the enclosure of the open land and the infill of built development, the proposal will cause significant detrimental impact upon the open character of the surrounding area, resulting in erosion to the character and appearance of the conservation area. Therefore the proposal is not considered acceptable with regard to character.

Furthermore, it is not considered that there are any public benefits to outweigh this harm

### Need

The site is a greenfield site and currently used as the amenity space for the host dwelling, The Old Farmhouse. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land. The dwelling is proposed as backland development to the rear (west) of The Old School and The School House, for the sole occupation of the applicant who proposes to downsize from their existing dwelling at The Old Farmhouse, and relocate to the 3bedroomed proposed dwelling.

The application is supported by a design and access statement that sets out the personal need of the applicant. The statement sets out that the proposal relates to a reduced dwelling which is small scale and is on previously development land, garden. The statement states that the applicant has a personal need and wants to downsize and stay in the village and the dwelling has been designed to be adapted to meet the needs of an aging person. They have also stated that this would release a larger property back into the village.

As garden land this is not previously developed land and is considered as undeveloped greenfield site. The Housing needs survey for Norwell showed that there might be a need for smaller properties and bungalows/adaptable bungalows. This application is for a large three bed property and whilst it is acknowledged that there is a bedroom and facilities on the ground floor which makes it adaptable living accommodation there are a further two bedrooms at first floor level. I therefore consider that whilst I understand the desire of the applicant to downsize, I do not consider this to be a conclusive and overriding justification on proven local need to permit a dwelling in this unsustainable rural location.

This dwelling is proposed as market housing for the current occupants of The Old Farmhouse and makes no strong satisfactory case other than for this personal need. I therefore consider the proposal fails to support a local need and fails to comply with Spatial Policy 3 for this reason and for the reason of character and scale.

### Design and Scale impact on the Character of the Surrounding Area and Streetscene

Members will be aware that the site is located within the heart of the Norwell Conservation Area and is surrounded by existing grade II listed buildings, namely The Old Farmhouse and The Old School House. The proposed dwelling would be 3 bedroomed with two bedrooms designed within the roof space. Whilst the dwelling has been reduced in footprint and scale from the previous application it is still a relatively large dwelling.

Whilst the NPPF discourages local planning authorities from imposing an architectural style or taste upon applicants, it does state that a *“good design should contribute positively to making places better for people”* (para 56, NPPF) and *“great weight should be given to outstanding or innovative designs which help raise the standard of design”* (para 63, NPPF). I consider that the design of the building fails to enhance the appearance of the Conservation Area area and it is not so outstanding or innovative so as to outweigh any other material planning consideration and indeed the principle of residential development within this location in turn the proposal fails to accord with the NPPF and Core Policy 9 of the Core Strategy and DM5 of the ADMDPD.

### Residential Amenity

Due to the existing boundary treatment and the position of the dwelling, I consider there would be no adverse impact upon neighbour amenity with regard to overlooking, overshadowing or overbearing. The proposed dwelling is located a reasonable distance from neighbouring dwellings and the majority of windows are at ground floor level. The proposed dormer windows and glazed gable would be on the south elevation facing the away from the host property and with approximately 18 metres to the southern boundary would not have an impact on adjoining properties.

Policy DM5 states *“The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”* It is considered that the distance between the properties from both forms of development, the orientation, scale and the location of windows ensures the development would not cause significant unacceptable impacts upon neighbour amenity. It is considered that the proposal therefore accords with policy DM5 of the ADMDPD.

### Highway Safety

The proposal includes the utilisation of the existing southern vehicular access and formal access to the existing dwelling. Nottinghamshire County Council Highways have not raised any objection to the application and they are satisfied with the proposed access arrangements, subject to a condition. I am therefore satisfied that the proposal, due to the parking provision and the access arrangements will not cause any detrimental impacts upon highway safety and complies with Spatial Policy 7 of the Core Strategy.

### Conclusion

I have carefully considered the material considerations raised by the application along with the support received by the Parish Council. Nonetheless I consider that the proposal fails to justify a proven local need for the development and due to siting, scale and location, it would result in substantial harm to the character of the Conservation Area. Furthermore I am mindful that given the Councils current position in relation to its Five Year Housing Land Supply I am of the view that the very modest contribution a single dwelling would make would outweigh these issues when taken as a whole.

Each material planning consideration has been discussed in detail above and I conclude that the proposal fails to accords with National Planning Policy Framework, Spatial Policy 3, Core Policy 9 and 14 of the Adopted NSDC Core Strategy and DM5 and DM9 of the ADMDPD and I therefore recommend that the application be refused planning permission.

## **RECOMMENDATION**

### **That full planning permission is refused.**

01

In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposal would meet an identified proven local need in Norwell which is not an area of focus for new housing development within the Council's settlement hierarchy and there is no further information available to the Council that would indicate that there is an identified proven local need for development of the nature proposed. The proposal therefore does not represent a sustainable form of development and would be inappropriate. The proposal is therefore contrary to the requirements of Spatial Policy 3 (Rural Areas) of the Newark and Sherwood Core Strategy (adopted 2011) and Policy DM12 of the Allocations and Development Management DPD (adopted 2013). The proposal also fails to accord with the provisions of the National Planning Policy Framework (NPPF) 2012 which is a material planning consideration.

02

In the opinion of the Local Planning Authority the enclosure of this open parcel of land coupled with the scale of the proposed dwelling, results in significant harm to the open character and appearance of the Conservation Area. In addition the infill of land with a dwelling in this backland location results in harm to the setting of the group of listed buildings which the open space currently provides context to the grouping and contributes positively to their significance and the wider conservation area.

Therefore the proposal is considered to be contrary to Policy CP14 (Historic Environment) of the Core Strategy and Policy DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD as well as the NPPF which is a material planning consideration.

### **Note to applicant**

01

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

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

### **BACKGROUND PAPERS**

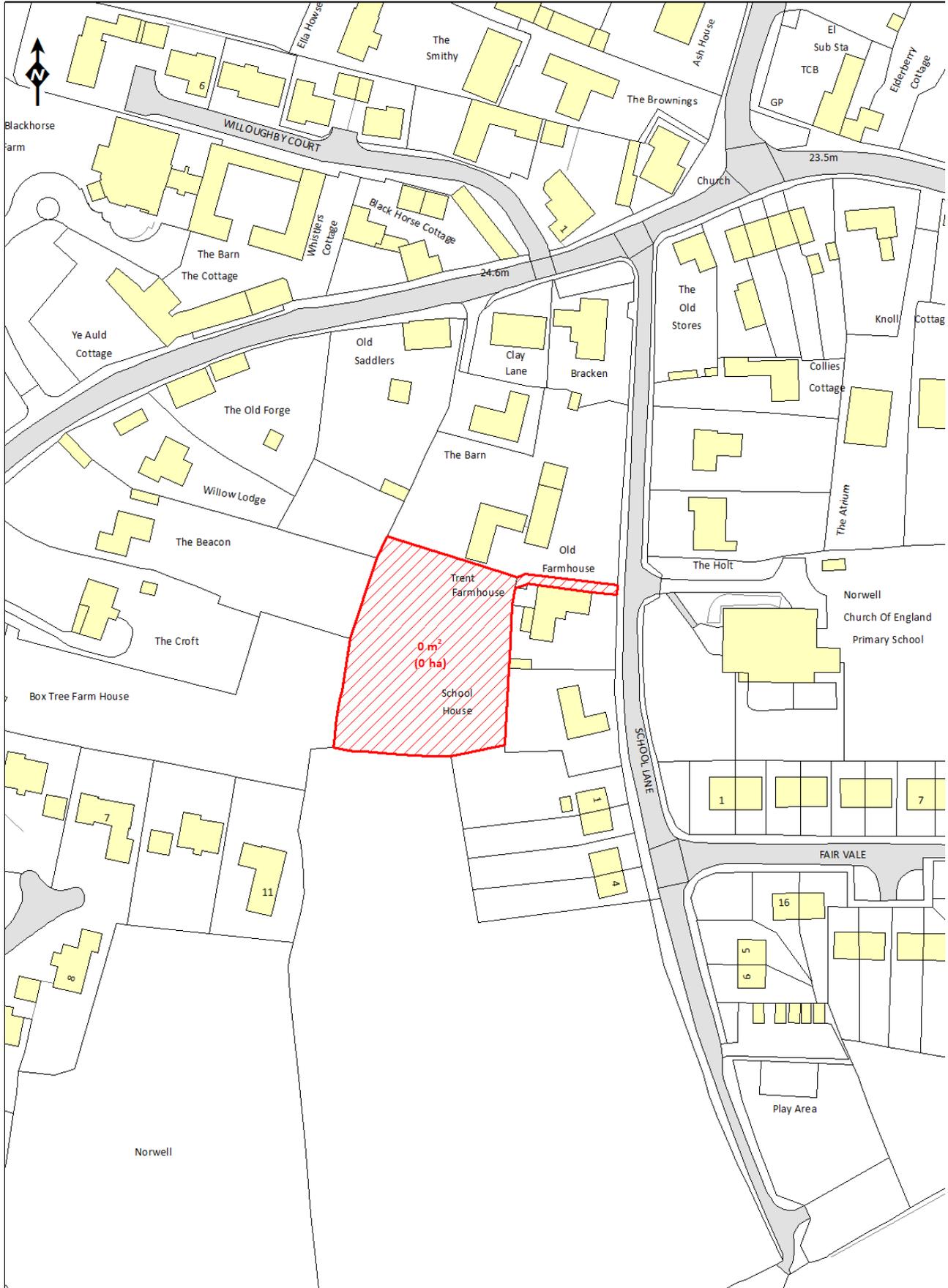
Application case file.

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

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

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

Committee Plan - 17/00765/FUL



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<b>Application No:</b>	<b>17/00218/FUL</b>
<b>Proposal:</b>	<b>The development of 6 x 2 bed residential dwellings and 2 x 3 bed residential dwellings (Phase 1)</b>
<b>Location:</b>	<b>Land at Staveley Court, Farndon, Newark</b>
<b>Applicant:</b>	<b>Newark and Sherwood Homes</b>
<b>Registered:</b>	<b>20 April 2017</b> <b>Target Date: 15 June 2017</b>
	<b>Extension of Time Agreed until 7<sup>th</sup> July 2017</b>

**This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council’s agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council’s constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.**

**The application is before Members for consideration due to the officer recommendation differing from the Parish Council views.**

The Site

Staveley Court is a small cul-de-sac of seven modern bungalows accessed off Westfield Way within the built up part of Farndon village. The existing bungalows are set back into the site to the south-east with vegetation and planting forming a backdrop between them and the Fosse Road further south-east.

At present the land between the existing bungalows and Westfield Way is open, flat and grassed land. The site comprises part of this open green space (c0.18ha) being the portion of the site nearest Westfield Way which is split into two by the access road which serves the bungalows.

To the north-west are a pair of semi-detached two storey dwellings which back onto the site albeit front onto The Copse. The south-western boundary is formed by a corridor of mature trees and vegetation that separates the site from dwellings on Holmefield and Fosse Way beyond. Directly north (on the opposite side of the highway) and east is a modern (1980’s) housing estate of mainly two-storey detached dwellings.

A small part of the site (to the east is located within Flood Zone 2) and the entire site lies within an area prone to surface water flooding.

## Relevant Planning History

17/00219/FUL – This was originally proposed for 2 x 2 bed bungalows and 2 x 2 bed dwellings but has been amended to 2 x 1 bedroom bungalows and 1 x 3 bedroom bungalow - on land adjacent to this application site to the south-east (referred to on the plans as Phase 2) is pending consideration by the same applicants.

14/00859/OUT – Outline permission for 1 dwelling was refused on the strip of land between Staveley Court and Holmefield.

99/50600/FUL – Removal of condition 6 from pp RMA/920914. Approved (related to the site plus the Staveley Court bungalows)

1181485 – Residential development (relates to Westfield Way and Staveley Court) approved 19/05/1981.

1182279 – Consisting of 33 dwellings plus garages, roads sewers and ancillary works. Approved 02/06/1982.

11880960 - Erection of sixteen elderly persons bungalows and associated engineering works. Approved 31/01/1989. This relates to Staveley Court and the application site.

11911141 – Erection of 7 dwellings for the elderly. Approved 03/01/1992.

92/50403/RMA – Erection of 7 no. dwellings for elderly and road. Approved 07/12/1992 (relates to the site). This is the scheme that was implemented.

## The Proposal

This application seeks to develop part of the open space in front of the existing bungalows and has been termed as 'Phase 1' by the applicant on their plans. Full planning permission is sought for a total of 8 two-storey dwellings arranged as pairs of semi-detached properties as follows;

### *House Type D*

This house type is a two storey two bedroom dwelling of 68m<sup>2</sup> in floor space designed for four persons. Accommodation comprises a hallway, kitchen, w.c, small store and open plan lounge/diner at ground floor with two bedrooms and bathroom at first floor. The building has a simple pitched roof with lean to front porch canopy and simple detailing measuring 9.2m across the frontages (each half with a frontage of 4.6m) projecting 8.6m in depth and measuring 4.73m to eaves and 8.23m to ridge height. There are 6 of these houses proposed in total, being the 3 pairs of semi's closest to Westfield Way.

### *House Type E*

This house types is also two storey but with three bedrooms comprising 85m<sup>2</sup> of floor space designed for 5 persons. Accommodation comprises a hallway, kitchen, w.c, small store and open plan lounge/diner at ground floor with three bedrooms and bathroom at first floor. Again the building has a simple pitched roof with lean to front porch canopy and simple detailing measuring 11.2m across the frontages (each half with a frontage of 5.5m) projecting 8.7m in depth and

measuring 4.73m to eaves and 8.23m to ridge height. There are 2 of these houses proposed in total, being the pairs of semi's in the southern corner of the site.

All properties are offered for the social rented housing sector.

The following has been submitted with the application:

40860/ID082/007 Plans and Elevations of House

40860/ID082/008A Plans and Elevations of House Type D (extra side window to lounge) (serving Plots 7 and 8)

40860/ID082/07A Proposed Plans and Elevations Type D (serving Plots 1 to 4)

40860/ID082/009 Proposed Plans House Type E

40860/ID082/010 Proposed Elevations of House Type E

40860/ID082/001B Site Location Plan

40860/ID082/003C Proposed Site Layout Phase 1

Desk Top Study - Phase 2 Ground Investigation, February 2017 by Collinshallgreen Ltd  
Flood Risk Assessment, April 2017 by Collinshallgreen Ltd

#### Departure/Public Advertisement Procedure

Occupiers of twenty two properties have been individually notified by letter. A site notice has also been displayed near to the site with an expiry date of 19<sup>th</sup> May 2017.

#### **Planning Policy Framework**

#### **The Development Plan**

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

#### **Allocations & Development Management DPD**

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

- Guidance Note to Spatial Policy 3
- Farndon Housing Needs Survey 2016

### Consultations

**Farndon Parish Council** – “Prior to consideration of these applications, Councillor Oldham declared a personal interest and withdrew himself from the discussions.

Considered discussion took place on the applications that had been received to develop land at Staveley Court in two phases. Members also considered the views expressed by residents who would be affected by the development if planning permission was granted.

Particular concern was expressed at the impact any development would have on the ecology and wildlife that existed in the land that was situated adjacent to the application site.

It was proposed by Councillor Gomes, seconded by Councillor Millner that **objection** be raised to the applications on the grounds that:

- it was over-intensive development for the site
- the plans showed 2 parking spaces for each dwelling. The area already suffered from on-street parking and narrow roads and an additional 24 vehicles would have a detrimental impact on the access currently enjoyed by residents.
- the design of the dwellings did not match the existing properties and, given the intensive development, would have a negative visual impact on the existing properties.
- the proposed dwellings would impact on the privacy and daylight enjoyed by the existing properties.
- the development would have a detrimental impact on the ecology of the adjacent site. Members would want an ecological survey undertaken prior to any works commencing, in the event that planning permission were to be granted.
- the application referred to the provision of a new or altered pedestrian access to or from the public highway. It was noted, however, that there was insufficient space to allow for any pavements.

This was agreed with one abstention.”

**NCC, Highway Authority** – Comment on the amended plan as follows:

#### Amended plan 40860/ID082/003C

The layout has been amended to provide 6 x 2 bed and 2 x 3 bed dwellings, each with two parking spaces. The existing 2m grass service strip has been taken into account and will be replaced as footway to link with the existing footway on Staveley Court.

There are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be occupied on any part of the application site unless or until a new 2m wide footway along each side of the existing carriageway of Staveley Court to link with the existing footway has been provided, as shown for indicative purposes on plan 40860/ID082/003C, to the satisfaction of the Local Planning Authority. **Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the parking areas/private driveways are provided and surfaced in a bound material in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking areas/private driveways shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles. **Reason:** In the interests of highway safety.

#### Notes to applicant

In order to carry out the off-site works required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans 0115 804 0015 for details.

Comments originally received 09/05/17 – ‘This application is for the construction of 8 residential units. There is a 2m wide service strip along each side of Staveley Court which is within the public adopted highway. The site layout plan 40860/ID082/003B has included this service strip within the area for development which is unacceptable to the Highway Authority.

Therefore, it is recommended that the layout be altered to address this issue and an amended plan submitted for further consultation.’

**Environment Agency** – ‘This site lies partly in Flood Zone 2 & 1 and as such Standing Advice can be applied. You may wish to consult the LLFA regarding surface water disposal from this site and the Emergency Planner regarding access and egress.’

**NCC, Lead Local Flood Authority** – No response received.

**Trent Valley Internal Drainage Board** – “There are no board maintained watercourses in close proximity to the site.

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

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

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

**NSDC, Strategic Housing** – No response received.

**NSDC, Tree Officer** – ‘Application site has mature vegetation on the west boundaries that may pose constraints on development. Request tree survey constraints plan in accordance with BS5837-2012 Recommendations in order to evaluate any potential issues.’

**NSDC, Access and Equalities Officer** – Make general observations

**Representations have been received from 10 local residents/interested parties which can be summarised as follows:**

- Current properties on Staveley Court are shared ownership for the elderly with Johnnie Johnson as landlord;
- Concerned about the property that will be adjacent to the turning area of no. 11 Staveley Court. There are a number of very frail and vulnerable residents in the bungalows and this area needs to be kept clear at all times for emergency vehicles. (This relates to phase 2);
- Access road is quite narrow and needs to be kept free from obstruction;
- Aware that the corner of Staveley Court and Westfield Way can be dangerous and there is concern that contractors/delivery vehicles will only add to the problems;
- Development is not in keeping with the surrounding detached private houses and bungalows.
- All houses are detached and semi-detached so would make more sense to put a bungalow where plot 7 & 8 were supposed to go so there are bungalows down that side including plot 9;
- We have been expecting Bungalows to be built on this site for a number of years but not semi-detached houses;
- Westfield Way is a private development of detached houses which are mainly 4 bedroom. A new development on Staveley Court should both compliment the existing bungalows on Staveley Court and the mature development of Westfield Way. Bungalows are ok but houses are not.
- Staveley Court and Westfield Way are narrow roads which cause difficulty when vehicles try to pass one another – this proposal would make matters worse.
- The amount of traffic already using this road, and for parking, is already making it difficult for pedestrians to walk along pavements, and space for parking. Introducing more housing in this enclosed section will make the situation even more difficult.
- Parking already occurs on the pavements, making access for disabled scooters impossible, or for pedestrians to access pavements.
- The development will mean the removal of a large number of established trees, which must be under TPO orders.
- Would like to know how the trees were removed when residents have been informed all the trees had a TPO on them;
- It has not been identified that additional council houses are needed in the area and there is no demand for 3 bed roomed properties if anything more bungalows are needed.
- There is already a strain on the current facilities on the estate.
- The development will devalue properties and will bring anti-social behaviour to a very nice estate.
- The outside space that is shown in the plans is not sufficient.
- The proposed development is not in keeping with the estate or the bungalows situated at the bottom of Staveley Court.
- Drainage is currently an issue at my property when it rains and often comes up to neighbouring garage, the current drains are not adequate to take the water and by building additional properties the size proposed will only add to this;
- On Staveley Court the residents often have issues having to have water pumped away when it rains heavily and this will only be worse if additional properties were to be built of the proposed size adding a strain on already problematic resources.

### Comments of the Business Manager

#### *Principle of development*

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal

villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an 'other village.'

It is interesting to note that the wider site (including land to the south-east and the existing bungalows) had permission granted in 1989 for 16 bungalows, which was never built out. Later in 1992, reserved matters approval was granted for the scheme now built on site for 7 bungalows with the layout plan suggesting that the remainder of the site was to be developed for a further 12 bungalows. Whilst this does not carry any weight as the permissions have now expired, it shows an intention to develop the remainder of the site from the outset rather than it being any functional public open space.

### *5 Year Housing Land Supply*

The current 5 year housing land position is that the Council is confident it has a 5 year housing land supply following the Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's and having done more work since the Farnsfield appeal challenge that it can be proven that the OAN is appropriate, robust and defensible. Until such time that the OAN is tested at Plan Review, it cannot attract full weight but given that this is professionally produced in cooperation with partners and the one OAN produced it should carry significant weight and it is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

### *Location*

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the built up area of the village adjacent to existing residential development on Westfield Way to the north and Staveley Court to the south-east.

With regards the provision of services; whilst Farndon is defined as an 'Other Village' in the settlement hierarchy it does contain a primary school, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark and Nottingham where a wider range of services can be found. I therefore consider the site accords with the locational requirement of SP3.

### *Scale*

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. Eight units are proposed as part of 'Phase 1' with a further 3 units proposed as Phase 2 which is being considered separately which would be in addition to the 7 units already served off Staveley Court. Taking into account the 8 dwellings proposed by this application and other approvals over the development plan period, I still consider that the scale of the development for the village is acceptable, particularly that given the range of facilities available in Farndon, it is one of the more sustainable villages in the settlement hierarchy.

### *Impact on Character/Visual Amenities*

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within a residential area which has a mix of single storey and two storey dwellings of a similar scale and design. I am satisfied that the design of the proposed dwellings is acceptable and that in terms of appearance, the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting. The layout of the development is such that the proposal would read as an extension to the existing estate with 6 of the units fronting onto Westfield Way and the remaining two facing Staveley Court. This part of Westfield Way is occupied by existing two-storey modern dwellings and therefore the positioning and design of the dwellings would relate well to its surrounding. Whilst the pair of dwellings sited to the north-eastern side of the access road is set approximately 3.5m further forward than the dwelling, it would still be behind its garage which abuts the footway and consequently I consider that this is an appropriate layout which would provide a visual presence to the street scene. Overall it is considered that proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area and is in accordance with Spatial Policy 3 and Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

#### *Need for Development*

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, which is part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Farndon. The identified housing need in Farndon is for 11 affordable dwellings albeit most of this need is in the shared ownership tenure which this scheme does not promote. In the affordable rented sector there is an identified need for 1 x 3 bed bungalow (adapted) and 2 x 1 bed bungalows. This application does not cater for the specific needs of the locality but would deliver a wider housing need in a relatively sustainable location. Given the lack of reference to affordable units within the description of the development, it is recommended that a condition be imposed to require all the proposed dwellings to be "affordable."

#### *Impact of Proposed Development*

SP3 requires that development proposals should not have a detrimental impact on the amenity of local people (discussed further below) nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Officers have no reason to conclude that the scheme couldn't deliver an acceptable means for dealing with sewage and surface water through the suggested means and there are no objections from relevant expertise to date that would be a cause for concern. Without an identified harm, it is considered that it would not be appropriate to resist the application purely on the basis of the numerical addition of dwellings. Matters of surface water drainage can be adequately dealt with by condition if Members are

mind to agree with the officer recommendation (discussed further below). Traffic generated from and additional 8 new dwellings would not have an undue impact on the local transport network.

### **Impact on Residential Amenity**

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

Six of the proposed two storey dwellings are located on the south-western side of the existing access road and on the opposite side of the road to no. 1 Westfield Way which is the closest property. At around 16.5m away and given the positioning of the nearest unit, I am satisfied that the distances/angles involved would ensure there would be no unacceptable loss of privacy or adverse impact to this property.

A pair of two storey dwellings are also proposed to be sited alongside no. 17 Westfield Way to the north-east of the access road albeit set slightly further forward than the existing house. The side elevation of no. 17 is blank at first floor with two, what appear to be, secondary windows at ground level. Plot 8 would sit alongside the existing dwelling and would have side windows serving a lounge (secondary window), toilet and bathroom (the latter two would be obscure glazed). However at 7m apart I do not consider that this relationship would give rise to unacceptable impacts through loss of privacy from overlooking, overshadowing or from being oppressive.

Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To maintain privacy and security, boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. This is typical of the surrounding area.

The proposed dwellings have been afforded sufficient private amenity commensurate with the size of the dwellings they serve.

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

### **Impact on Highway Safety**

Policy SP7 require development proposals to provide safe, convenient and attractive accesses for all, including the elderly and disabled and others with restricted mobility and provide links to the existing network of footways so as to maximize opportunities for their use as well as being appropriate for the highway network in terms of volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected. It also seeks to ensure that vehicular traffic generated by development does not create

new or exacerbate existing on-street parking problems nor materially increase other traffic problems. Policy DM5 reflects this.

It is noted that some local residents have raised concerns regarding the volume of traffic using this road, the narrowness of the highway (Westfield Way) and parking issues. Westfield Way is a cul-de-sac that also services 4 small cul-de-sacs (Jackson Court, Tow Court, Birchenhall Court and Staveley Court) that are off this comprising around 34 existing dwellings which tend to have off street parking. The Highway Authority has raised no concerns regarding volumes of traffic or parking issues.

The scheme provides for off-street parking spaces at a rate of 2 spaces per dwelling which can be secured through condition and are adequate to meet the needs of the development and 2m wide public footways are proposed along Staveley Court which link into Westfield Way which can also be secured through condition. Therefore taking this into account and the comments from the Highway Authority it is considered that the proposal accords with Policy SP7 and DM5.

### **Drainage and Flood Risk**

A small portion of the south-eastern part of the site lies within flood zone 2. However the majority of this site and the parts where built form (and their access) would be located are in flood zone 1 which is at the lowest risk of flooding. As such it is not necessary to apply the Sequential Approach. A Flood Risk Assessment accompanies the application site which concludes by recommending that the finished floor levels of the houses be set at a minimum of 12.96 AOD (precise levels would need to be conditioned) and that SUDs principles should be incorporated into the design of a design scheme which can be conditioned along with the disposal of foul sewerage.

The Lead Local Flood Risk Authority have chosen not to comment and the given lack of response from Severn Trent Water it is therefore taken that there are no capacity issues in terms of connecting to existing infrastructure. In making no comment due to the perceived low risk of flooding, the EA suggested consultation with the Council's Emergency Planner, comments from which are awaited. However given that the site and its means of access is within flood zone 1, I see no reason by this should be of issue.

I am satisfied that these matters can be controlled by condition and subject to this the proposal would meet CP9, CP10 and DM5 together with the NPPF a material planning consideration.

### **Impact on Trees and Ecology**

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

I understand that some trees have been removed/heavily pruned prior to this application being submitted. This clearance did not need permission as the trees are not protected in any way. I note that there is an existing belt of mature trees located adjacent to the south-western boundary. However these are located outside of the application site. The dwellings are all located 8m or more from the boundary and therefore I consider that a tree survey is neither necessary nor appropriate (given they are on third party land) and that tree protection measures are not required given the distances involved.

I note that some local residents have also commented about the impact on the scheme on wildlife and bats. However given the site is maintained grass with no trees contained within, I do not consider it would be reasonable or appropriate to request an ecology survey in this instance.

## **Other Matters**

### *Impacts of Finished Floors Levels on Amenity*

It should be noted that the recommendation to raise the finished floor levels is not expected to cause an adverse impact to neighbours if the FFL is provided at the minimum level recommended by the FRA (12.66 AOD). However as no precise level (maximum) has been provided a condition is considered necessary to ensure that this is controlled in the interests of residential amenity.

## **Conclusion**

The Council is satisfied that it has a 5 year housing supply. However there is a need for affordable housing across the District including within Farndon. The site is considered to be relatively sustainable in terms of its location with the settlement served by a good range of facilities and access to public transport. I am satisfied that the proposal would have an acceptable impact on the character of the area, local infrastructure and neighbouring amenity. There are no highway safety matters or parking concerns which have been raised by the Highway Authority and no adverse impacts upon ecology or from flood risk that would give rise to a reason for refusal. It is therefore recommend that planning permission be granted subject to the conditions outlined below.

## **RECOMMENDATION**

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

### **Conditions**

01

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

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

02

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

- 40860/ID082/008A Plans and Elevations of House Type D (extra side window to lounge) (serving Plots 7 and 8)
- 40860/ID082/07A Proposed Plans and Elevations Type D (serving Plots 1 to 4)
- 40860/ID082/009 Proposed Plans House Type E
- 40860/ID082/010 Proposed Elevations of House Type E
- 40860/ID082/003C Proposed Site Layout Phase 1

- 40860/ID082/001B 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.

03

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

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

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

08

No part of the development shall be commenced until a plan showing the finished floor levels of the dwellings together with existing ground levels has been provided to and approved by the Local Planning Authority. The finished floor levels are expected to be set at a minimum of 12.96AOD in accordance with the Flood Risk Assessment which supports the application. The scheme built thereafter shall accord with the approved finished floor levels.

Reason: The application does not state the precise finished floor levels and this condition is necessary in the interests of managing flood risk and in the interests of residential amenity.

09

No part of the development hereby permitted shall be occupied on any part of the application site unless or until a new 2m wide footway along each side of the existing carriageway of Staveley Court to link with the existing footway has been provided, as shown for indicative purposes on plan 40860/ID082/003C, to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

010

No part of the development hereby permitted shall be brought into use until the parking areas/private driveways are provided and surfaced in a bound material in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking

areas/private driveways shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

011

Development shall not commence until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided on site in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- I. the numbers, type and tenure of the affordable housing provision to be made which shall consist of not less than 6 no. 2-bed affordable housing units and 2 no. 3-bed affordable housing units;
- II. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no registered provider is involved);
- III. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing (including any exclusions and qualifications), and;
- IV. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To ensure the provision of affordable housing in compliance with Core Policy 1 of the Newark and Sherwood Core Strategy DPD (Adopted 2011).

### **Notes to Applicant**

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Councils website.

02

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

03

In order to carry out the off-site works required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans 0115 804 0015 for details.

#### BACKGROUND PAPERS

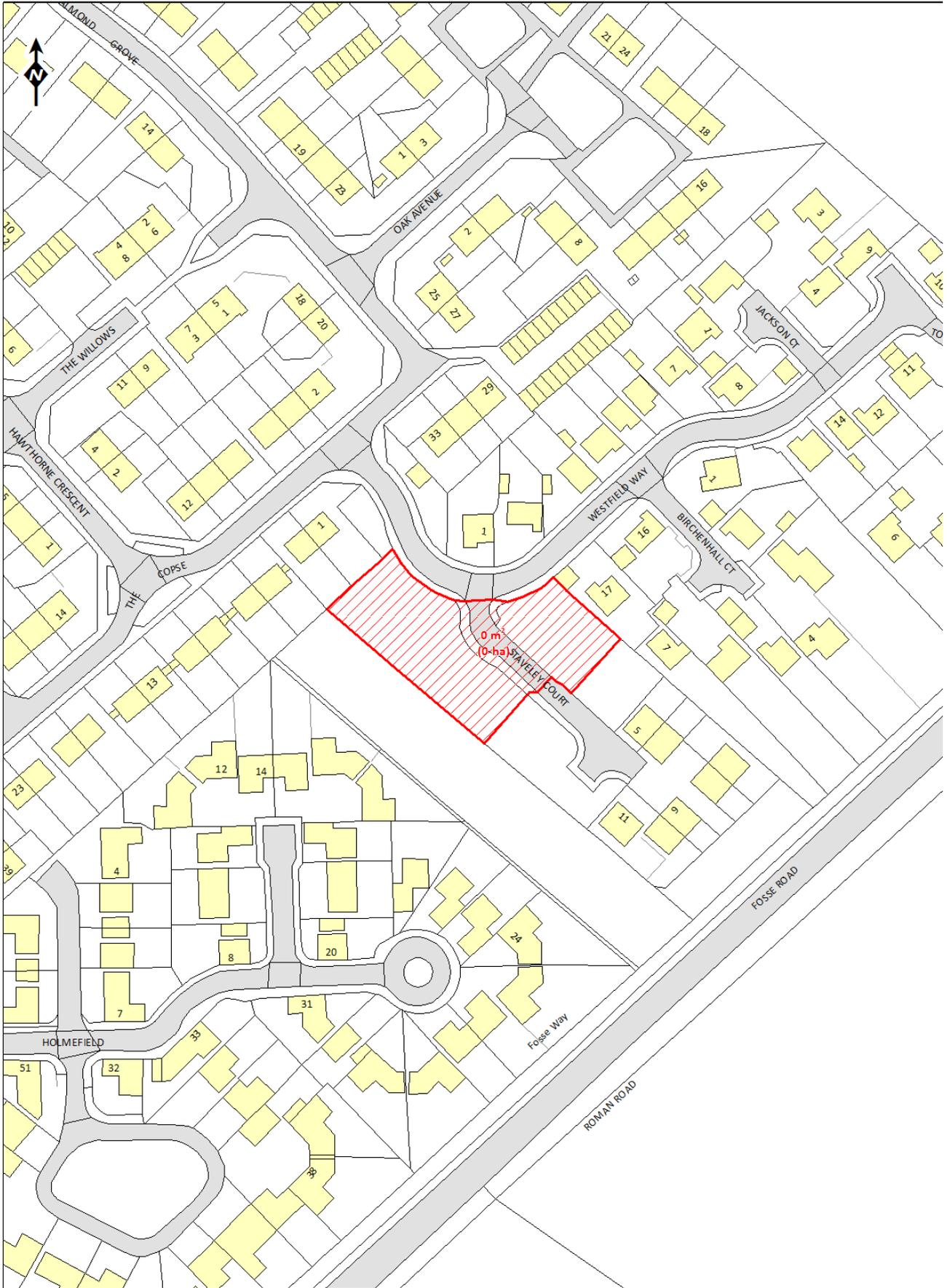
Application case file.

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

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

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

Committee Plan - 17/00218/FUL



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<b>Application No:</b>	<b>17/00665/FUL</b>	
<b>Proposal:</b>	<b>Proposed new dwelling and double garage</b>	
<b>Location:</b>	<b>White Cottage Farnsfield Road Bilsthorpe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Wycar developments Ltd – Mr Stephen Ward</b>	
<b>Registered:</b>	<b>6<sup>th</sup> April 2017</b>	<b>Target Date: 1<sup>st</sup> June 2017</b>

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

The Site

This application relates to circa 0.0324ha area of rectangular land which forms part of the extensive garden of the adjacent property to the south, White Cottage. The site lies to the southern edge of the built up area of land within the defined village envelope of Bilsthorpe. The land currently predominantly comprises areas of hard surfacing used for storage of a construction vehicle and other mechanical and construction paraphernalia. It is bounded to the north by circa 1.8m high hedging between the site and the side elevation of the adjacent dwelling, Woodlands and by the brick elevation of the garage serving this neighbouring property. To the west there is currently a line of trees which separates the site from the remainder of the garden.

The neighbouring property, Woodlands, is a traditional two storey detached dwelling with lean to structure to the rear. This property has a ground floor kitchen and hall window and entrance door and a first floor landing and bathroom window to the side elevation facing the application site. There is also a ground floor window to the rear elevation which serves the kitchen.

White Cottage itself is a large 2 storey pitched roof, white rendered detached dwelling with single storey additions to the rear and is defined as a Local Interest building and as such is a non-designated heritage asset. It is sited close to the substantial mature hedging along the Farnsfield Road boundary.

The surrounding area comprises a mix of traditional and more modern single and two storey dwellings with a variety of external materials.

There is an existing access from Farnsfield Road.

Relevant Planning History

17/00596/FUL – An application has been received by the District Council seeking full planning permission for the erection of a new single storey on land to the rear of the application site to which this report relates and which would share the same access. This application is being represented to the Planning Committee as part of this agenda.

## The Proposal

Full planning permission is sought for the erection of a two storey detached dwelling and a detached double garage. The dwelling would be located circa 1m from the side boundary with the adjacent dwelling, Woodlands and set back a minimum of 4.5m from the highway.

The proposed dwelling measures 9.9m in depth and 6.8m in width and has an eaves height of 4.8m and a ridge height of 7.2m.

The proposed pitched roof garage would be located some 8m to the rear of the proposed dwelling accessed from the existing driveway serving White Cottage. It would measure 5.5m in width and 5.3m in depth with an eaves height of 2.2m and a ridge height of 5.3m.

External materials are proposed to be slate grey Redland Stonewold concrete interlocking roof tiles, Oast Russet sovereign stock brickwork, cedar board cladding and white render.

The property would be served by a rear garden with a depth of some 8m.

A Design and Access Statement has been deposited with the application which outlines the description of the development, the context of the proposal, planning policy and justification, design constraints, opportunities and principles, amount, layout appearance, landscape, scale and access. It concludes that the proposed development has fully taken into consideration opportunities and constraints and is of appropriate size and scale to the adjacent built-up area and the capacity of local services and infrastructure. The development would have no detrimental effects on flood risk, highway safety, amenity or the character of the locality. The site is in a sustainable location with access to a range of services and facilities, and the quantum of development proposed is of a scale that can be readily integrated into the immediate locality and create a good relationship with surrounding properties. The proposal is therefore policy compliant.

## Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter and a site notice has also been displayed near to the site.

## **Planning Policy Framework**

### **The Development Plan**

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

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

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

DM1 – Development within settlements central to delivering the spatial strategy

DM5 – Design

DM7 - Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

**Bilsthorpe Parish Council** – Objections are raised due to limited parking and access.

No further comments have been received following reconsultation on the revised layout plans.

**NCC, Highways Authority** – This application is for the construction of a new dwelling within the existing curtilage of White Cottage, using the existing access which is to be improved to accommodate the additional dwelling. A further application (17/00596/FUL) for one new dwelling to the northwest of the application site has recently been submitted with identical proposals for the access improvements included, and is yet to be determined. The existing shrubbery and brick pillars at the site frontage will require removal to achieve the required visibility splays. The pedestrian visibility splays shown on block plan 525-01 Rev A should be measured from the back edge of footway.

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 improved dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the visibility splays shown on plan 525-01 Rev A are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

3. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

4. No part of the development hereby permitted shall be brought into use until the parking area for the existing dwelling (White Cottage) is provided in accordance with plans to be first submitted

to and approved in writing by the Local Planning Authority. The parking shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

5. No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Note to applicant

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

**NSDC, Environmental Health (Contamination)** - Aerial photography shows that numerous cars have been stored at the proposed application site for prolonged periods in the past. In addition Environmental Health records reveal that there was a large fire at the application site. There is clearly the potential for contamination to be present as a result of these factors, I would therefore suggest the use of our full phased contamination condition.

**East Midlands Building Control** - The cladding will require to comply with the requirements of the building regulations mainly section B4 External fire spread. The cedar cladding will be required to comply regarding distance from boundary and adjacent buildings and considering this is the front of the building will not be an issue. The rendering will not be an issue as this is normally rendered on to the masonry. This detail will be checked when the building regulations application is received

**NSDC, Access and Equalities Officer** - As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. It is also recommended that the developer make separate enquiry regarding Building Regulations matters.

**One** letter of representation has been received from an interest/third party raising concerns summarised as follows:-

- The development would result in overshadowing
- The proposed building would be out of character with the surrounding area in terms of appearance and external materials;
- Surface water dealt with by soakaways is not acceptable.
- Impact of the height of the hedgerow to be retained.

## Appraisal

### **Principle of Development**

The site is located within the village envelope of Bilsthorpe which is defined as a Principal village as set out in the Settlement Hierarchy, Spatial Policy 1 of the Core Strategy. The principle of new housing is therefore considered to be acceptable subject to site specific assessment. The proposal is therefore considered to accord with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle.

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

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

The application site falls within a residential area which has a mix of traditional and more modern single and two storey semi-detached dwellings with a mix of render, brickwork and roof tiles.

The proposed dwelling would sit between two storey detached properties of different styles and appearances, one being a rendered cottage and one a traditional 1930s brick dwelling. Its siting follows the front building line of these adjoining dwellings. I am mindful that the existing 2m high fencing to the front boundary will be removed which will open up views into the site and improve the visual quality of the streetscene. However, it is also considered reasonable that should Members be minded to grant permission a condition should be attached to secure some planting to the frontage (being mindful of the required visibility splay) to more reflect the boundary hedges to the fronts of the adjoining properties.

I am mindful that the proposed materials include render and cladding to the front and part side elevations of the proposed property. The render would reflect that of the adjoining property, White Cottage and the rendered panel on the neighbouring properties Woodlands and Northdene. Although the panel of cedar cladding is not a common feature in the area I am of the view that given its fairly modest amount and taking account of the different external materials within the vicinity of the site, this would not so impact on the character and appearance of the site and its wider context to justify refusal on these grounds.

Paragraph 135 of the NPPF relates to impact of a proposal on the significance of a non-designated heritage. This states that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm to or loss and the significance of the heritage asset. I am satisfied that the scheme would not be detrimental to the setting of the White Cottage, the Local Interest Building to warrant refusal of planning permission.

Notwithstanding this I consider it appropriate to recommend the removal of permitted development rights to allow the local planning authority to retain control over future development within the plot so as to limit the overdevelopment of the plot.

Taking these factors into account I consider that, on balance, the form, layout, scale, design and appearance of the proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area. The proposal therefore complies with Core Policy 9 and Policy DM5 in this regard.

### **Impact on Residential Amenity**

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

I note that a revised layout plan has been deposited which reflects more accurately the relationship between the proposed dwelling and the boundary with the adjoining property to the north.

Comments received with regards to impact on amenity are acknowledged. In relation to existing boundary hedges, these are shown to be retained on the proposed layout. Future maintenance would be a private matter.

I am mindful that Woodlands has a ground floor kitchen window to the side elevation immediately facing the application site. It is accepted that the proposal, being south of this dwelling, would have some impact upon this window in terms of outlook and overshadowing. However, the kitchen is further served by a window to the rear elevation and there would be a separation distance of some 5.5m between the dwellings. Bearing this in mind I am of the view that on balance, any impact would not be so significant to justify refusal on these grounds.

Given the siting of the proposed dwelling, its relationship with the adjacent dwellings together with existing and proposed boundary treatments and taking into account the position of proposed windows, I am satisfied that the proposal would not result in any undue overlooking or loss of privacy.

I am of the view that the proposed dwelling has been afforded private amenity space within the rear garden which I consider to be commensurate to the size of the dwelling.

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

### **Impact on Highway Safety**

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

The comments of the Parish Council with regards to limited parking and access are duly noted. However, the Highway Authority raises no objection to the proposal subject to the suggested

conditions noted within the consultation section of this report which are considered reasonable should Members be minded to grant permission.

I am therefore satisfied that the proposed scheme provides an acceptable shared access and appropriate off street parking spaces so as not to result in highway safety dangers to justify refusal on these grounds. The proposal is therefore considered to accord with Policies SP7 and DM5.

## **Other Matters**

### **Contamination**

I am mindful that the application site has previously suffered a serious fire incident which destroyed a number of vehicles that were being stored on the land. The comments of the Environmental Health Officer are duly noted and given this site history it is considered reasonable to attach the suggested contamination condition should Members be minded to grant permission to ensure that the development can be carried out safely and to safeguard future occupiers of the proposed dwelling.

### **Drainage**

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 requires new development proposals to pro-actively manage surface water.

The site lies in Flood Zone 1, at lowest risk of flooding. Dwellings are appropriate in this location. Notwithstanding this a condition is suggested should permission be granted requiring the submission of drainage details in order to control surface water run-off and foul sewage disposal.

I have consulted with East Midlands Building Control regarding the cladding and note that the proposed cladding would be required to comply with current Building Regulation legislation.

## **Conclusion**

Taking the above into account I am of the view that the proposed development would have an acceptable relationship with the character and amenity of the area, the amenity of the occupiers of adjoining and nearby properties and I consider that there are no highway matters sufficient to justify refusal on these grounds and other matters can be adequately dealt with through conditions.

## **RECOMMENDATION**

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

01

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

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

02

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

Scheme Design (excluding Block Plan) – drawing no. 525-01 Rev A

Revised Block Plan received 28<sup>th</sup> April 2017

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application, as stated on drawing no. 525-01 Rev A, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

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

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

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

hard surfacing materials; and

an implementation and phasing plan.

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

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

Reason: In the interests of highway safety.

07

No part of the development hereby permitted shall be brought into use until the visibility splays shown on plan 525-01 Rev A are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

08

Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

09

No part of the development hereby permitted shall be brought into use until the parking area for the existing dwelling (White Cottage) is provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority.

The approved spaces shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

10

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

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

11

Prior to the first occupation of the dwelling hereby permitted, the boundary treatments shown on the approved Block Plan deposited on the 28<sup>th</sup> April 2017 shall be implemented on site and shall then be retained in full for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

12

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

#### Part A: Site Characterisation

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

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

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

#### Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

#### Part D: Reporting of Unexpected Contamination

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

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

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

13

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

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Reason: In the interests of visual and residential amenity.

## **Informatives**

01

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

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

02

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

03

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

### **BACKGROUND PAPERS**

Application case file.

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

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

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

Committee Plan - 17/00665/FUL



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<b>Application No:</b>	<b>17/00911/FUL</b>	
<b>Proposal:</b>	<b>Development of 2 bungalows (re-submission of 17/00196/FUL)</b>	
<b>Location:</b>	<b>Land opposite 40-46 Wolfit Avenue, Balderton</b>	
<b>Applicant:</b>	<b>Newark and Sherwood Homes</b>	
<b>Registered:</b>	<b>12<sup>th</sup> May 2017</b>	<b>Target Date: 17<sup>th</sup> July 2017</b>

**This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high on the Council’s agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council’s constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.**

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

The Site

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

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

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

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

Relevant Planning History

**17/00196/FUL** - Development of 3 x 2 bed residential bungalows on the same site. This application

was presented to the Planning Committee on 4<sup>th</sup> April 2017 with a recommendation for approval. However Members **refused** the scheme on the grounds that:

*In the opinion of the Local Planning Authority, the proposed development will result in the loss of existing public open space, which is of value particularly in terms of visual amenity. The loss of the open space would be detrimental to the character and visual amenities of the area and could set a precedent which could be too easily repeated. Furthermore the proposed development is considered to be over intensive development which would harm the character and appearance of the area. Whilst the benefits in terms of the delivery of affordable housing are noted it is not considered that these or any other benefits would outweigh the identified harm. As such the development is considered to be contrary to Spatial Policy 9 (Sustainable Design) of the NSDC Core Strategy (2011) and Policy DM5 (Design) of the NSDC Allocations and Development Management DPD (2013) as well as the NPPF, a material consideration.*

### The Proposal

Full planning permission is now sought for a pair of single storey semi-detached dwellings each with two 2 bedrooms that would be made available for the social rented (affordable) market.

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

Four car parking spaces are proposed to the north of the proposed bungalows, arranged as a group of 4 spaces two across and in tandem.

Land to the north (that on the previous scheme sought to accommodate a detached dwelling) would remain as open space and is now excluded from the red line of the application site.

The plans submitted which are being considered are:

Site Location Plan – 40860/ID063/001C

Proposed Site Layout – 40860/ID063/007A

Proposed Plan and Elevations - 40860/ID063/005.

### Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter.

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1 - Settlement hierarchy

Spatial Policy 2 - Spatial distribution of growth

Spatial Policy 6 - Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 1 - Affordable Housing Provision

Core Policy 3 - Housing Mix, Type and Density  
Core Policy 9 – Sustainable design  
Core Policy 10 - Climate Change  
Core Policy 12 - Biodiversity and Green Infrastructure  
NAP1 – Newark Urban Area

### **Allocations & Development Management DPD**

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

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

#### **Balderton Parish Council – Object**

‘After careful consideration members considered the development is taking up yet more green space and they have concerns regarding access to properties on Everest Court.’

#### **NCC Highways Authority – Comments as follows:**

“It is preferred if two parking bays are positioned adjacent each dwelling, however, the layout does provide adequate parking provision i.e. two spaces per dwelling.

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 2 dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority’s specification to the satisfaction of the Local Planning Authority. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveways to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development. **Reason:** To ensure surface water from the site is not deposited on the public highway causing danger to road users.

### **Note to applicant**

The development makes it necessary to construct 2 vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You

are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.”

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

**NSDC Emergency Planner** – Advice was sought from the emergency planner in response to concerns raised by local residents in relation to the previous refused scheme which remain of relevance:

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

**FOUR representations have been received from interested parties/neighbours in relation to the application (objecting and raising concerns) which can be summarised as follows:**

- The triangular piece of land to side of designated parking for the new bungalows should be developed as parking relief for local residents as it is difficult for residents to park particularly those with disabilities.
- Question whether removal of one bungalow makes the other two invisible?
- Question whether the Planners would like to see young children play on the road instead?
- Question how fire engines are supposed to access Everest court?
- No provision being made with the revised plans on emergency vehicle access to the properties on Everest Court.
- Parking would still be an issue as no provision has been made for parking of the current residents on Hilary Way or Everest Court as this will greatly be reduced with the building of these properties and add to the issues of road safety on Wolfit Avenue.
- Land could be put to better use by creating either a safe area of parking for local residents or a safe area for children to play as there is no current safe play area on what is a family focused estate.
- Revisions do not resolve previous issues
- Still concerned regarding the emergency access

#### Comments of the Business Manager

##### Principle of development

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

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

### Impact on the Character of the Area

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

Members of the Planning Committee refused the previous scheme for 3 units which would have developed all of the site on the basis that it would result in the loss of public open space, which they felt was of value particularly in terms of visual amenity. Members also considered the loss of the open space would be detrimental to the character and visual amenities of the area and would be over intensive for the site.

In an attempt to address the concerns raised, this revised scheme essentially removes the northern-most unit leaving this triangular shaped plot (c238m<sup>2</sup>) undeveloped thus retaining some open space.

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

The two proposed dwellings are single storey of a modest scale with pitched roof with gabled feature above the main frontage window which provides interest by breaking up the roofspace. There are other single storey bungalows in the vicinity and these would not be out of keeping. The bungalows are reasonably attractive and would provide a frontage to the roadside and assimilate well with the existing dwellings in the vicinity and I find that the design, which is identical to the dwellings previously proposed, is acceptable. Clearly the loss of some of the open landscaped area would change the character and appearance of the area, but this is now more limited and is not so detrimental that it should be a constraint to the development. However Members will need to consider whether the removal of one plot would overcome their previous concerns.

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

If Members are minded to approved the scheme, conditions are recommended to ensure that the external materials, boundary treatments and landscaping proposals are appropriate. However subject to these, I am satisfied that the design of the proposed dwellings is acceptable and that in terms of appearance the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting in accordance with the identified policies.

### Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither

suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

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

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

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

Both of the proposed dwellings would have a private rear garden area of an appropriate size commensurate to the dwelling itself. No details of the boundary treatments have been provided albeit the layout indicates this would be heavily reliant on soft planting. I consider that this is appropriate given that the rear boundaries would enclose the footway and would be a new outlook for those dwellings to the north-west which should be as attractive as possible. This is a matter that can and should be controlled by condition and a note setting out expectations is suggested as a note to the applicant.

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

### Highway and Parking Impacts

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

Members may recall that existing issues of inconsiderate parking on Wolfit Avenue were raised as part of the consultation period by local residents on the previous refused scheme. However as Members will be aware it is not the role of this application to rectify existing problems but rather to ensure these are not made worse. It is important to note that the existing site is not a parking area but is open green space and therefore there should be no displacement of cars onto the highway.

The parking arrangements for these two dwellings remain as previously proposed with the provision of two off-street parking spaces per dwelling which are sited over an existing water easement. The Highways Authority commented previously that in their experience that owners prefer to park their vehicles adjacent to their property and that they had a concern that the scheme would result in further on street parking in the area, instead of using the parking spaces provided and recommended the layout be amended but stopped short of raising an objection. On this revised scheme the Highways Authority have stated a preference for parking immediately

adjacent to each property but have not objected on this basis subject to the inclusion of conditions.

On the basis that the Highways Authority have not raised an objection and that the scheme will deliver sufficient spaces to cater for the two bungalows it proposed the scheme is considered acceptable. It would not be reasonable grounds to refuse the application on the basis that this would lead to more on-street parking as a result of the development and is not one that could be sustained at appeal.

## **Other Matters**

### *Emergency Access*

Members may recall that many local residents previously raised concerns that there would be a loss of what they see as being an emergency means of access to their properties in an emergency situation. Some properties in the vicinity have no direct vehicular access, for example those on Everest Court to the south-west. Residents raised concerned that the loss of the green space which some use as access for large deliveries etc. would put residents at risk if there was a fire or if a resident required an ambulance.

The Council's Emergency Planner was consulted on the matter and stated:

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

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

### *Construction Matters*

It is noted that some residents previously raised concerns regarding the construction stage of the development stating that lorries and equipment should be aware of safety and any mess from the construction should be returned to its previous state. Comments were made that this stems from their previous experiences of development on this road including early morning starts and machinery blocking pavements. Given the low numbers of dwellings it is not considered to be proportionate or necessary to impose a construction method statement condition or construction hours given that concerns such as statutory noise nuisances could be dealt with by our Environmental Health Officers if they became an issue. However a note to the applicant to be mindful of these concerns is suggested for awareness.

### *Drainage*

The site lies within a wider area prone to surface water run-off. Given the scale of the development and the relatively low risk from flooding this is not a matter that the Lead Local Flood Risk Authority would offer comments upon. However I consider that a condition to provide details of both surface water discharge and foul sewerage disposal would be prudent to ensure the details area satisfactory.

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

### *Ecology*

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

The loss of the tree and bushes on site is unlikely to cause harm to nesting birds or other protected species and I therefore do not consider it necessary or reasonable to attach any conditions (in any case wildlife is afforded protection by separate legislation) to safeguard against harm.

### *5 Years Housing Land Supply and Affordable Housing Stock*

This proposal will make a small but nonetheless positive contribution to the Council's 5 year housing land supply and a valuable contribution to the affordable housing section through social rent. It should be noted that a scheme for 2 dwellings would not require any affordable dwellings albeit this is welcomed. However given that the scheme is acceptable in any event, I do not consider that it is necessary to secure the housing as such as this does not need to be weighed in the balance.

### **Planning Balance and Conclusion**

The applicant has sought to overcome the concerns raised by Members through the loss of one unit and the retention of the public open space to the north, retaining a sense of openness. Members will need to consider whether in their view this would overcome the harm they previously identified and whether the scheme would be overly intensive. The Parish Council have objected to this scheme although it is noted they previously supported the scheme for three bungalows on this site.

It remains the professional officer view that the scheme is acceptable in terms of its impact on the character of the area, highway safety/parking, wildlife, flood risk and upon neighbouring amenity.

I have been assured that the proposal would be highly unlikely to have a negative impact in terms of safety of residents and I do not consider the loss of the green space to be unacceptable. This proposal would deliver much needed affordable housing which is meeting a local identified need and would positively contribute to the Council's 5 year housing land supply which weigh in favour of the scheme. As such I recommend that planning permission be granted.

## **RECOMMENDATION**

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

### **Conditions**

01

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

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

02

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

Site Location Plan – 40860/ID063/001C  
Proposed Site Layout – 40860/ID063/007A  
Proposed Plan and Elevations - 40860/ID063/005.

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

Reason: So as to define this permission.

03

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

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants,

noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

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

boundary treatments; and

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

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

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

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

07

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

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

08

No part of the development hereby permitted shall be brought into use until 2 dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

09

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

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

### **Notes to Applicant**

01

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

02

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

03

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

04

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

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Councils website.

05

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

06

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

#### **BACKGROUND PAPERS**

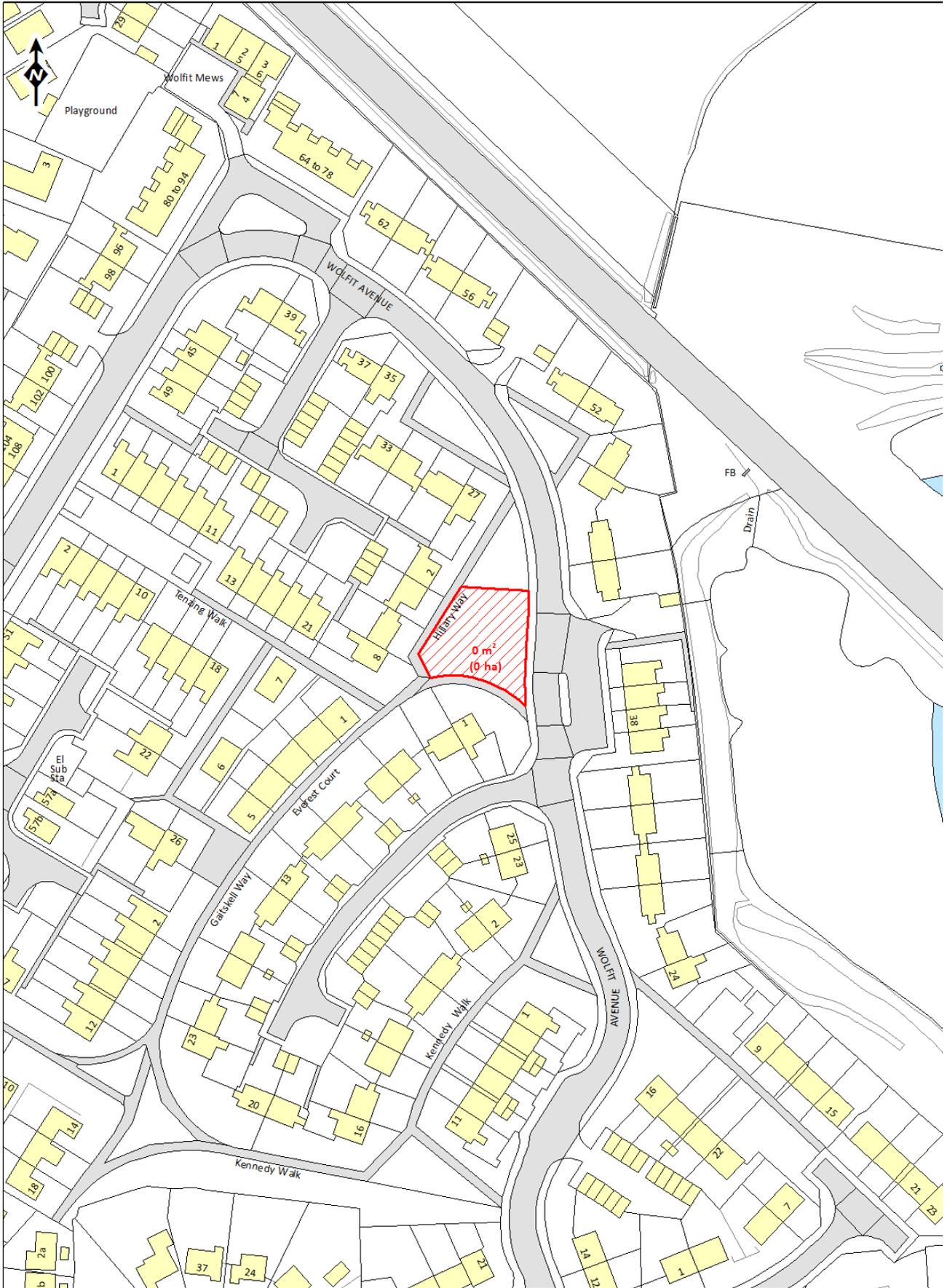
Application case file.

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

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

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

Committee Plan - 17/00911/FUL



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<b>Application No:</b>	<b>17/00147/FUL</b>	
<b>Proposal:</b>	<b>Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective)</b>	
<b>Location:</b>	<b>Robin Hood View Caravan Park Middle Plantation, Belle Eau Park, Bilsthorpe</b>	
<b>Applicant:</b>	<b>Mr J Kennedy</b>	
<b>Registered:</b>	<b>25<sup>th</sup> January 2017</b>	<b>Target Date: 27<sup>th</sup> March 2017</b>
	<b>Extension of time agreed until 7<sup>th</sup> April 2017</b>	

This application is deferred from the 4 April 2017 planning committee. The reasons for deferring the application are;

- **To obtain clarity in terms of whether there was a restriction on the original permission in terms of no. of caravans stored (as opposed to being there for holidays), whether there was a condition on the consent relating to landscaping as the hedgerow has been removed.**
- **Seek clarification from the Environment Agency regarding any permit for the septic tanks as there are concerns about sewage in adjacent fields.**
- **Possible concerns regarding external lighting.**
- **Need to look again at the wording of the conditions as members were concerned that a caravan could remain on site permanently which is contrary to touring nature (currently only currently controls occupation not the fact that caravans could be there)**

***This application is deferred again from the 9<sup>th</sup> May 2017 planning committee. The reasons for deferring the application are;***

- ***Deferred to allow report from environmental health to be presented to the next meeting of the Planning Committee.***

***For ease of reference additional text added to the report following the 9<sup>th</sup> May Planning Committee is in bold and italicised.***

#### The Site

The site occupies a hill top location within the undulating open countryside which is accessible via a single track private driveway which leads through Belle Eau Park industrial estate. The wider site is generally open in character and contains 2 large agricultural buildings to the south east of the site. Overall the wider existing touring site comprises c2.41 ha. There is a residential dwelling house located to the north-west corner and an amenity building for the caravan site close to the entrance.

The wider site is presently in use as a holiday park for 30 holiday caravans and for the storage of caravans, subject to a planning permission granted in 1997. The site is partly enclosed by an earth bund along the southern boundary of the wider site and the application site.

The site is visible from the main A617 (Kirklington Road) highway due to its elevated position.

The red line of the application site is located to the west of the original caravan park and comprises c0.56 hectares. This was formerly scrubland and is bound by a deciduous hedgerow to the west, mature trees to the north and east (which are still in situ).

The site is within the Open Countryside and is designated as being within the Sherwood Forest Regional Park.

### Relevant Planning History

46911253 – Establishment of a holiday caravan park (25 vans)

FUL/961279 (96/50813/FUL) – Replacement office with reception and toilet facilities and use of land for touring caravans and storage of caravans, a condition was imposed restricting the siting to 30 holiday caravans. **The permission authorised the use of the area to the south of the site, which is currently being used for caravan storage, for this use. There was no restriction placed on the numbers of caravans that may be stored. A condition was imposed that required details of a landscaping scheme. The scheme was required to be retained for a period of four years. There is no details on the file as to whether a scheme was submitted. Regardless, the period for retaining any such scheme would now have expired.**

10/00261/FUL - Proposed use of land for the siting of 30 timber cabins (caravans) for tourist use plus reception/site managers accommodation. Refused by LPA but approved by appeal. This was instead of the caravan use (not in addition) but was never implemented. The permission has now time expired.

16/00180/ENF – A complaint was received regarding the provision of additional caravan pitches at the site and was duly investigated. The applicant was advised that the only way in which the proposal may be acceptable would be to apply for permission so that appropriate mitigation and controls could be secured on the site in the event that permission was forthcoming. No such application was submitted and therefore the visual harm identified could not be secured. Officers therefore had no choice but to issue a planning enforcement notice in September 2016 alleging to following breach(s);

- A. Without planning permission, development consisting of works to alter the level of land shown hatched on the attached plan
- B. Without planning permission, development consisting of the material change of use of land shown hatched on the attached plan to use for the stationing and positioning of caravans.
- C. Without planning permission, development consisting of works to create an earth bund along the South boundary of the land shown edged blue on the attached plan (the annotated plan shows the general position of the earth bund and may not be the exact line as it may be subject to distortions in scale).

Then enforcement notice was subsequently appealed, however prior to a decision being issued the application being considered was submitted and the enforcement notice was therefore

withdrawn pending the outcome of this application.

### The Proposal

Planning permission is sought to undertake works to the west of the existing caravan park in order to facilitate the siting of a maximum of 15 additional touring caravans. The applicant is marketing this particular part of the site as an adult only section to cater for couples who prefer quieter pitches with the remainder of the site catering for families with children.

The proposed works include alterations to the ground levels, creation of an earth bund and areas of landscaping to separate the 'pitches'.

The application is retrospective in that all 15 pitches are laid out with hard standing. In doing so the land has been levelled and the earth bund extended across its southern boundary. It is understood that the works were undertaken approximately one year ago.

### Departure/Public Advertisement Procedure

Occupiers of nineteen properties have been individually notified by letter.

### **Planning Policy Framework**

#### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

ShAP1: Sherwood Area and Sherwood Forest Regional Park

*Allocations and Development Management DPD Adopted July 2013*

Policy DM5: Design

Policy DM7@ Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in favour of Sustainable Development

*Other Material Planning Considerations*

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Landscape Character Assessment SPD, December 2013

### Consultations

**Kirklington Parish Council** – Object to the proposal with the following concerns:

Over intensification of the site

It is felt that the proposed numbers would be too great for the site, which is a Health and Safety concern as well as a practical one. It doesn't appear that the initially proposed 30 caravans are in place so it does not seem wise to extend numbers further without being able to see if these are effectively placed. Previous comment/advisory from Environmental Health stated that plans showed only 3m separation, instead of 6m, and that site roads were not wide enough – attention to this would need to be demonstrated.

#### Environmental concerns

It is felt that insufficient information was provided about waste management – occasions of sewerage draining onto a surrounding field already poses a problem which would only be exacerbated with increase in site usage. Further details would be needed to show how the site would effectively and safely manage waste. For example, information was not available to show that the required consent to discharge permissions had been granted. Additionally, mains water pipes are exposed and open to the elements in places which could have an impact on the safety of the water to the site.

Insufficient information has also been provided about the safety of materials used on, and around, the site. Buildings that have been pulled down and/or buried may have contained asbestos which could continue to be hazardous in the event of contaminated land being moved. There is also uncertainty with regard to how local hedges have come to be in a poor state of health – it is possible that substances have been applied to them. In both cases, further research into the safety of the land within the boundaries would provide additional facts, and reassurance.

The website states that it is a secluded environment, however, the removal of trees and hedges in/around the site, along with its raised profile, means screening is inadequate and the site can be seen from some distance away. Visitors may not get the privacy/seclusion they're expecting and the removal of vegetation does not enhance the local area in terms of visual aspect or provision of food/shelter for local wildlife.

#### Accessibility

The road to the site is narrow, with few passing places, and is not suitable for increases in traffic volumes that greater visitor numbers would bring. It is also likely to bring practical problems in terms of transporting cabins (even in sections).

#### Unproven demand

The demand for the increase has not been evidenced – the site, historically, does not appear to have been fully utilised and information provided does not demonstrate how the predicted numbers have been reached.

**Bilthorpe Parish Council** - Bilthorpe parish council discussed the above application at their meeting on Monday 13 February and voted to no objections. However due to further information that has come to light and that we understand this application should have gone to Kirklington Parish Council, Bilthorpe Parish council at their meeting last night (13/3/17) would like to request that their no objections be withdrawn.

**Cllr P Rainbow, the Local Ward Member** has formally requested that the Robin Hood caravan park application is 'called in' and go before the planning committee on the basis of:

“Concerns are much the same as those of Kirklington Parish Council.

Over intensification of the site.

Environmental concerns, including health and safety and lack of maintenance.

Access issues.

Unproven demand.”

**NCC Highways Authority** – This is a retrospective application for the siting of up to 15 additional caravans for holiday use. This is not expected to have a significant effect on the public highway, therefore, there are no highway objections.

**Environmental Health** – Currently this site benefits from a caravan site licence for holiday use from Environmental Health. The site has recently been inspected and it was noted that there is a new adults area which provides additional pitches.

It appeared with these that there were more pitches at the site than permitted caravan numbers allowed under the licence – although the site was not fully occupied due to the time of year.

Otherwise the site appeared in good order, with modern facilities and was generally compliant with the other licence conditions – inspection form attached.

Support this proposal to regularise the additional pitches to allow the permitted licence numbers to increase.

**Trent Valley Internal Drainage Board** – The site is outside of the IDB district but within the boards catchment. There are no IDB maintained watercourses in close proximity to the site.

The suitability of soakaways should be ascertained and should be designed to an appropriate standard.

**Access and Equalities officer** - It is recommended that the developer be advised to give consideration of inclusive access to and around the site. Access to available facilities and features should be carefully considered, particularly pedestrian routes

**Representations have been received from 48 local residents/interested parties (many of whom appear to be customers providing positive testimonials for the adult only section of the site) which can be summarised as follows:**

- Concerned about the impact of additional pedestrians from the new pitches.
- Considers that a former chicken unit/ storage building has been demolished elsewhere onsite.
- A wooded area has been removed to the South West of the site
- Considers that the works undertaken exceed the previous planning consents.
- Considers that some of the caravans onsite are being permanently resided - which would be a breach of the 2010 permission.
- Part of the access lane/ track falls outside of the applicant’s ownership.
- Concerned about the potential for noise disturbance from the new area of the site.
- Concerned about additional waste from the site and how this will be kept within the

margins of the site.

- Consider that the land may be contaminated.
- Question why no hours of opening have been submitted and concerned about the effect of hours of operation.
- Request that a tree survey be submitted as consider that a large number of trees have been removed from the land.
- Requests that should planning permission be granted, conditions are imposed to require details of parking provision as consider that this is currently lacking.
- Does not consider that the proposed earth bund is a satisfactory screen for the site and requests further planted screening.
- Concerned about flood risk from the works that have been undertaken.
- Does not consider that the proposal will comply with the local plan in regard to the impact of the proposal on the character and appearance of the site.
- Requests that the application be refused as considers that a lack of detail has been submitted.
- Requests that the application be determined by the planning committee.
- Considers that the additional space provides a positive extra area to the site for people without children.
- Comments that the land was previously infested with vermin and the works are therefore a benefit.
- Consider that the works to the new area are a benefit aesthetically.
- Supports the 'adults only' element of the site.
- Considers that the proposal has boosted the local economy by increasing tourism to the area.
- Notes that there are now less vermin on the adjacent industrial estate.
- Comments that there have been improvements in the access track leading up to the site.

## **Appraisal**

### **Preliminary Matters**

The 1997 planning permission for the caravan site (96/1279) appears to relate to the entire site (including this application site) albeit the quantum of pitches was restricted to the amount that was applied for 30, which were laid out elsewhere on the site. Therefore in essence this application seeks retrospective consent to increase the number of caravans from 30 to 45 and the retrospective alterations to the land to accommodate the addition pitches.

### **Principal of development**

Policy DM8 accepts that within the Open Countryside, as in the case of the application site, tourist accommodation will be supported where it is necessary to meet identified tourist needs, it constitutes appropriate rural diversification, including the conversion of existing building, and can support local employment, community services and infrastructure. In addition all proposals need to satisfy other relevant Development Management Policies, take into account of any potential visual impact they create and in particular address the requirements of Landscape Character. This is mirrored by the NPPF which that in order to promote a strong rural economy, plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy DM5 requires parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

CP7 states that tourism and visitor based development, including new good quality over-night accommodation will be supported provided that “The extension of existing tourist accommodation is of a scale appropriate to the sites location and where the extension helps to ensure future business viability.”

It is noted that the vast majority of interested parties, including some local businesses that have taken the time to make representations, have supported the proposals. Regarding ‘need’ for the tourist accommodation, the applicants agent has commented that the applicant is an experienced holiday caravan park operator, running two well-established touring caravan parks in Nottinghamshire. They content that there has been rapid growth in recent years of ‘adults only’ holidays in general, and ‘adults only’ caravan parks in particular. There has also been significant growth in holidays being taken in the UK. The agent has identified that although there are 12 touring caravan sites in Nottinghamshire which are either wholly or partly ‘adults only’, 8 of these are small ‘Certified Location’ sites with minimal facilities. The existence of these ‘adults only’ sites clearly shows the demand for such facilities to be available in the County. The applicant’s comments have been noted. I am mindful that the scheme is retrospective and therefore one can assume there is a need to expand the site given the applicants investment in undertaking the works, which presumably they wouldn’t have done unless there was a need. Allowing the reasonable expansion of an existing rural based tourism development is advocated by the NPPF.

#### Impact upon the Character of the Area

Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD seek to protect the open countryside from inappropriate development.

Policy DM8 advises that tourist accommodation would be considered as being an appropriate use within the Countryside, taking into account any potential visual impact they create and address the requirements of Landscape Character in accordance with Core Policy 13. This is mirrored by the NPPF which supports rural tourism developments that benefit businesses in rural areas and which respect the character of the Countryside.

The site lies in the landscape character area Mid Nottinghamshire Farmlands Policy Zone 27 ‘Kirklington Village Farmlands’ where landscape condition is described as very poor and with moderate sensitivity giving a policy action of create according to CP13. The Landscape Character Appraisal suggests that taking the opportunity to create new hedgerows and restore existing where feasible, containing new development within historic boundaries and creating new areas of planting in order to minimise the impact of industry on the character.

In assessing the visual impact of the scheme I am mindful that the wider site comprises an existing caravan park which is confined physically by hedgerows on three sides and an earth on the southern boundary. It is proposed to increase the number of caravans but by utilizing a modest existing section of the site within the wider confines. The proposal therefore does not constitute any further encroachment into the countryside and indeed will simply make more efficient use of the land. In my view this will not be to the detriment of the visual appearance of the site, given

that there is a substantial and mature existing hedgerow to the west particularly and mature trees to the north and east. Further the existing earth bund has been extended alongside the southern boundary of the application site. The retrospective bund does not fully screen the pitches. However in considering whether the visual impact can be mitigated I conclude that with a robust landscaping scheme to be secured by condition would adequately screen the development from views and I consequently find no visual harm with the proposal. Indeed requiring the additional planting would also accord with the create policy action of CP13.

I note that the character of the site is currently that of a touring caravan park and therefore the proposal would not be an alteration to this. In terms of the appearance of the site within the wider area, I note that some trees may have been removed from the site in addition to scrub growth. This has resulted in the site being visible from land to the South as well as partial views from the A617 highway due to the sites elevated position. However it is important to note that the trees removed were not protected and could have been removed at any time without reference to the planning department.

The proposal is partially visible from the crest of the access track during times when the deciduous hedge along the western boundary is not in leaf. I therefore acknowledge that there will be some limited visual impact on the landscape character however I consider that this could be overcome by a condition requiring a suitable landscaping scheme to be submitted and implemented. Subject to this I conclude that the visual impact would be acceptable in line with the identified policies,

### Design and Layout of the Site

National and Local Policy states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments.

In this regard I note that colleagues in Environmental Health support the scheme and have indicated that should planning permission be granted the necessary license would likely be issued. Environmental Health who issue the caravan site license have confirmed that the current site license (which was transferred to the applicant in 2016) has conditions restricting the number of caravans permitted on the existing site to 30 and also specifies the density and spacing of the numbers of caravans onsite. I therefore consider that these issues will be enforced outside of the remit of the planning application.

### **Other issues**

#### *Hours of Use*

I note the comments that have been made concerning no hours of use having been specified on the application forms. However, as the use of the site is existing, and taking into account the distance to the closest residential properties I do not consider that a condition that restricts the hours of use would be reasonable in this instance, particularly as the use by its very nature is a 24 hour use.

### *Amenity and Noise*

It is noted that concern has been raised that this section of the site could generate noise. However it appears that the pitches have already been in situ for a year and over the summer period of 2016 which is likely to be the busiest season. I note that our Environmental Health Officers have not raised concerns regarding noise or that they have received complaints. Further given the distances involved to the nearest dwellings I do not consider that this is a matter that could be substantiated. I believe that the proposal would meet the needs of privacy and preserve the amenity of residents in the wider locality.

### *Removal of Trees*

With regards to the vegetation that may have been removed from the site during the creation of the caravan siting area, it appears that much of this was of poor quality and therefore I would repeat my previous comments that a soft landscaping condition could assist with screening the development from views of the site and may result in a positive contribution to the overall character of the area.

### *Land Ownership*

I note the comments that have been received with regards to issues of ownership of the access track. I am satisfied that the applicant has without prejudice served notice on the owners of all of the adjacent parcels of land. Should the occupiers of any of the surrounding land or access track refuse access then this would be a private legal matter between the interested parties.

### *Drainage/Flooding*

I have contacted the agent concerning the drainage on the application area and have been advised that no additional drainage provision is to be provided as the area has been surfaced using rolled crushed stone which is designed to be permeable. Surface water falling on the ground will soaked into the sub-soil, as before the development was commenced as it is considered that there will be any additional runoff. Given the site lies within a low risk flood zone (zone 1) and is not identified within an area noted to suffer from surface water flooding I conclude that this should not cause any harm.

With regards to foul drainage the agent has commented that the additional spaces will be accommodated by the existing toilet block and chemical toilet disposal point.

**Since the 4<sup>th</sup> April planning committee I have contacted the agent who has confirmed that the caravan park is served by 2 septic tanks which together have sufficient capacity to serve the existing and proposed. The septic tanks are emptied and transferred directly to Severn Trent Water in Mansfield by waste disposal operatives (Renascor Waste Disposal Services, Bilsthorpe) every 6 months as required. The septic tanks themselves rarely reach full capacity.**

**The agent claims that no effluent output from the septic tanks drains or leaks anywhere on the site or near neighboring land as it is stored inside the tanks and removed and disposed of away from the site. When waste disposal operatives visit the site to empty and remove waste from the septic tanks, they also inspect the tanks to ensure that they are in good working order. The septic tanks continue to operate as required, are well maintained and have no visual faults.**

I have contacted the Environment Agency who have confirmed that although the site does not have a permit for the septic tanks, a permit is not required providing that the operator meets the 'general bind rules'.

*Since the 9<sup>th</sup> May Planning Committee I have been in discussions with the Councils Environmental Health, who have carried out investigations at the site in order to establish whether there is any evidence of drainage from the application site having caused contamination of the adjacent land. Environmental Health has now concluded their investigation and has confirmed that they can find no evidence of the drainage from the application site having given rise to spillage on the neighboring land.*

*Furthermore, Environmental Health has also confirmed that should planning permission be granted, a new site license will be required and in doing so drainage from the proposed area would be controlled by such a license.*

#### *Waste Disposal*

Waste would be stored within 1100 litre 'wheelie bins' for collection by a private waste haulage contractor. If additional bins/collections are required the applicant will make arrangements with the contractors. At most times, the freighter usually visits the site once a fortnight. At peak times, it may be necessary to have the freighter visit the site once a week. The agent has commented that it is particularly important to the applicant and to his guests that the site is kept clean and tidy and free of vermin.

#### **External Lighting**

**The external lighting within the application area consists of a number of small solar powered ground lights and a string of LED lights. The agent has provided photographs of the lights at night and I am satisfied that there would be no adverse impact from the lighting which would not be visible from outside of the site. Nevertheless, I am of the opinion that the current lights would not be development in their own right owing to the nature of the lights which have effectively been pushed into the ground and are not connected via a mains power source.**

#### **Caravans in Storage:**

**With respect to concerns raised over whether caravans stationed in the storage area of the site (rather than on the designated caravan pitches) are occupied, the agent has confirmed that the caravans kept in the storage area are not occupied. The agent confirms that the caravans that Members raised concerns about are stored in a compound where they can be easily accessed and towed out of the storage compound because they are regularly rented out by the applicants. When these caravans are not occupied, they are towed back into the storage compound in order to be cleaned and aired out. This involves keeping the windows and doors open during the day, as well as hoovering and cleaning in preparation for when they are next rented out. What members observed was the caravans in the process of being cleaned and aired in preparation.**

#### **Conclusion**

The approved use of the site relates to a wider site that is already successfully operating as a touring caravan site. When approval was granted for this in the 1990's the quantum of pitches was restricted by the fact that the applicant applied for 30 pitches and this features in the description

of the development at that time. The approved layout showed the pitches were sited elsewhere on the site with this part of the site remaining undeveloped.

However this application seeks to include an additional 15 pitches specifically to cater for an adult only market. The pitches are already in situ and the earth bund proposed has also been created. In my view this proposal constitutes the reasonable expansion of an existing tourism business which is contributing to the local rural economy as advocated by the NPPF and in my view this represents sustainable rural tourism. Further the expansion has taken place within the confines of the existing site and does not encroach into the open countryside. The visual impact that this scheme would have by virtue of its elevated position can be mitigated by a condition to require soft landscaping.

I have concluded that there is no other demonstrable harm. Overall it is considered that there are no material considerations why planning permission should not be granted.

### **RECOMMENDATION**

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

01

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) full details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

Reason: In the interests of visual amenity and biodiversity.

02

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

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

03

Within the application site (as identified by the Site Location Plan referenced RHR-LP) there shall be no more than 15 pitches provided and these shall be laid out in accordance with the approved Block Plan, plan reference RHR-BP.

Reason: for the avoidance of doubt and in the interests of sustainability and amenity.

04

The pitches hereby permitted for use as holiday use shall not be occupied by the same person or persons, **nor by the same caravan or motorhome**, for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

05

The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time, and a copy of the register shall be supplied to the local planning authority at the end of each calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

### **Notes to Applicant**

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

### **BACKGROUND PAPERS**

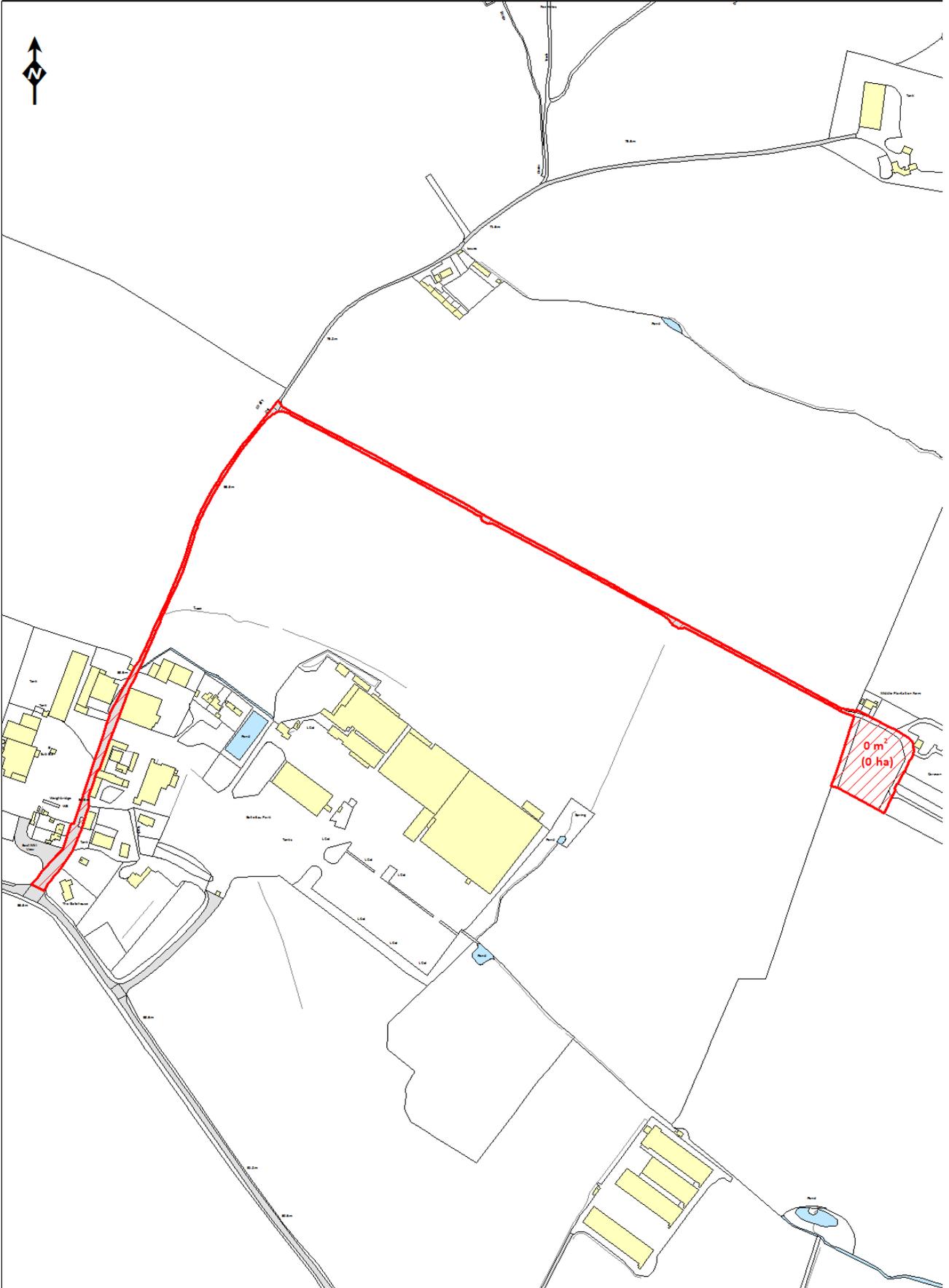
Application case file.

For further information, please contact Richard Marshall on ext 5801.

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

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

Committee Plan - 17/00147/FUL



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<b>Application No:</b>	<b>17/00582/FULM</b>
<b>Proposal:</b>	<b>Erection of 107 dwellings with associated access, parking and works</b>
<b>Location:</b>	<b>Land At Cavendish Way, Clipstone</b>
<b>Applicant:</b>	<b>Chris Gowlett - Persimmon Homes Nottingham</b>
<b>Registered:</b>	<b>03.04.2017</b> <b>Target Date: 03.07.2017</b>
	<b>Extension of Time Agreed Until 07.07.2017</b>

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

The Site

The 3.64 Ha application site is situated to the north of the settlement of Clipstone within part of a larger area allocated as a ‘Mixed Use Allocation Including Housing (Mu PP)’ with planning permission in the Allocations and Development Plan Document (DPD). The site also forms part of a larger 5.8 Ha site with reserved matters consent (application number 12/00965/RMAM) for 201 dwellings granted in February 2013. This reserved matters application was submitted in accordance with an outline planning permission for development of up to 420 dwellings, B1/employment land and associated community landscaping, open space and access roads (08/01905/OUTM) on the overall Mixed Use Allocation comprising 18.2 hectares of land granted in November 2009. The site has been subsequently parcelled into smaller development areas, which have been subject of separate reserved matters applications and consents.

The site as existing is vacant grassland with a rising gradient south westwards within the site. The boundaries are defined by hedgerows with the exception of the south east boundary which forms a close boarded timber fence along the rear gardens of the existing residential development. The contouring of the site and the bunds around the boundaries have been created as part of the implementation of the employment consent. Land to the north and south west is open countryside with the River Maun approximately 500m to the north west of the site. There is a public right of way along the north western boundary of the site. The site is within approximately 1.5 km of Sherwood Forest golf course and Clipstone Heath SSSIs. Both SSSIs are notified for their lowland heathland habitat; Clipstone Heath is an important dry acid lowland heath site in Nottinghamshire, a habitat that is nationally in decline and therefore a priority habitat.

## Relevant Planning History

*Relating solely to the application site:*

**08/01905/OUTM** - Outline planning application for the erection of up to 420 residential units. 1ha of B1 office/employment uses and associated community facilities, landscaping, open space and access roads.

*Approved 05 November 2009 subject to a legal agreement for developer contributions relating to 30% affordable housing, on-site open space, community facilities, integrated transport contribution, education contribution, off-site sports provision and buffer zone planting. A Section 106 Agreement accompanied the application (which was subsequently amended in Feb 2013) securing the following contributions:*

Contribution	Trigger
30% on-site affordable housing	No more than 60% of properties can be occupied unless AH has been completed and TF to Housing Association
Strategic landscaping buffers	To be implemented during the second planting season (1 <sup>st</sup> Oct to 31 <sup>st</sup> Mar) following commencement.
Provision of on-site community facilities (children's nursery/retail).  Community Facilities Contribution of <b>£63,654</b> (in lieu of community hall/health centre)	5 years from occupation of 100 <sup>th</sup> dwelling or upon occupation of the 301 <sup>st</sup> dwelling  Payment on occupation of 100 dwellings.
Integrated Transport Contribution of <b>£271,400</b>	No more than 100 dwellings to be occupied until contribution is paid
Off-site Sports Provision <b>£200,000</b>	No more than 100 dwellings to be occupied until half of contribution is paid with remainder to be paid before occupation of the 276 <sup>th</sup> dwelling
Education Contribution (based on required no. of primary school places at the time you reach the trigger point) It should be noted that the Education Contribution, is currently £11,455 per place (up to a max. of 45 spaces overall equating to <b>£515,475</b> ).	No more than 100 dwellings to be occupied until contribution is paid
On-site children's play space of not less than 8,400 m <sup>2</sup> (including landscaping buffers, 1,000m <sup>2</sup> of which to be a NEAP and a MUGA) with on site	No more than 100 dwellings to be occupied until children's play space is provided on site.

management company.	
On-site amenity open space of not less than 6,300m <sup>2</sup> with on site management company.	On a sliding scale upon occupation (e.g. 100 houses = 1500m <sup>2</sup> , 420 = 6,300m <sup>2</sup> )

**12/00504/OUTM** - Application to vary condition 1 of planning approval 08/01905/OUTM from 3 years to 6 years.

*Application returned.*

**12/00965/RMAM** - Reserved matters application for 201 dwellings and community facilities, environmental impact assessment application not required.

*Approved 8<sup>th</sup> February 2013.*

*Relating to adjoining sites/overall Mixed Use Allocation:*

**16/00139/RMAM** - Reserved Matters Application for Residential development of 164 dwellings and associated parking, garages, roads, sewers and open space.

*Pending consideration.*

**14/01308/FULM** - Erection of 92 Dwellings with Associated Access, Parking and Associated Works.

*Approved 16<sup>th</sup> April 2015.*

**14/02054/VAR106** - Variation of Section 106 Agreement attached to 12/00966/OUTM for Residential development of up to 180 dwellings including associated roads, sewers and public open space.

*Approved 7<sup>th</sup> September 2015.*

**13/00458/OUTM** - Renewal of extant planning permission 09/01136/OUTM - for the erection of up to 100 Residential Units, Structural Landscaping, Open Space Provision and Access Roads (Extant Permission) Please see Documents saved under 09/01136/OUTM (replacement planning permission).

*Approved 11<sup>th</sup> December 2014.*

**12/00966/OUTM** - Residential development of up to 180 dwellings including associated roads, sewers and public open space on the northern eastern part of the original site area (site area of 5.9 hectares).

*Approved 8<sup>th</sup> February 2013.*

**13/01271/FULM** - The substitution of house types on plots 30-43, 74-141 and 171-191 in association with current planning consent 11/00950/RMAM including deletion of existing plot

numbers 44-50, 142-146 and 192-210 in association with current planning consent 11/00950/RMAM.

*Approved 10<sup>th</sup> July 2014.*

**11/00950/RMAM** - Erection of 219 dwellings, associated roads and public open space.

*Approved 10<sup>th</sup> October 2011.*

**02/02296/RMAM** - Proposed new B1, B2 and B8 commercial development.

*Approved 22<sup>nd</sup> October 2003.*

**02/02293/OUTM** - Variation of condition 1 from permission 98/50350/OUT relating to the time limit for submission of a reserved matters application.

*Approved 7<sup>th</sup> March 2003.*

**01/01403/RMA** Proposed infrastructure and structural landscaping for B1, B2 and B8 development.

*Approved 15<sup>th</sup> June 2006.*

**98/50350/OUT** - Residential development (340 dwellings) industrial development and access.

*Approved 29<sup>th</sup> December 1999.*

**93/50350/OUT** - Residential development (340 dwellings) industrial development and access

*Approved 19<sup>th</sup> January 1995.*

### The Proposal

The current proposal seeks full planning permission for the erection of 107 units. The scheme has been amended during the life of the application through the submission of a revised layout received on June 14<sup>th</sup> 2017. The intention is to deliver the proposal as follows:

<u>Housetype</u>	<u>No. of beds</u>	<u>No. of Housetype</u>
Alnwick	2	22
Hanbury	3	23
Rufford	3	9
Souter	3	2
Hatfield	3	11
Beech/Clayton	3	7
Lumley	3	4
Leicester	3	10
Roseberry	4	10
Chedworth	4	7
Corfe	4	2

This revised scheme as considered equates to a total of 22 two bed units (20.5%); 66 three bed units (61.7%); and 19 four bed units (17.8%).

The original application submission was accompanied by the following documents:

- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Planning Statement
- Travel Plan

Throughout the life of the application, the following additional documents have also been submitted:

- Flood Risk Addendum
- Geophysical Report
- Landscape and Visual Statement

#### Departure/Public Advertisement Procedure

Occupiers of 85 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

A second round of consultation was undertaken on the basis of the revised plans and documents submitted during the life of the application. The overall date for the expiry of comments is 3<sup>rd</sup> July 2017.

#### Planning Policy Framework

##### The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 1: Affordable Housing Provision

Core Policy 3: Housing Mix, Type & Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

##### **Allocations & Development Management DPD**

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

Policy DM2 – Development on Allocated Sites

Policy DM3 – Developer Contributions and Planning Obligations

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

**Clipstone Parish Council** – The Council would like to object to the application as it is felt the housing type proposed would not address local need for smaller housing units.

- There will be no affordable/social housing.
- The Council is furthermore concerned that the local schools will struggle to provide the necessary places in time for the development to be completed.
- No amenities are planned as part of this phase of the development (shops, doctor's surgeries, etc).
- A further 107 dwellings will adversely affect the infrastructure which is already stretched.
- A further 200+ cars would be travelling in and out of the estate on a single access route several times a day.
- No public transport and lack of sustainable transport links (cycle paths and safe footpaths) tying the new development to the rest of Clipstone. Its at least a 15 minute walk to the nearest bus stop on 1st Avenue.

**NSDC Planning Policy** – Development in this location is considered appropriate and would be in line with the Spatial Strategy. The application site falls within a wider area which benefits from extant outline consent for up to 420 dwellings, 1ha of B1 employment use, community facilities and open space - establishing the principle of development. Following the granting of this outline consent in November 2009 a range of reserved matters and fresh outline consents have subsequently been secured. My understanding is that as of 1st April 2016 these various consents and reserved matters allowed for up to 569 dwellings (with 133 having been completed) and community facilities, although not the B1 employment use. It is also worth noting that there are reserved matters on the area subject to outline consent (12/00966/OUTM – up to 180 dwellings) pending consideration on the north of the site (165 dwellings). The portion of the wider site

subject to this application has previously formed part of a larger area on which reserved matters were agreed (12/00965/RMAM – 201 dwellings).

Prior to the lapsing of 12/00965/RMAM consents had been granted and reserved matters agreed, which covered the site in its entirety and made no provision for the B1 employment use, envisaged as part of the original outline application. On this basis I am assuming that it has been previously demonstrated to be undeliverable and so I do not intend to revisit the matter here. I do however hold misgivings over how the employment land use originally envisaged has been eroded by successive consents. Indeed my understanding is that the existing residential estate to the south was justified on the basis that it was necessary to support employment development to the north. The fact that the site is now unlikely to yield any employment use despite the support provided appears a somewhat unsatisfactory outcome.

### *Affordable Housing & Housing Mix*

Notwithstanding this my main concerns on the proposal lay with the lack of affordable housing provision and the approach to housing mix. The proposal relies on a previously submitted viability assessment as justification for the absence of affordable housing. I have been unable to find this evidence, and so at this stage would question whether it remains prudent to rely on work which may have become dated and/or been produced in support of a different phase of development. It is important that you are content that this evidence continues to provide the robust justification required by Core Policy 1 'Affordable Housing'. The fact that the site is greenfield, would have had a land value reflective of its initial consented employment land use and that the applicant has latterly been able to secure a greater level of residential development than anticipated through the original outline consent all point to the need for robust justification. My understanding is that at least one previous portion of the site has supported a commuted sum to facilitate off-site provision (though I may be mistaken). Therefore should you be unsatisfied that the viability assessment continues to provide up-to-date robust evidence the applicant should, in my view, be required to remedy this.

In terms of the housing mix proposed this is broken down as follows –

- 2 bed dwellings x 19 units (18%)
- 3 bed dwellings x 54 units (50%)
- 4 bed dwellings x 34 units (32%)

Clipstone falls within the Mansfield Sub-Area from the perspective of our Housing Market & Needs Assessment (2014), with the Sub-Area Report showing demand within the market sector to be predominantly focussed on 2 bed (32.3%) and 3 bed (24.8%) unit types, with lesser demand shown for 1 bed (17.2%), 4 bed (14.1%) and five or more bed (11.6%) units. Consequently in the absence of more detailed local information provided by the applicant, it would not be unreasonable to expect the scheme to be weighted in a way which approaches this split. The bulk of the proposal is weighted towards 2 and 3 bed units which is to be welcomed, and broadly in line with our evidence over local housing need. Although it would be preferable to see some provision of 1 bed units within the mix given the demand for this unit type. In considering this aspect of the proposal

it would be appropriate for you to also have regard to the mix secured on other portions and phases of the site and how this has, or hasn't, contributed towards meeting local housing need. The applicant may well wish to support this proposed mix on the basis of viability grounds or site specific circumstances – though I am unaware of any such case having been made. Therefore given the importance of housing mix to the creation of mixed and balanced communities I would suggest that the inclusion of 1 bed units ought to be explored.

### *Ecology & Open Space*

Both Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets, and I note that the application is supported by an Ecological Assessment. I would defer to relevant stakeholders for its consideration, though I note that the site is considered unsuitable for use by nesting Nightjar and Woodlark.

Through the same policies Suitable Alternative Natural Green Space (SANGS) would be sought to reduce visitor pressure on the Birklands & Bilhaugh Special Area of Conservation. Policy DM7 is clear in advising that the quantity and quality of SANGS shall be developed and agreed in conjunction with the District Council and Natural England. There is overlap here with the matter of open space provision here, and you will need to be content that on a site-wide basis sufficient quantity and appropriate forms of open space have been provided for.

### *Conclusion*

The proposal has the potential to be policy compliant, subject to satisfactory justification over affordable housing provision and the demonstration that the proposed housing mix is appropriate.

**NSDC Parks and Amenities Officer** – I believe the amenity open space and children's playing space requirements associated with this development form part of the Public Open Space requirement for the overall development northwest of Cavendish Drive (08/01905/OUTM). The approved outline layout for the wider development included a large area of amenity open space within the area covered by this application but on this application this area of open space is not shown. This calls into question the overall open space provision for the wider development.

As far as I am aware the POS on the wider development has yet to be laid out even though the amount of occupied houses has exceeded the trigger point of 100 (the S106 Agreement for the overall development states that 'the Owner shall not allow or permit the occupation of any more than 100 Dwellings on the Site unless the On-Site Children's Play Area shall have been provided upon the Site') and I have not been consulted about the layout for the Children's Play Area (which should include a Multi-Use Games Area or equivalent provision for older children/teenagers). In addition 50% of the Off-Site Sports Provision Contribution should be paid by the developer prior to the occupation of 100 dwellings on Phase 1. I believe these matters should be resolved prior to this application being determined.

As a development located within 5km of the Birklands and Bilhaugh SAC this development should also make a contribution to Suitable Alternative Natural Greenspace and in this situation this could be delivered through an off-site payment towards access improvements to the nearby Intake Wood Local Nature Reserve.

**NSDC Sports Development** – No comments received.

**NSDC Strategic Housing** – No comments received.

**NSDC Environmental Health (noise)** – no comments to make.

**NSDC Environmental Health (contaminated land)** – No observations.

**NSDC Waste** – The application form states that the plans do not incorporate areas to store and aid the collection of waste nor have arrangements been made for the separate storage and collection of recyclable waste. Therefore there are no details for me to comment on, therefore I cannot support this application.

*Further comments received 15<sup>th</sup> June 2017:*

I can now see the designated bin storage areas. I would like to see the details of the storage areas how they are constructed, what the sizes are etc. Also bearing in mind there could be the possibility of residents needing to place two bins out for collection (household bin and garden waste) on the same day.

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

**NCC Highways Authority** – The red line of the site location plan does not show a connection to the public adopted highway, and so, a means of access to the site has not been demonstrated.

The following comments relate to plan reference MJ/CLIP2/01 Rev. L.

There is a reduced carriageway width shown between plots 92 and 67, and adjacent plot 105. It is unclear how this is to satisfactorily continue from the existing carriageway and 2m x 2m footways.

All footways shall be 2m wide, and not the reduced widths/service margins as shown between plots 92-96, 67-75, 26-43.

There is no bin collection point at the private drive serving plots 68, 69 and 49.

There is a narrowing of the carriageway between plots 88 and 94 pinching the road such that opposing vehicles would have to give way to one another. Further clarification is required as to why it is in place, as it would likely encourage parking on the footway.

With regard to the parking arrangements, there is insufficient parking for plots 105, 106, 93, 3, 4, 36, 37, 20, 21, 27-29 – 3 spaces per dwelling are recommended for the 4 bed properties. It is most likely that garages will have an up and over garage door. In which case, the minimum acceptable driveway length is 6.1m. Therefore, garages and dwellings with integral garages will need to be set back from the back edge of footway accordingly.

A 6m clearance is required at the rear of each parking bay to ensure adequate manoeuvring space for vehicles. This has not been demonstrated on all private drives.

The Highway Authority strongly recommends that these issues are addressed and an amended layout be submitted for further assessment.

**NCC Planning Policy** – Thank you for your letter dated 5th April 2017 requesting strategic planning observations on the above informal enquiry. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

#### *National planning context*

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

#### *Waste*

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

*'When determining planning applications, all planning authorities should ensure that:*

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
  
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is*

*sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*

*- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

### *Minerals*

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

*- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;*

*- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.*

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

*'When determining planning applications, local planning authorities should:*

*- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.*

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

*- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*

- *in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'*

### *Transport*

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'*.

### *Healthy communities*

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF set out ways in which the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It states that planning policies and decisions should:

- plan positively for the provision and use of community facilities in order to enhance the sustainability of communities;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities.

Paragraph 171 of the NPPF relates to health and well-being and encourages local planning authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

With regard to public rights of way, paragraph 75 points out that they should be protected and enhanced, and *'local authorities should seek opportunities to provide better facilities for users'*.

### *Education provision*

Paragraph 72 states that:

*'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

### *Public Health*

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are: *worse than the England average*) with All causes of death for all ages Standardised Mortality Ratio(SMR) and Causes of premature mortality for under 75 years SMR causes is statistically worse than the England average.

The National Planning Policy Framework (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.

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 build 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/healthandwellbeing-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. In addition a health checklist is included to be used when developing local plans and 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 pre 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 not significantly better 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](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.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire, Local Estates Forum and also consult with Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

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.

### *Minerals and Waste*

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 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. As such relevant policies in these plans need to be considered.

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 the existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy of the Nottinghamshire and Nottingham 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.

The site does not lie within close proximity to any existing or proposed mineral site. However, the site does lie within a Mineral Safeguarding and Consultation Area for gypsum. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan (Submission Draft, consultation Feb 2016) sets out a policy (DM13) concerning these areas. However, as an infill development on previously developed land, the proposal is excluded from the provisions of the policy. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals safeguarding perspective.

#### *Strategic planning matters*

#### *Transport and Flood Risk Management*

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

#### *Strategic Highway*

The County Council has no strategic transport planning observations to make.

#### *Ecology*

An ecological survey, conducted by FPCR (dated February 2017) and consisting of a botanical Phase 1 survey and hedgerow assessment has been submitted in support of this application (although it is not specified when the field survey was carried out).

Overall, the site is considered to be much the same as it was when previously surveyed in 2014. As then, the site is identified as supporting suitable habitat for reptiles, but no recent reptile survey has been conducted (the previous survey in 2014 is borderline acceptable in terms of its age). NCC therefore request a **condition** requiring that the precautionary approach to site clearance as detailed in the ecological assessment paragraph 5.14, be followed.

In addition, given that the site supports scrub suitable for nesting birds, a further **condition** should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive.

### *Archaeology*

This application site is directly adjacent to the presumed site of a circular cropmark feature which is possibly a Bronze Age burial site. We looked for this on a previous phase of development, but found only pits with no dating evidence, suggesting a possibly early even prehistoric date. These were close to the site identified as the location of the ring ditch. The ring ditch was identified from aerial photographs, many of which are taken from an oblique angle, rather than vertically.

Features on oblique photos need to be orthorectified to locate them in the correct position, and as a result, if there are insufficient landscape features off which to orientate them, they can be mapped as many meters away from where they actually are. NCC recommend that this site be subject to geophysical investigation in the first instance, to see if the ring ditch is visible and associated with any other features. This work may identify the need for further investigation or archaeological mitigation.

### *Travel and Transport*

#### *Bus Service Support*

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network. Section 106 contributions will be required in order to help provide and sustain daytime and evening services to promote usage of public transport including supporting an increased service in the immediate area of the development. This could involve diverting existing routes to make the transport more accessible for the residents.

The County Council would expect the developer to liaise directly with Transport and Travel Services to determine details of what contribution towards bus service support is expected.

To support the above and the site travel plan that will be required (contact Transport Strategy) we would expect free travel passes made available to new residents on first occupation.

At this time it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding provision of appropriate bus services to serve the site.

### *Current Infrastructure*

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

NS0448 Gorseway – Bus Stop Pole and raised Boarding Kerbs.

### *Possible Infrastructure Improvements*

Transport & Travel Services would request the following bus stop improvements:

NS0448 Gorseway – Section 106 contributions from phase 1 of this project will be used to provide a new stop on Cavendish Way and to improve this bus stop to include a bus shelter, solar lighting, real time bus stop pole & displays including associated electrical connections and an enforceable bus stop clearway.

The County Council will not request that a planning obligation is added for this site in respect of bus stop infrastructure.

### *Rights of Way*

This application may impact on Clipstone Parish Bridleway No 9 aka Clipstone Drive( Appendix 2), which runs alongside the northern boundary of the site as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(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.

### *Landscape and Visual Impact*

As mentioned in previous comments for the adjacent development by my colleague Helen Jones, (ref 14/01308/FULM Cavendish Way, Clipstone 98 dwellings), this application contains no assessment of the landscape and visual effects of the proposed development on the existing landscape character of the site and surrounding area, or on any visual receptors, (there are adjacent residential areas immediately to the south west and Clipstone Bridleway 6 immediately to the northern boundary).

It was previously accepted that a full Landscape and Visual Impact Assessment was not required for the 98 homes on the adjacent site, but we did request that there be some form of landscape appraisal of the site, and appropriate mitigation proposals presented with the application for a measured judgement to be made. As far as NCC are aware this was never completed, and this new application has not rectified this omission. With this next phase of the proposed development expanding the overall impact we feel it is imperative that a Landscape & Visual impact appraisal is carried out assessing both sections of the development as a whole. Preferably this appraisal would also consider all phases, existing, current proposals and intended future phases, of the overall proposed development area as a contextual impact on both Landscape Character and Visual impact.

This appraisal should make reference to Policy Zone SH12 (Appendix 3), of the Newark & Sherwood Landscape Character Assessment 2013. The LCA highlights the area as having a **Poor** Landscape Condition with a **Moderate** level of Landscape Sensitivity leading to the overall recommended landscape action of **Restore & Create**. The following recommended specific actions are considered pertinent to this application and should be addressed/incorporated where possible.

#### *Landscape Features*

\_ **Restore** the historic field pattern particularly primary hedgerows and those close to urban settlement of Mansfield Woodhouse.

\_ **Restore** the heathy character to woodland margins, tracks and roadside edges.

\_ **Create** heathland habitat within new areas of public open space where appropriate. \_\_ **Create** new areas of oak woodland linking up with existing areas of woodland.

\_ **Create** new areas of oak and birch woodland to help integrate new and existing urban development.

\_ **Conserve** the integrity and rural character of the landscape by concentrating new development around the existing urban edge of Mansfield Woodhouse.

There are no detailed planting proposals submitted with the application. The Phase 2 layout plan shows some indicative locations for tree planting, and a broad hatched area to the northern & western perimeters listed as '*planted margin*', but no further detail than this. A clear outline proposal for all sections of the planting scheme should be provided and agreed before the application is approved. Full Detail planting plans, drawings including Tree pit details, Plant schedules, Planting specifications, and Maintenance specifications can then all be set as conditions of planning approval.

The area marked as '*planted margin*' should be planned using tree and shrub species characteristic of the surrounding as detailed in the Sherwood section of the above mentioned Newark & Sherwood Landscape Character Assessment 2013.

## *Summary*

As there was no Landscape and Visual appraisal for the proposed development, or any planting proposals submitted with the application the Environmental Management & Design team are unable to properly comment on its appropriateness or potential impact. The following information is required before a full assessment and comment can be made.

\_ A well-considered Landscape & Visual Impact appraisal of the site with appropriate mitigation proposals. This appraisal should consider all phases, (existing, current proposals and intended future phases), of the overall proposed development area as a contextual impact on both Landscape Character and Visual impact.

\_ Clear outline planting proposal for all sections of the planting scheme to enable a balanced assessment.

Until the above information is provided we **unable** support the scheme.

## *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. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 01159 939 309) with any queries regarding developer contributions. Andrew will contact you directly in due course regarding developer contributions for the proposed development.

## *Conclusion*

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.

**NCC Rights of Way** – Comments incorporated in NCC Policy response.

**NCC Education** - A proposed development of 107 dwellings would yield an additional 22 primary and 17 secondary places.

We would therefore wish to seek an education contribution of £252,010 (22 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

**NCC Flood** - Current preliminary comments: No objections subject to the following:

1. The site is steeply sloping and consideration must be given to overland flow routes and exceedance flow paths to ensure no properties are put at risk of flooding from surface water. This may result in the proposed layout being amended to suit.
2. Part of the site is shown at risk of surface water flooding and information must be provided to show how these flows will be managed to ensure no properties or their curtilages are at risk of flooding.
3. Evidence to show consideration of the use of SUDS should be provided with details supporting any decision include or omit them from the site design.

*Additional comments received 23<sup>rd</sup> June 2017:*

This response is to acknowledge that communications have taken place between LLFA and the Developer and we are currently awaiting more information from them before we can comment and further. Until that point our comments dated 24 April 2017 still stand.

**NCC Archeology** – Comments incorporated in NCC Policy response.

**Natural England** – Thank you for your consultation on the above dated 05 April 2017 which was received by Natural England on 05 April 2017

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

*SUMMARY OF NATURAL ENGLAND'S ADVICE*

*NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED*

We consider that without appropriate mitigation the application would:

- Damage or destroy the interest features for which Sherwood Forest golf course and Clipstone Heath Sites of Special Scientific Interest (SSSI's) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- The authority should ensure that the proposal conforms with the policies in your authority's GI strategy and consideration should be given to using developer contribution or planning obligations where necessary to assist with implementation of the aims and objectives of the GI Strategy.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below.

The proposal for 107 new homes on the edge of Clipstone is within approximately 1.5 km of Sherwood Forest golf course and Clipstone Heath SSSIs. Both SSSIs are notified for their lowland heathland habitat; Clipstone Heath is an important dry acid lowland heath site in Nottinghamshire, a habitat that is nationally in decline and therefore a priority habitat.

Both SSSIs are identified as sensitive to the impacts of increased residential development (as identified by Natural England's SSSI Impact Risk Zones (IRZs)). Increases in residential development close to the SSSIs means there is potential for increased recreational pressure which could result in adverse effects on the SSSIs notified features as a result of; increased footfall and erosion of habitat, eutrophication from dog litter and increased risk of fire etc.

As we have already highlighted it is important that housing growth is supported by an investment in the green infrastructure network in order that there is sufficient provision of areas of green space, which residents can access for recreation purposes, in order to alleviate pressure on the surrounding sensitive ecological habitats, such as the SSSIs.

Natural England is concerned that the proposal does not contain details of how it will contribute to your authority's Green Infrastructure (GI) strategy. The GI strategy is a material consideration when determining this planning application and your authority must carefully consider our advice before determining this application.

In order for this application to meet the requirements of the GI strategy, the following benefits should be delivered through this development.

The Green Infrastructure issues identified for Clipstone focus on:

- the protection and enhancement of existing networks
- the creation of new strategic access routes to link the settlement to nearby employment and tourism centres and into the wider Green Infrastructure Network.

#### *European sites - Birklands & Bilhaugh Special Area of Conservation*

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

Natural England do not consider there is a measurable impact from this proposed development on the SAC, however new residential developments can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate

investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.

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

*Birklands and Bilhaugh and Birklands West and Ollerton Corner Sites of Special Scientific Interest*

We do not think the proposed development will result in any adverse effects on the Birklands and Bilhaugh and Birklands West and Ollerton Corner SSSIs, due to the distance of the proposed development from these sites.

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

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

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

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

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

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

*Additional comments received 26<sup>th</sup> June 2017:*

Thank you for the consultation on the amended plans in respect of the above planning application. Natural England notes the additional details concerning the landscaping proposals for this development and welcomes the use of native species within the planting schedule. We have no further comments to add to those previously submitted in our letter of 11<sup>th</sup> May 2017 (Our ref: 213127).

**Nottinghamshire Wildlife Trust** – No comments specific to application.

**Environment Agency** – The site is low risk from the EA's perspective and I have no comments. You may wish to consult the LLFA regarding sustainable surface water disposal.

**Trent Valley Internal Drainage Board** – The site is outside of the Trent Valley Internal Drainage Board district and catchment. The Board has no further comments.

**Severn Trent Water** – With reference to the above planning application the Company's observations regarding sewerage are as follows.

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

#### *Condition*

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

#### *Reason*

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

#### *Suggested Informative*

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

**Newark and Sherwood CCG** – No comments received.

**The 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.

**Ramblers Association** – Pedestrian access to the Clipstone Drive bridleway is unaffected and we have no objection to this development.

**Representations have been received from 5 local residents/interested parties which can be summarised as follows:**

- It would be better to keep some Greenland
- There is already a lot of traffic in the area
- Agree that there is a need for more housing but disappointed that there are no plans for any community facilities
- There is nothing in any of the plans to provide community facilities such as local shops, doctors surgery, community centre or green space
- The Taylor Wimpey site has green space which has to be paid for by the owners at £100 per year per household
- The application will affect local wildlife – larks nest on the open ground and will lose their habitat
- There are many small reptile, hedgehogs, bats and birds which will be affected
- The local community enjoy the existing open space
- The plan shows a fence which has already been erected in the wrong place on 'Phase 1' by positioning it between the margin and the field
- There are no local services in the area

Comments of the Business Manager

Principle of Development

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

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

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD, now forms the Local Plan for Newark & Sherwood. The site is located within the urban boundary of Clipstone and forms part of a wider site identified on the Proposals Map as a Mixed Use site with planning permission. Spatial Policy 1 of the Core Strategy identifies Clipstone as one of two Service Centres for the Mansfield Fringe Area (the other being Rainworth) with an intended function of acting as a focus for service provision for a large local population and rural hinterland.

The full details of the complex planning history at the site are identified above in the relevant planning history section. Despite the inclusion of the site on the Proposals Map as a site with planning permission, for the avoidance of doubt officers consider that there is no extant planning permission which exists on the site. The original outline application (08/01905/OUTM) was approved in 2009 with a condition requiring the submission of reserved matters within 3 years (i.e. by February 2012). Although a reserved matters application (12/00965/RMAM) was approved for the site (as well as adjoining land) in December 2012, this required the commencement of development before 21<sup>st</sup> December 2014. The adjoining site has subsequently been developed through a standalone full application (14/01308/FULM) and there is no evidence to suggest that the reserved matters application was lawfully implemented.

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

Policy DM12 sets out a positive approach to considering development proposals reflecting the presumption in favour of sustainable development within the National Planning Policy Framework. Where appropriate this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be approved where possible and to secure development which improves economic, social and environmental conditions. Owing to the location of the site within the urban boundary of Clipstone (even if the site history were discounted) the principle of residential development within the site is considered acceptable.

## *Developer Contributions*

The complexity of the planning history to the site and its immediate surroundings which are at various stages of development also brings a complexity in terms of associated legal agreements which have in the past secured developer contributions. It is considered appropriate to deal with this matter upfront in the following appraisal. As will become apparent, matters of viability have been subject to careful consideration from officers both in the past and in the context of the current application. For the avoidance of doubt, the current proposal is not offering a policy compliant scheme in terms of the developer contributions which would ordinarily be sought for an proposal of 107 residential units; a matter which must be weighed carefully in the overall balance.

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

Members may recall the application for 92 dwellings on the adjacent land which was presented to Planning Committee in December 2014 (14/01308/FULM). The current application has been submitted by the same housebuilder; Persimmon Homes. The 2014 application was accompanied by a viability appraisal which incorporated all land within the applicants ownership (i.e. including the site subject to the current application). At the time of the 2014 application, the LPA instructed an independent review of the submitted viability appraisal. The sales values were agreed as being market realistic in this location. It was also assumed that the development would be unacceptable without essential infrastructure provision and therefore the allowances made in the original planning permission were factored into the appraisals.

Overall, the independent viability assessment agreed with the conclusions in the submitted Viability Report that the development would only be considered economically viable if it did not provide any affordable housing and made reduced infrastructure contributions. In relation to the reserved matters application which is relevant to the current site (12/00965/RMAM) a negative viability of £175,860 was demonstrated for the residential element of the application (total of 210 dwellings).

Officers have carefully considered whether or not it would be appropriate to seek an updated viability position for the purposes of assessing the current application. Indeed this is a matter which has been raised through consultation specifically by colleagues in Planning Policy. Matters of viability have been recently tested (last tested in January 2015 in relation to the variation of S106 application for a reserved matters scheme in the wider site area – 14/02054/VAR106) and the position on the ground in terms of build out rates since the original outline permission strongly suggests that the situation will not have changed. As is stated above, the latest viability

assessment demonstrated that in reference to the reserved matters application for 210 dwellings there would be a negative viability of £175,860. The same site area is now intended to deliver 199 residential units (107 in relation to the current application and 92 in relation to the other standalone full application reference 14/01308/FULM) and thus the overall profit margins are likely to be decreased further.

Officers are mindful of paragraph 173 of the NPPF which confirms that, *'pursuing sustainable development requires careful attention to viability and costs in plan-making and decision taking.'* *'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'* Furthermore, Planning Practice Guidance states that where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

The authority has previously applied such a flexible approach in the determination of the other standalone full permission submitted by Persimmon Homes (14/01308/FULM). The approach taken in this application was to pro-rata the contributions as required by the original outline planning permission (08/01905/OUTM) although without the provision specifically for affordable housing provision (a matter which will be considered further below). Following pre-application discussions, the S106 offer presented by the applicant for the current application is on the same basis. The following table demonstrates the contributions for 107 residential units based on the pro-rata contributions from the original outline permission (and its subsequent variations):

	<b>CONTRIBUTION REQUIRED PRO RATA 08/01905/OUTM 107 dwellings</b>
On Site Open Space / Children's Play Area (LEAP)	<b>£0</b> Provided all open space is provided on site with an on-site maintenance company in accordance with 08/01905/OUTM.
Off Site Sport Provision	<b>£50,952.38</b> + indexation
Highways/Integrated Transport	<b>£69,142.38</b> + indexation for the provision of bus stop and shelter.
Education	<b>£131,323.39</b> + indexation (based on a max. limit of 45 required school places overall)
Community Facilities	<b>£16,216.61</b> + indexation. Provision of community facilities ( <b>children's nursery/retail</b> ).
<b>Total S.106 Contributions</b>	<b>£267,634.76</b>

In the interests of transparency, officers also consider it relevant to set out the level of contributions that have been sought through the current application by relevant consultees.

	<b>CURRENT APPLICATION 17/00582/FULM CONSULTEE REQUESTS (107 dwellings)</b>
Affordable Housing	Policy Core Policy 1 of the Core Strategy requires 30% on site
On Site Open Space / Children's Play Area (LEAP)	Concern raised that the large area of amenity space approved through the original consent is yet to be laid out and thus the current scheme would need to make provision for children and young people. Contribution to Sustainable Alternative Natural Greenspace
Off Site Sport Provision	No specific requests received.
Highways/Integrated Transport	No specific requests received but suggestion that there would need to be contributions regarding the provision of appropriate bus services.
Education	<b>£252,010 + indexation</b>
Community Facilities	No specific requests received.
Libraries	No specific requests received.
Health	No specific requests received.

Given the lack of detailed responses received in relation to exact amounts, it is difficult to explicitly identify the potential shortfall in contributions in monetary terms. To assist assessment of the likely shortfall, the table below outlines the contributions which would be sought purely on the basis of the Developer Contributions SPD calculations.

	<b>CURRENT APPLICATION 17/00582/FULM SPD REQUIREMENTS (107 dwellings)</b>
Affordable Housing	Policy Core Policy 1 of the Core Strategy requires 30% on site
On Site Open Space / Children's Play Area (LEAP)	Provision for children and young people - <b>£99,216.82</b> at 2016 indexation Amenity Green Space - <b>£30,274.58</b> at 2016 indexation Natural and Semi Natural Open Space - <b>£10,984.62</b> at 2016 indexation
Off Site Sport Provision	<b>£78,936.04</b> at 2016 indexation
Highways/Integrated	<b>£69,142.38 + indexation</b> for the provision of bus stop and shelter

Transport	
Education	<b>£257,442</b> at 2013 indexation
Community Facilities	<b>£148,095.49</b> at 2016 indexation
Libraries	<b>£5,086.78</b> at 2016 indexation for stock costs
Health	<b>£105,140.34</b> at 2016 indexation
<b>Total S.106 Contributions</b>	<b>£804,319.05</b>

On the basis of this, the current application demonstrates a substantial monetary shortfall. However, this must be placed in the context that this is a 'worst case' scenario. Clearly a number of these contributions, given a lack of appropriate justification, would not be lawful for inclusion within a S106 agreement in any case. Moreover, the figures quoted are based purely on the SPD calculations and do not take account of factors such as the areas of open space which are already demonstrated on the current layout.

The above discussion identifies clear areas of discrepancy between the applicants offer and the desirable level of contributions which would potentially be sought. In my view, the three areas which require specific consideration are affordable housing; on site open space / children's play areas; and education. I shall deal with each of these in turn below.

#### *Affordable Housing*

Core Policy 1 of the Core Strategy states that the District Council will seek to secure 30% of new housing provision as affordable housing. On the basis of a 107 unit scheme this would equate to 32 units on site. It is noted that the proposal does not intend to deliver any affordable housing on site. This is one of the concerns raised by the Parish Council in respect to the development.

In usual circumstances officers would strongly resist an application offering no provision of affordable housing. However, officers are mindful of the planning history which exists on the wider site whereby an affordable housing contribution has been made by Taylor Wimpey (under application number 13/01271/FULM) for £1.78 million. This figure is considered significant in the context of the overall requirement which would have been secured from the original outline consent. It is considered that these monies will greatly assist the Authority in its affordable housing delivery and noting the viability position which exists on the site, officers do not consider it reasonable to initiate further negotiations in respect to the current application.

#### *On site Open Space / Children's Play Areas*

I note the context of the comments received by the Councils Parks and Amenities Officer. This matter was raised with the applicant during the life of the application. A response was received which included a plan of the overall original site masterplan. This plan demonstrates a large area of Green Space within the centre of the site (which would also incorporate play equipment) as well

as green edges around the north west and south western boundaries. The Green Space in the centre of the site falls outside of the boundary for the current application. The green edges do form part of the application site and indeed have been incorporated within the submitted site layout plan.

I appreciate that there has been a delay to the delivery of the wider open space provision but from my site visit it appears that the land remains available for such provision in the future. Given that the delivery of this open space has been secured by other associated legal agreements I consider that once built out, there will be adequate provision in the immediate surroundings for open space and facilities for children and young people. On this basis I do not consider that it would be reasonable to insist on a revised scheme which would incorporate further provision within the site subject to this current application.

### *Education*

The contribution towards education has been subject to discussions with the relevant expertise at NCC. It has been confirmed that:

*The County Council originally requested a primary education contribution of £515,475 against application ref: 08/01905/OUTM (420 units/88 primary places). The reason for the reduced figure was that, at that time, there was some surplus capacity at the catchment school. There is no capacity at all now. If we had been responding on the original 420 units now, we would be requesting the full £1,008,040 for the 88 primary places. Based on an application for a proposed development of 107 dwellings, we would require the full primary education contribution based on formula and not a reduced "pro-rata" figure as part of the original application.*

There is a difference of approximately £126,200 between the pro-rata figure offered by the applicant and the figure which NCC Education has requested. The delivery of education provision remains high on the agenda in importance for the council. The shortfall in provision delivered by this development is therefore a factor which must weigh negatively in the overall balance.

However, officers are conscious that commercial decisions to date have been both predicated and necessitated on the original contributions sought through the original outline consent. Given this, and the viability evidence which has been previously independently assessed, officers continue to be of the view that it is appropriate to take a pragmatic approach to contribution requirements. It is hoped that the education contribution which could be secured, of circa £131k, will go some way towards meeting the requirements of the development.

Overall, the proposal falls short of the policy requirement to secure the required level of affordable housing on or off site. However, given the very clear thrust of government guidance and the previous views of our independent advisor I conclude, taking into account the other infrastructure requirements and the overall site viability, that on balance it is reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable

housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

### Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

The application site is approximately 3.64 hectares in extent. Based on the full site area (i.e. not discounting land which would deliver green open space) this gives an overall housing density of just over 29 dwellings per hectare. When calculated on the basis of the net site area the overall density would be 43 dwellings per hectare. The scheme is therefore policy compliant in respect of CP3.

As is confirmed through the description of the proposal, the scheme as considered equates to a total of 22 two bed units (20.5%); 66 three bed units (61.7%); and 19 four bed units (17.8%). I note the comments of colleagues in Planning Policy which suggest that the scheme would benefit from the incorporation of some smaller 1 bed units. This was passed to the applicant for review prior to the receipt of the amended plans. However, a response has been received confirming that the market is not demonstrating a demand for one bed units when there is an ability to purchase either a 2 or 3 bed property for very similar mortgage arrangements. The experience is given in the context of the delivering of the dwellings on the wider site and thus is relevant to this application. Given that the scheme would deliver a majority of smaller 2 or 3 bed units I do not consider that a lack of 1 bed units would be sufficient to warrant resistance of the proposal.

### Impact on Land Use and Landscape Character

Paragraph 17 of the NPPF identifies a set of twelve core land use planning principles, of which bullet point 8) states that planning should *'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'* This encouragement of the use of previously developed land is reiterated in paragraph 111. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 112 of the NPPF indicates that *'Local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land. Where significant*

*development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality.'*

It is noted that the site features on the Proposals Map as a Mixed Use site with planning permission. The loss of the greenfield site has therefore already been accepted in principle through the approval of the original outline permission. Notwithstanding this, officers have noted the concern that was raised through the original comments of NCC Planning Policy (listed in full above) in reference to the potential landscape implications of the proposal for both this site and the wider site area of the outline planning permission which is yet to be developed.

The applicant has responded to the comments of NCC Planning Policy through the submission of a Landscape and Visual Statement (LVA) as well as full landscaping details for the site. It is noted that the LVA also incorporates the site to the north east of the proposal site also pending consideration for residential development (reference 16/00139/RMAM). These submissions are welcomed and demonstrate willingness of the applicant to work with the LPA in demonstrating the likely implications of the proposal. It should be noted that the document also makes reference to the Green Infrastructure Strategy for the district; a point raised through the original consultation comments of Natural England.

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 LVA confirms that the site is within the Policy Zone 12: Cavendish Wooded Estatelands and Wooded Farmlands with key characteristics such as a gently undulating topography and coniferous plantations. The landscape actions for the zone are to Restore and Create.

It is acknowledged that the character of the site has been changed in the recent past owing to major earthworks for the original consented mixed use development site. There are areas of pronounced cutting as well as areas of the site which have been levelled. The character of the immediate surroundings has also been fundamentally altered by the residential development of previous approvals. Features such as the public right of way which bounds the site to the north west are also identified. The landscape value of the site is defined as follows:

*"In terms of "landscape value", in all intents and purposes the site can be considered to be already developed given the earthwork intervention undertaken under the consented outline application.*

*The proximity of the new residential built form relating to phase 1 to the south of the site exerts a dominant urbanising character. As such it is considered that the site has a low value in terms of landscape sensitivity.”*

In general I would concur with this assessment and agree that the buffers along the northern and north eastern site boundaries will assist in mitigating the development. The site benefits from a good deal of concealment offered by the prevailing topography. It is concluded that in all instances the mitigation planting once matured will provide near full visual containment with filtered glimpses during winter months. Overall it is considered that the application site and receiving landscape has the capacity to accommodate the proposals.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as a significant areas of open space along the site boundaries. Given the positioning of the site within the village envelope and recent residential developments in the immediate vicinity, it would be difficult to conclude that the character impacts of residential built form in itself would be so harmful as to warrant a resistance of the application in their own right. In this regard the proposal is compliant with Core Policy 13 of the Core Strategy.

#### Impact of Design and Layout

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

As is alluded to already, officers have worked with the applicant during the life of the application in order to address concerns in respect of the originally submitted site layout plan. In brief the original plans were considered to feature large expanses of hard standing through parking fronting long expanses of plots. There was also no inclusion of landscaping details that would allow officers to understand the potential mitigation of this impact.

The revised plan layout received 14<sup>th</sup> June 2017 (7886-L-02 Rev. C) has been submitted as a direct attempt to overcome these concerns. Notable changes include reconfiguration of plots such that housetypes have been moved around to allow for parking to be delivered at the side of dwellings rather than in front of; the inclusion of curved private drives to soften edges and allow increased planting; the removal of some footways to create a shared block paving area and the re-positioning of plots at the site entrance to bring them further forward creating a focal point to the site entrance.

Officers have carefully considered the revisions put forward. In general terms these have addressed the original concerns raised. It is noted that there are still expanses of hard standing

including long driveways and areas of the site which show an ability to park up to 6 cars in front of plots. However, the landscape strategy submitted allows for these areas to be broken up. The tree 'vista' demonstrated in a courtyard arrangement between plots 32 and 33 and 54 and 55 is considered to be an attractive landscape feature which would break up one of the largest stretches of built form.

I am mindful of the character of the surrounding area which has been established through the delivery of recent modern residential developments. It is my view that the current proposal, as revised, represents a better and more considered delivery of urban design than some other areas in the wider site. On this basis I feel it would be very difficult to resist the application on the basis of the site layout and aforementioned disadvantages (such as street frontage parking in areas) in principle.

Moving then to assess the house types themselves, I am mindful that the applicant is a national housebuilder which have already been building plots in the immediate surroundings. A number of the house types presented through the current application have already been delivered on the adjacent site. This will inevitably mean that the proposal integrates well within its immediate surroundings. The design of the dwellings is considered relatively basic with the appearance being primarily two storey and two and a half storey dwellings, brick elevations under pitched roofs. The mix of detached dwellings, semi-detached and small groups of terraced dwellings ensure that the layout is not uniform and enables gaps between properties. I am satisfied that the design has been properly considered and meets an acceptable standard of design in accordance with Core Policy 9. Subject to conditions relating to external materials, finished floor levels and boundary treatment the overall design of the proposed development is considered acceptable and in compliance with Core Policy 9 and Policy DM5.

### Impact on Amenity

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

The majority of separation distances between dwellings meet best practice separation distances however there are elements within the site which demonstrate amenity relationships which are on the cusp of acceptability. For example, Plots 2 and 3 at the site entrance would only be approximately 10m from the gable end of Plot 24. Nevertheless I am mindful that the majority of their rear outlook towards this gable would be at an oblique line of sight due to the plots positions. The proposal has also been considered in terms of its relationship with the existing residential development now built to the south eastern boundary of the site. The majority of distances between rear elevations would be approximately 19m which is deemed acceptable. The closest relationship would be for Plot 27 which would be just 11m from the neighbouring side gable.

On the basis that the future occupants would move into these dwellings of the separation distances, on balance it is considered that the proposed layout of the site allows for reasonable distances between dwellings to avoid any direct overlooking, overshadowing or overbearing impacts. An adequate area of private amenity space has also been provided for each dwelling. I have carefully considered whether it would be appropriate to remove permitted development rights but consider this to be unreasonable for the entire scheme. I then considered the removal of permitted development rights on individual plots but the closest spatial relationships are those where rear elevations are close to neighbouring gable ends. Given the plot sizes there would be little opportunity to erect side extensions. Therefore the risk would be if the occupiers of the most respective plot in terms of overbearing impact were to erect a rear extension. The amenity impacts would therefore be known to the occupiers and any prospective purchasers. Overall I consider that the limitations afforded by permitted development rights would be sufficient to preserve future neighbouring amenity.

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

#### Impact on Flood Risk and Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses.

The application submission was accompanied by the original Flood Risk Assessment dated July 2008. As part of the validation process officers requested an addendum to this document based on the current application submission. It is noted that this document makes reference to a proposal for 136 units which is clearly not the case given the application seeks permission for 107 however the maps and content confirm that the report relates to the application site and I therefore do not consider this to prejudice assessment. The report concludes that the proposals can be accommodated by the existing downstream sewerage network and its associated flood protection measures. It is also considered that the proposal will not result in any detrimental impact on the existing surrounding properties in respect of flood risk.

The original comments of NCC Flood Team as the Lead Local Flood Risk Authority are listed in full above. It is noted that these comments do not raise an objection to the proposal but do make reference to part of the site being shown at risk of surface water flooding. The applicant has responded to these comments stating that in line with the FRA no further on-site attenuation is deemed necessary. Subject to conditions (including that suggested by Severn Trent Water), it is not considered that the proposed development would result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Core Policy 9.

## Impact on Highways

Within the overarching roles that the planning system ought to play the NPPF indicates that there are a set of core land use planning principles which should underpin the decision making process. Specifically in relation to transport these principles include:-

*“Actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focussing significant development in locations which are or can be made sustainable”.*

Furthermore, 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 original comments of the Highways Authority are listed in full above. Whilst not forming an objection to the proposal in principle, the comments raise a number of points in respect of the layout presented on the original plan. The applicant has taken these comments on board through the submission of the revised plans. Verbal comment was been received from the Highways Authority that the loss of public footpath on the first revision would be less than desirable. It is on this basis that the second revision was submitted demonstrating a shared block surface instead for this element of the scheme. Formal comments from the Highways Authority are awaited at the time of writing. It is my officer view that the majority of the original concerns have been addressed through the revised plan now subject to consideration. In the event that there is still an issue in respect of the road arrangement between Plots 27 – 38 I feel that it would be difficult for officers to resist the proposal and substantive a reason for refusal purely on this basis. Officers have requested examples of where this type of roadway has been delivered elsewhere to assist in assessment. Although not a Persimmon Homes scheme, the applicant has provided an example of such a shared surface in Sutton in Ashfield. On the basis of the submitted example, officers consider that the impact for residents in terms of utilizing the surface is considered marginal in safety terms. Formal comments from the Highways Authority will be reported to Members as a late item.

Overall, it is not considered that the proposed development would result in any adverse impact upon highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

## Impact on Ecology

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

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and

- Opportunities to incorporate biodiversity in and around developments should be encouraged.

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

#### *Potential Special Protection Area (pSPA)*

The site is also located 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.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

#### *Designated Sites*

The site is located in close proximity to the Birklands & Bilhaugh SAC and Birklands West & Ollerton Corner SSSIs which are Internationally Designated Sites. Increased visitor pressure on the Birklands and Bilhaugh SAC means the LPA should seek contributions toward the areas Green Infrastructure network as set out in the Green Infrastructure Strategy for Newark and Sherwood 2010 (GI Strategy). This type of mitigation is not specifically codified in the Developer Contributions & Planning Obligations SPD and is difficult to conceive how this could be delivered in the context of Cavendish Park given the fact that a wide variety of planning applications exist on the site.

The GI Strategy states that "*Clipstone also has a substantial amount of green infrastructure surrounding the village. It is located in between the Maun Valley and the Sherwood Pines Forest Park. Key to improving the health and wellbeing of the community is ensuring other policies and programmes recognise and promote the many benefits associated with green infrastructure and promote its use. Actual provision in the village should focus on connecting communities to those resources and the restoration of the extraction site on the eastern edge of Clipstone and to the*

*Vicars Water Country Park LNR. New development in Clipstone should contribute to the access to the surrounding countryside by ensuring clear access routes exist.”*

#### *Habitat Regulations Assessment*

Natural England have request that the authority carry out a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2010 (Regulations) and that they believe that the likely conclusion would be that it would be “unlikely to have a significant effect” and should be screened out from further assessment.

The Regulations require “*a competent authority, before deciding to undertake, or give consent, permission of other authorisation for, a plan or project which:*

- a) Is likely to have a significant effect in a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) Is not directly connected with or necessary to the management of that site*
- c)*

*Must make an appropriate assessment of the implications for that site in view of that’s site’s conservation objectives.”*

An appropriate assessment requires the LPA 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

Natural England have confirmed that they do not consider there is a measurable impact from the proposed development on the SAC. However, it is acknowledged that increased residential development can lead to increased pressure of sensitive sites. Given that the use of the site for residential occupation has been previously accepted in the past, it would be difficult to resist the application on the basis of increased pressure at this time. The proposal has demonstrated an ability to continue the planted margin around the border of the site which was envisaged by the original outline consent. On this basis I am satisfied that the impact from the development itself would be negligible. Given this conclusion, it is considered the requirement to complete an appropriate assessment has not been triggered and the development is in compliance with the provisions of the Regulations.

The application has been accompanied by an Ecological Appraisal dated February 2017. This has identified nearby sites of ecological interest as well as undertaking surveys in relation to notable species. The surveys have not identified any significant ecological potential which warrants further work prior to determination. The site is not considered to be suitable for use by nightjar and woodlark given its current condition. In reaching this judgement, it is noted that the site as existing

is currently used recreationally by dog walkers. The survey does however suggest precautionary methods which could be secured by condition.

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

### Impact on Archeology

The comments received from NCC Planning Policy make reference to the potential for the site and recommending that the site is subject to geophysical investigation. This has been actioned by the applicant and a Geophysical Survey Report dated June 2017 has been submitted during the life of the application.

The survey concludes that magnetic disturbance has been detected in several parts of the site associated with modern structures. Several weak geophysical anomalies have also been detected. The results of the geophysical survey were inconclusive regarding the possible presence or absence of archeological features due to the disturbed nature of the site.

Revised comments from NCC Planning Policy are yet to be received at the time of writing but these will be reported as a late item if they are forthcoming prior to the committee meeting. In the absence of these comments, and in acknowledgement that the submitted report is inconclusive, I consider it would be reasonable to attach a condition to the permission requiring further investigative works.

### Overall Balance and Conclusion

The application seeks full planning permission for the erection of 107 dwellings within the village of Clipstone; a settlement considered to be sustainable for further development in the Spatial Hierarchy adopted. The site itself and indeed the wider site area has been subject to a complex planning history in recent years. This has resulted in a number of differing permissions built to various degrees of completion since the original outline consent was granted.

The above appraisal makes comparisons to previous applications, notably an application which was approved by committee in December 2014 (14/01308/OUTM) on the land immediately south east of the current application site. However, officers are minded to point out that the scheme before Members at this time is materially different in two respects. Firstly, there is no currently extant permission which exists on the current application site (there was on the adjacent site in December 2014) and secondly that the previous consent was granted on the basis of the LPA being able to demonstrate a 6.83 years housing land supply. Members will be acutely aware that the position at the current time in respect to a five year land supply is less favourable.

Overall, the proposal falls short of the policy requirement to secure the required level of affordable housing on site and other contributions as required by Core Policy 1 of the Core Strategy and the requirements of the Developer Contributions and Planning Obligations SPD. However, taking into account the other infrastructure requirements and the overall site viability, on balance I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

No other material circumstances have been identified which would justify resistance of the proposal as amended. Therefore, subject to conditions and the Applicant entering into a S.106 agreement to secure the provision of an off-site contribution towards community facilities; off site sports provision; education and highways it is recommended that planning permission is approved.

### **RECOMMENDATION**

**That full planning is approved subject to the following conditions and completion and engrossment of a S106 Agreement:**

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, reference

- Phase 2 Revised Planning Layout – 7886-L-02 Rev. C received 14<sup>th</sup> June 2017
- C2C-ALN-P01 Alnwick
- C2C-HAN-P02 Hanvury
- CL2-BEE-P-01 Beech
- CL2-CHED-P01 Chedworth
- CL2-CHED-P02 Chedworth Plot Specific
- CL2-CLAY-A-P-01 Clayton A
- CL2-HAT-P-01 Hatfield
- CL2-HAT-P-02 Hatfield Plot Specific
- CL2-LEI-P-01 Leicester
- CL2-LEI-P-02 Leicester Plot Specific
- CL2-LUM-P-01 Lumley

- CL2-LUM-P-02 Lumley Plot Specific
- CL2-RO-P-01 Roseberry
- CL2-RO-P-02 Roseberry Plot Specific
- CL2-RUFF-01 Rufford
- CL2-SOU-P01 Souter
- CL2-WIN-P01 Winster
- SGD-01 Single / Double Garage
- 7886-L-100 rev A. Landscape Proposals 1 of 4
- 7886-L-101 rev A. Landscape Proposals 2 of 4
- 7886-L-102 rev A. Landscape Proposals 3 of 4
- 7886-L-103 rev A. Landscape Proposals 4 of 4

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 a schedule of external materials relating to each plot/building has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

04

The ecological mitigation recommendations detailed in Section 5 of the Ecological Appraisal (prepared by FPCR) dated February 2017 shall be implemented in accordance with those recommendations unless any variations have previously been agreed in writing by the Local Planning Authority. For the avoidance of doubt this includes the retention of hedgerow and woodland along the northern boundary of the site and the clearance of site within the active season for reptiles (late March through early October).

Reason: In the interests of safeguarding interests of ecological importance in accordance with the requirements of Policies DM5 and DM7 of the DPD.

05

No development shall be commenced in respect of each dwelling until details of the existing and proposed ground and finished floor levels has been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

06

Prior to the occupation of the first dwelling, a scheme for the phasing of the approved landscaping scheme as demonstrated on the plans referenced in Condition 2 shall be submitted to and agreed in writing by the local planning authority. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

07

Details of all the boundary treatments proposed for the site including types, height, design and materials, must be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

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

08

No dwelling as part of the development hereby approved shall be occupied until its associated drives and any parking or turning area are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) in accordance with the aims of Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

09

Garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed in accordance with the aims of Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

10

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 in consultation with Severn Trent Water and NCC Flood Team. 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.

11

No development shall be commenced until a scheme for archaeological investigation, mitigation and recording has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall take place in accordance with the agreed scheme.

Reason: In order to adequately address and safeguard any archaeological interest that the site may have.

12

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

### **Notes to applicant**

01

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

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

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

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

04

Section 38 Agreement (Highways Act 1980) -

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

Please contact David Albans on 01623 520735 to discuss the necessary highways legal agreements.

05

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.

#### BACKGROUND PAPERS

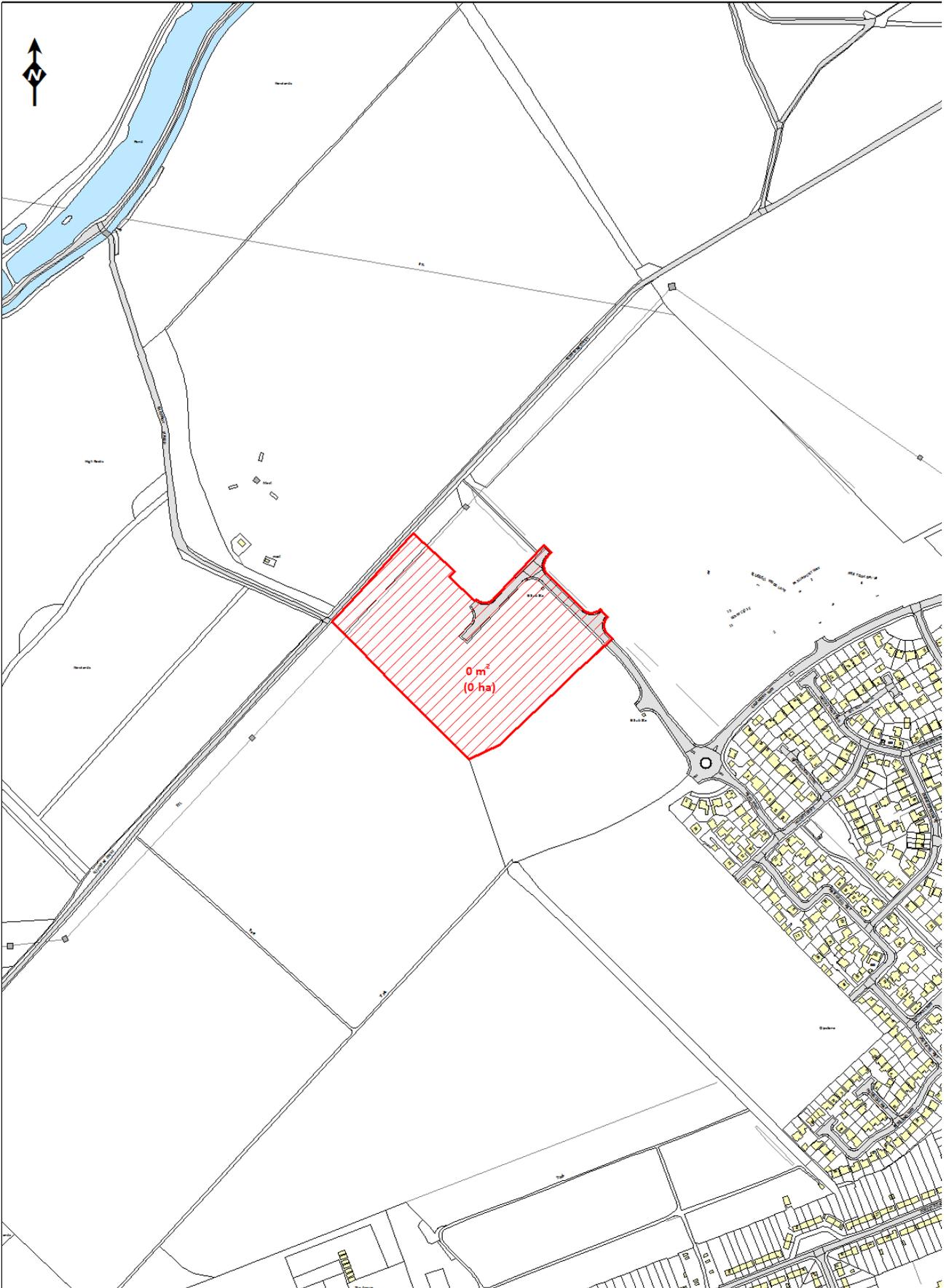
Application case file.

For further information, please contact Laura Gardner on ext. 5907.

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

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

Committee Plan - 17/00582/FULM



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<b>Application No:</b>	<b>17/00732/FUL</b>		
<b>Proposal:</b>	<b>Creation of fast response embedded power plant comprising containerised battery storage and AC/DC inverter, generator, transformer and control and switchgear container, bunded fuel tank, welfare unit and DND control building and all associated external works including acoustic and security fences and CCTV cameras. Amendment to application 16/01237/FUL</b>		
<b>Location:</b>	<b>Former Rufford Colliery Rufford Colliery Lane Rainworth Nottinghamshire</b>		
<b>Applicant:</b>	<b>Dr Marc Thomas</b>		
<b>Registered:</b>	<b>25/04/17</b>	<b>Target Date: 20/06/17</b>	
		<b>Extension of Time: 07/07/17</b>	

**This application is being referred to the Planning Committee given that Officer’s recommendation differs to that of the Town Council and due to a call in from Councillor Tift. For the avoidance of doubt the District Council is still awaiting the submission of an Air Quality Assessment. If this is not received prior to this Committee meeting the application will be deferred to the 8<sup>th</sup> August Planning Committee.**

The Site

The site which forms the basis of this application relates to an approximate rectangle of hard standing land, used for coal stocking. The land was formally part of the deep mines colliery which ceased operation in 1993. The site itself contains patchy scrub around the edges with more dense scrubland and trees to the west. Much of the wider site is sparsely vegetated or bare earth. To the immediate north of the site is a Bridleway (Rufford BW3) and to the south is further hard standing which is used for coal stocking. Further to the east is dense woodland which forms part of Clipstone Forest. The site as a whole forms part of the ongoing restoration programme pursuant to county planning application 3/CMW/99/0298.

The site is approximately 2km to the north of Rainworth; on the western boundary of the district. Given the previous use of the site as a location of coal extraction there is relatively little other development within the proximity. The nearest residential property is situated approximately 2km to the east with another collection of dwellings approximately 1.5km to the south west. To the west of the site is a brick electricity substation which is surrounded by palisade fencing.

The site is considered to be of avian interest given its location within the 5km buffer zone as identified in Natural England’s indicative core area and RSPB’s IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA. Further consideration also needs to be had to the restoration of the site and the proposed enhancements of the site for promotion of nature conservation benefit and in particular to create habitat suitable for night jar and woodlark.

The site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping. The site is situated adjacent to two areas designated as Local Wildlife Sites notably; Rainworth Forest to the west designated for botanical & moth interest and Rufford Pit Top to the north designated for bird & butterfly interest. The site itself is however not the subject of any wildlife designation. Rainworth Heath SSSI is, at its nearest point, approximately 935m to the southwest. Birklands and Bilhaugh Special Area of Conservation (SAC) is located approximately 7.25km to the northeast of the site.

Consent was granted for a similar scheme last year but not implemented.

### Site History

**16/01237/FUL** - Proposed energy storage facility consisting of shipping containers containing batteries, and associated infrastructure including a substation and perimeter fence to be located on an existing coal stocking area at the former Rufford Colliery near Rainworth. Access via the A617. Approved October 2016

**15/01008/FULM** - Proposed solar photovoltaic development to be located at former Rufford Colliery near Rainworth. Access via the A617. Application refused December 2015

**15/01797/CMM** - To vary conditions 4, 5 and 12 of planning permission 3/13/00495/CMM to regularise the coal fines recovery operations to increase the maximum tonnage of materials to enter and leave the site in any seven day period to 10,000 tonnes and to extend the timescale for completion of mineral recovery operations to 30/09/2018 with a further year to complete the restoration. No objection raised. October 2015

**15/01798/CMM** - Increase in the coal fines stocking and blending area of consent No 3/13/00495/CMM together with the use of an internal haul road. No objection raised. October 2015

**15/01799/CMA** - To vary conditions 4 and 5 of planning permission 3/14/01046/CMA to regularise the coal fines recovery operations and to extend the timescale for completion of mineral recovery operations to 30/09/2018 with a further year to complete the restoration. No objection raised. October 2015

**14/SCR/00056** –The response concluded that the proposal would not be classed as EIA development.

### The Proposal

Planning permission is sought for an energy storage facility which would comprise utility scale batteries plus backup generation including 8 silenced containers housing generating diesel engines. In addition would be ancillary transformers, switchgear and other high voltage equipment enclosed within a compound.

The schedule of installed equipment is as follows:

8 x generators in attenuation boxes 4.5m x 1.5m x 2.3m high  
1 x backup generator 3.4m x 2.9m x 2.3m high  
1 x control room 6m x 3m x 4m high

1 x substation 4.8m x 5.9m x 3.7m high  
4 x transformers 1.8m x 1.8m x 2.2m high  
1 x welfare room 4.8m x 3.05m x 2.59m high  
1 x storage room 2.4m x 2.9 x 2.5m high  
4 x inverters 1.5m x 2.7m x 2.3m high  
2 x fuel store 5.8 x 1.7m x 2m high  
1 x battery container 2.5m x 12.2m x 3.5m high  
3 x battery units 2.9m x 0.9m x 2.1m high

The compound would consist of a 3m high timber acoustic barrier around the site with 2.4m boundary palisade security fencing with associated CCTV cameras and flood lighting for security. The battery containers would be coloured off white (Ral 9001) with all other buildings to be moss green (Ral 6005).

It is proposed to site up to 7 cameras on support posts approximately 3.5m in height. An underground cable would connect the site to the substation situated to the west.

It is proposed that the diesel generators would run for a maximum of 750 hours per year with the peak anticipated hours of operation to be between the hours of 1600 – 2000 November to February but typically only running for between 2 – 3 hours during this window.

At the end of its operational life the equipment would be removed and the land restored when the development is decommissioned.

As well as the necessary application forms and elevation details, the application has been accompanied by the following supporting documents:

- Planning Statement
- Noise Assessment

#### Departure/Public Advertisement Procedure

Six neighbours have been individually notified of this application by letter.

#### **Planning Policy Framework**

##### The Development Plan

*Newark and Sherwood Core Strategy Adopted March 2011*

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 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 DM4 – Renewable and Low Carbon Energy Generation  
Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM8 – Development in the Open Countryside  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM12 – Presumption in Favour of Sustainable Development

#### Other Material Planning Considerations

National Planning Policy Framework 2012  
Planning Practice Guidance 2014

#### Consultations

##### **Rainworth Parish Council – Objection**

- The proposal will be within the SSSI
- There is a restoration order on the whole site
- No jobs will be created for local people
- Lithium ion batteries are considered a fire risk
- This is another example of dumping something that nobody else wants on Rainworth
- Anomalies between the 1<sup>st</sup> & 2<sup>nd</sup> applications
- Pre-application information missing from the application

##### **NCC Highways Authority – No objection**

The Design and Access Statement submitted indicates that 15 large vehicle trips are expected to the site over a 15 week construction period. Following construction, maintenance visits will be carried out in a van. Access to the site is from the A617 road.

The above is acceptable to the Highway Authority; therefore there are no highway objections.

##### **The Coal Authority – No objection subject to the following informative:-**

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.

NSDC Environmental Health – No objection

##### **Nottinghamshire Wildlife Trust – No objection**

The following comments have been received based on the submitted revised details:-

## Noise

The noise assessment report indicates that levels above 45dBA (normally used for sensitive birds, not 55dBA as they state) will be experienced in the immediate vicinity of the plant. Looking at the noise contour plan this appears to be approximately 75m in all directions from the periphery of the acoustic fence. This is noisier than expected, but does not include areas used by nightjar and woodlark currently. However, east and south of the proposed site include areas proposed to be restored to habitat suitable for woodlark. We are keen, therefore, to keep the barrier at 3m to try to reduce noise as much as possible. We are of the opinion that any possible visual impacts could be mitigated through landscaping.

## Emissions

At a recent meeting with Janice Bradley and Nick Crouch, Stuart Pratt stated that the generators are energy efficient with low emissions but we said we would like to see this confirmed in writing given the sensitivity of the heathland in the immediate vicinity.

## Landscaping

We thank the applicant for providing a plan of the area that was agreed for scrub clearance and for the offer to plant up suitable species in this area, or another area that can be mutually agreed with the land owner. I can confirm that a site meeting has taken place between Stuart Pratt and NWT and Nottinghamshire County Council to discuss the issue of landscaping and a separate note on this will be provided.

*Initial comments received from the NWT were as follows:-*

*Having studied the Revised Design and Access Statement (21 April 2017) we would like to make the following comments. Nottinghamshire Wildlife Trust has corresponded with the applicant over a number of issues related to the above amended planning application. Some of these have been resolved but the following are outstanding issues that require further information;*

**1.11. Noise** – *it is stated that total noise at source (1m distance) for all the generators combined would be 85.6dBA (it is not clear whether this level is with an acoustic barrier in place). It is also stated that with an acoustic barrier surrounding generators, the potential noise at 1.3km from the site would be under 15dBA. We feel that additional information is required on noise levels between the two referenced distances in order to be able to assess whether there would be impacts on sensitive ground-nesting birds in the adjacent LWS.*

**1.10. Air Quality** – *It is stated that most of the time the facility will run purely from the batteries but for less than 750 hours per year, the diesel engines will also run. Their output will be roughly equivalent to 8 HGVs. Due to the proximity of sensitive ecological receptors to the Application Site, including European designated sites, it is of paramount importance to carefully consider the potential adverse ecological impacts. We are particularly concerned about the deposition of nitrogen on established and restored heathland sites that are in close proximity to the application site. Research has revealed that nitrogen deposition can lead to heathlands becoming grass dominated, which in turn reduces the suitability of habitat for nesting woodlark and nightjar.*

[http://www.apis.ac.uk/overview/pollutants/overview N deposition.htm](http://www.apis.ac.uk/overview/pollutants/overview_N_deposition.htm)

*It would be helpful to have more detailed information on levels of predicted NOx outputs of the generators.*

**Landscaping** – clarity is required on landscaping for the site. The clearance of scrub on the area of acid habitat natural regeneration on the old tip east of the hardstanding was agreed with the applicant as ecological compensation for the loss of the heathland habitat that was already approved for the application area. This is an important part of the planning permission and should be secured by condition. The trust would be happy to identify a suitable area. In previous correspondence between the trust and the applicant we suggested that hawthorn could be planted at other locations around the wider site to deter unwanted access and improve security but we can find no reference to this. Again, this could be discussed and agreed on site.

**Nottinghamshire County Council Ecologist** – No objections are raised

#### Noise

Obviously the noise assessment is technical in nature, however I note that it is stated that the sound levels around the perimeter of the site, as a result of the use of 3m high acoustic fencing, are below 55dBA, which appears to be borne out by the sound contour plan. I am therefore satisfied that noise arising from the development is unlikely to have a significant impact on sensitive bird species using adjacent areas of land.

I note there is the possibility of reducing the acoustic barrier from 3m to 2.8m for visual impact reasons, however I would've thought that this would affect the noise levels and would require them to be recalculated, so I'd suggest sticking with a 3m barrier.

#### Air quality

I'm not quite clear what the issue is with regards to assessing the impact of emissions deposition onto adjacent habitat areas, and am also unclear if any further information in this respect is going to be forthcoming.

#### Landscaping

The area identified for scrub clearance, to mitigate for the lost potential of heathland creation within the footprint of the development, looks appropriate to me; I am meeting with the applicant and Janice Bradley from NWT to look at this area tomorrow, and will get back to you if, for some reason, it is not appropriate. A condition will then be required for the submission of a Habitat Management Plan setting out the works required, and a timetable for delivering them.

**Nottinghamshire County Council Planning Policy** – No objection

**Nottinghamshire County Council Rights of Way Officer** – The following observations were received

Thank you for your consultation on the above proposal. Rainworth Bridleway No. 5 abuts the site of the proposed development but does not appear to be directly affected by it. However, the vehicular access to the site joins the Bridleway at a point approximately 150 metres west of the development site, with the Bridleway then being recorded on the access. This means that any traffic accessing to and from the site will be using the Bridleway for approximately 150 metres. I have attached a plan of the section of Bridleway affected, for your reference.

If the proposal is approved then prior to any construction connected to the application, the applicants should contact the Area Rights of Way Officer, either by telephone on 0300 500 80 80, or by email on [countrysideaccess@nottscc.gov.uk](mailto:countrysideaccess@nottscc.gov.uk), to:

- Discuss any potential surface improvements required to facilitate vehicular access to the site. No works should be carried out to the Bridleway without the prior approval of the Area Rights of Way Officer.
- Ascertain if a temporary closure of the Bridleway is required to ensure the safety of users during construction of the development. Should a temporary closure be required then the full costs are payable by the applicant (or their agents on their behalf). A minimum 6 week notice period is required to arrange a Temporary Traffic Regulation Order
- Agree the condition of the Bridleway prior to development commencing. Any deterioration of the surface as a consequence of activity connected to the development is repairable at the applicant's expense.

Prior to commencement of any works connected to the development, signs should be erected (guidance on appropriate signage is available from the Countryside Access Team (contact information above) upon request) on all approaches to the shared use section of the access/Bridleway, to ensure that:

- Users lawfully using the Bridleway, in both directions, are made aware of the change of use from Public Bridleway to shared vehicular access/Bridleway and of the likelihood of encountering motorists and potentially large vehicles.
- On the approach to the shared use section from the private vehicular access motorists are warned of the likelihood of encountering Bridleway users.

In addition, an advisory speed limit of 10mph should be introduced on the shared use section of the access/Bridleway.

Nottinghamshire County Council (NCC), as Highway Authority, has a statutory duty to maintain the surface of the Bridleway to a standard commensurate with its use for pedestrians, cyclists and equestrians. The owners of the new facility and any person with a right of vehicular access are responsible for maintaining access with vehicles. The ongoing maintenance of the shared access/Bridleway is the primary responsibility of anyone requiring vehicular access, with NCC having a responsibility to contribute in respect of the Public Bridleway rights.

**No letters of representation received** from neighbours or interested parties.

#### Comments of the Business Manager

The application is an amendment to a scheme previously approved in October 2016 under officer delegated powers. The notable difference between the two schemes is the inclusion of 8 diesel generators as well as the previously approved lithium ion battery units.

The proposed installation is one of many being progressed by companies working with the National Grid throughout the country looking to provide greater energy security in a time when energy generation becomes less reliant on the traditional coal & gas fired power stations. The

proposal sited adjacent to the Rufford primary substation situated to the west could provide the Rainworth area with greater power stability in the event of power failures.

The site is located within the open countryside. Policy DM8 of the ADMDPD is silent on the appropriateness of energy based installations in the open countryside. The proposed use of energy storage is not strictly speaking renewable energy; however, given that this technology is often used alongside renewable energy installations it is considered that it would be viewed in the context of the District Council's commitment to tackling climate change as set out in Core Policy 10. This provides that we will encourage the provision of renewable and low carbon energy generation within new development. Policy DM4 provides that permission shall be granted for low carbon energy generation schemes unless there are adverse impacts that outweigh the benefits. This approach is also echoed by the NPPF which amongst other things states that planning should, *'Support the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources.'* The NPPF policy on renewable and low carbon energy is set out in section 10 of the document. NPPF paragraph 93 indicates that, *'Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable energy and associated infrastructure.'*

Given the land take involved, this utility installation requires a countryside location. In determining an application it would be necessary to balance the strong policy presumption in favour of applications for renewable/low carbon technologies against the site specific impacts which are discussed further below.

#### Impact upon Protected Species

Para 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other things 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' Furthermore, para 117 states that to minimise impacts on biodiversity and geodiversity, planning policies should: 'promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan'.

The siting of the proposed installation was the subject of pre-application discussions between the applicant, the LPA and NWT prior to the submission of the previous application, to ensure that the most appropriate site was selected to minimise ecological impact.

As detailed in the site description the site as a whole is in the process of undergoing restoration after the closure of the colliery and there are a number of designated Local Wildlife Sites (LWS) within proximity of the proposed development site, notably Rainworth Forest to the west and Rufford Pit Top to the north. It was previously determined that the site would not result in harm to ecological interest of the site subject to a condition in relation to scrub clearance elsewhere on the site to offset the proposed site not being restored for a further 25 years. The ecologists have met with the applicant and discussed alternate locations for restoration and it has been agreed that an area approximately 250m to the east of the site be restored which the applicant has agreed to and will be controlled by way of condition.

Consultation responses have been received from NWT and NCC in relation to the proposed development and no objection to the proposed development has been raised, however a number of observations have been made. Further clarification has been provided from the applicant in relation to noise and air quality resulting from the proposed usage of diesel generators. The respective colleagues are satisfied that the proposed acoustic modelling demonstrates that the proposed development would not result in significant noise disturbance to the detriment of surrounding ecological interest.

In relation to the air quality of the surrounding area resulting from the proposed development; the site is a former colliery which is in the process of being restored. The applicant has confirmed that the site when fully operational would be the equivalent of 8 HGV's operating, with the operation anticipated to be less than 750 hours per year (equivalent to 31 ¼ days of operation over a 365 day period) this equates to the generators being operational for 8.5% of the year. At the request of NWT and the county ecologist the applicant has undertaken an Air Quality Assessment (AQA) however this will not be finalised for another 3-4 weeks. The applicant is confident that the findings of the report will be similar to the contribution from traffic surrounding the site. On this basis it is considered reasonable that a condition be added to any consent for the submission of the supporting AQA together with appropriate mitigation measures **prior** to commencement of any works on site.

Subject to the above details being secured by condition it is not considered that the proposed development would detrimentally impact upon the ecological interest of the site nor the wider colliery site and as such the proposal is considered to accord with policy DM7 of the NSDC DPD and the NPPF.

#### Impact on Visual Amenity and Landscape Character

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

In accordance with the NSDC Landscape Character Assessment 2013, the site is defined as being within landscape character area S PZ 8, Vicar Water and Rainworth Heath Wooded Estate lands. This area is identified as being in very poor condition with the targeted action amongst other things to create new heathland habitats with Oak/Birch woodlands and open acid grassland/heathland. The site is largely inaccessible and forms part of a degraded landscape that typifies the wider Rufford Colliery site. It is framed by deciduous woodland to the east and west, with the disused railway line within the woodland to the west. The northern, eastern and southern boundaries are currently open. The existing areas of woodland provide a physical framework to the site, ensuring that any changes are localised with visibility of the proposed development limited to the site and its immediate context. There is however a bridleway which runs along the northern boundary of the site (Rufford Bridleway 3). The proposed development would as such result in a localised change in character from an area of bare ground to an energy storage facility. The site area for the current proposal is the same as that previously granted consent. The security fencing would be situated in approximately the same position as that previously approved and be of the same height (2.4m). However it is proposed that a timber acoustic fence would be erected on the inside of the security fence which would be approximately 3m in height to attenuate noise from the proposed diesel generators. In the interests of visual amenity discussions have been had with the applicant regarding reducing the scale of this enclosure; however the impact of the

reduction in height would be potentially greater noise pollution to the detriment of surrounding ecological interests.

Given the modest elevations of the built form proposed, the majority of the development would be non-visible from the adjacent bridleway. A DNO substation building would be provided on the north western corner of the site, however this would not appear dramatically different in appearance to the building in situ to the west. The acoustic fence would screen all the development on the site with the exception of the final 1m of the control room and the top 0.5m of the battery container housing. All the buildings on the site with the exception of the generators would be finished in moss green. As such the green elements of these buildings which would be visible would blend in with the surrounding wider site area. It is therefore considered on balance that given the limited visibility of the site with only users of the neighbouring bridleway likely to see the installation that the proposed installation would not appear significantly out of keeping with the previous industrial character of the area to warrant refusal. It is also noted that the consent would be a temporary consent, albeit for a 25 year period.

The application states that flood lighting would be installed within the compound. It has been clarified with the applicant that the lighting would only be required in the event of a break in at the facility or in an emergency, the installation of which would be controlled by way of condition.

It is not considered that the proposed development would significantly detract from the character of the surrounding area and would accord with Core policies 9 & 15 and policy DM5 of the Core Strategy and DPD respectively.

#### Impact upon Amenity

The nearest dwelling is approximately 1.3km to the south of the site. Given the degree of separation from the proposed installation to other residential properties it is not considered that the proposed development would result in a loss of neighbouring amenity through overlooking, overbearing or loss of light; the proposal therefore accords with Policy DM5.

#### Impact upon Highway Safety

The proposed installation is expected to generate 15 large vehicle trips during a 15 week construction period. Once constructed the site will be maintained by occasional visits by a maintenance engineer in a van. No objection to the proposed development has been raised by NCC Highways Authority. It is as such not considered that the proposed development would impact on highway safety and would accord with Spatial Policy 7 of the Core Strategy.

#### Other Matters

The comments from the parish council are noted and for clarity are addressed in the order raised below;

As clarified within the ecology section of the report the proposed installation is not within a SSSI but adjacent to two LWS sites. It is not considered that the proposed installation would detrimentally impact upon protected species subject to the conditions proposed below.

It is acknowledged by the applicant that the site is currently undergoing restoration. The site as detailed is an area of hardstanding currently occupied by coal fines. Whilst the proposed installation will prevent this area being restored, the area being lost is small in scale compared to

the site as a whole. The applicant has offered to clear scrub from an adjacent area to the site which falls within the blue site ownership boundary and this would accord with the suggestion made by the NCC Ecologist. Furthermore, the proposed installation is only temporary and a condition will secure the restoration of this parcel of land upon decommissioning of the equipment.

The installation is relatively small in scale and relatively autonomous once operational. The applicant has acknowledged that local contractors and labour will be utilised during the construction and ongoing maintenance periods where available.

The parish council contends that the proposed batteries are dangerous. Clarification has been provided that the containers are self-regulated by a heating & cooling system which also contains fire preventative equipment. It is not considered that the proposed installation is dangerous and the site will also be constantly remotely monitored to ensure the equipment functions efficiently.

Each application has to be treated on its merits. The application is an amendment to a previously approved scheme which established the principle for stand by generation in this proposed location. As detailed above subject to condition it is not considered that the proposed installation would significantly detract from the character of the surrounding area and there would be no detrimental impact on the greater Rainworth area.

It is not considered that any anomalies exist merely that the applications are different in terms of what they will provide.

No formal pre-application advice was provided as part of this application and as such no information is missing.

## **Conclusion**

The development proposed is similar in nature to that previously approved in October 2016 however the contractor that submitted that application chose not to take the site forward. The major difference between the approved extant scheme and current proposal is the inclusion of diesel generators to assist in stabilising the national grid at times of peak energy demand. The applicant has robustly demonstrated that the proposed development would not impact upon surrounding ecological interest in the area, neighbouring amenity nor highway safety. Whilst it is accepted that the development would be more prominent than that previously approved it is considered that views would be limited to users of the bridleway and the timber acoustic fencing would to a certain extent blend in with the surrounding tree cover.

Therefore the proposal is considered to accord with the Development Plan and there are no material considerations which would warrant refusal of the application.

## **Recommendation**

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

### **Conditions**

01

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

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

02

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

Site location plan Drawing No. RF1019AS received 19/6/17  
Site layout plan Drawing No. RF1000KS received 15/6/17  
Side views Drawing No. RF1017AS received 15/6/17  
Welfare elevation received 15/6/17  
Inverter elevations Drawing No. RF1010B received 21/4/17  
Bunded oil storage tank Drawing No. 033676 received 16/4/17  
General AR-Compl Drawing No. 393-0340 received 16/4/17  
Transformer Drawing No. PR-SD-002 received 16/4/17  
Battery B elevations Drawing No. RF1007A received 16/4/17  
DNO substation elevations Drawing No. RF1003A received 16/4/17  
Control room elevations Drawing No. RF1004A received 16/4/17  
Battery views elevation Drawing No. 01RUFF-EDA-EGN-400 received 18/6/17  
Substation elevations Drawing No. RF1009A received 16/4/17  
Back-up generator outline, genset Drawing No. A045B515 Rev B  
Storage container elevations Drawing No. 01LOCK-EDA-EGN-105

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application, stated in Section 11 of the application form and as per the email received on 18/6/17, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The planning permission hereby granted shall be for a temporary period only, to expire 25 years after the development is first brought into use. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission and in accordance with the applicants expressed intent.

05

Not later than six months after the date on which the planning permission hereby granted expires, the energy storage facility and ancillary equipment shall be dismantled and removed from the site

and the land restored in accordance with a scheme to be submitted to the Local Planning Authority.

Reason: In the interests of visual amenity.

06

Within 6 months of the development being first brought into use, the area of land approximately 250m to the east of the proposed development as highlighted in the received from the applicant on 12<sup>th</sup> June 2017 shall be cleared of scrub in accordance with a methodology to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to compensate for the 25 year delay in the restoration of important habitat and in order to accord with policies CP12, DM7 and the NPPF.

07

Notwithstanding the consent hereby granted, flood lighting on the site shall only be utilised in the event of an emergency.

Reason: in the interests of visual amenity

08

Prior to the commencement of development an Air Quality Impact Assessment and details of appropriate mitigation for the proposed development shall be submitted to and approved in writing by the local planning authority. Works shall thereafter be undertaken in accordance with the conclusions of the report.

Reason: In the interests of surrounding ecological interest

### **Informative**

01

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

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

02

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

03

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

04

If the proposal is approved then prior to any construction connected to the application, the applicants should contact the Area Rights of Way Officer, either by telephone on 0300 500 80 80, or by email on [countrysideaccess@nottsc.gov.uk](mailto:countrysideaccess@nottsc.gov.uk)

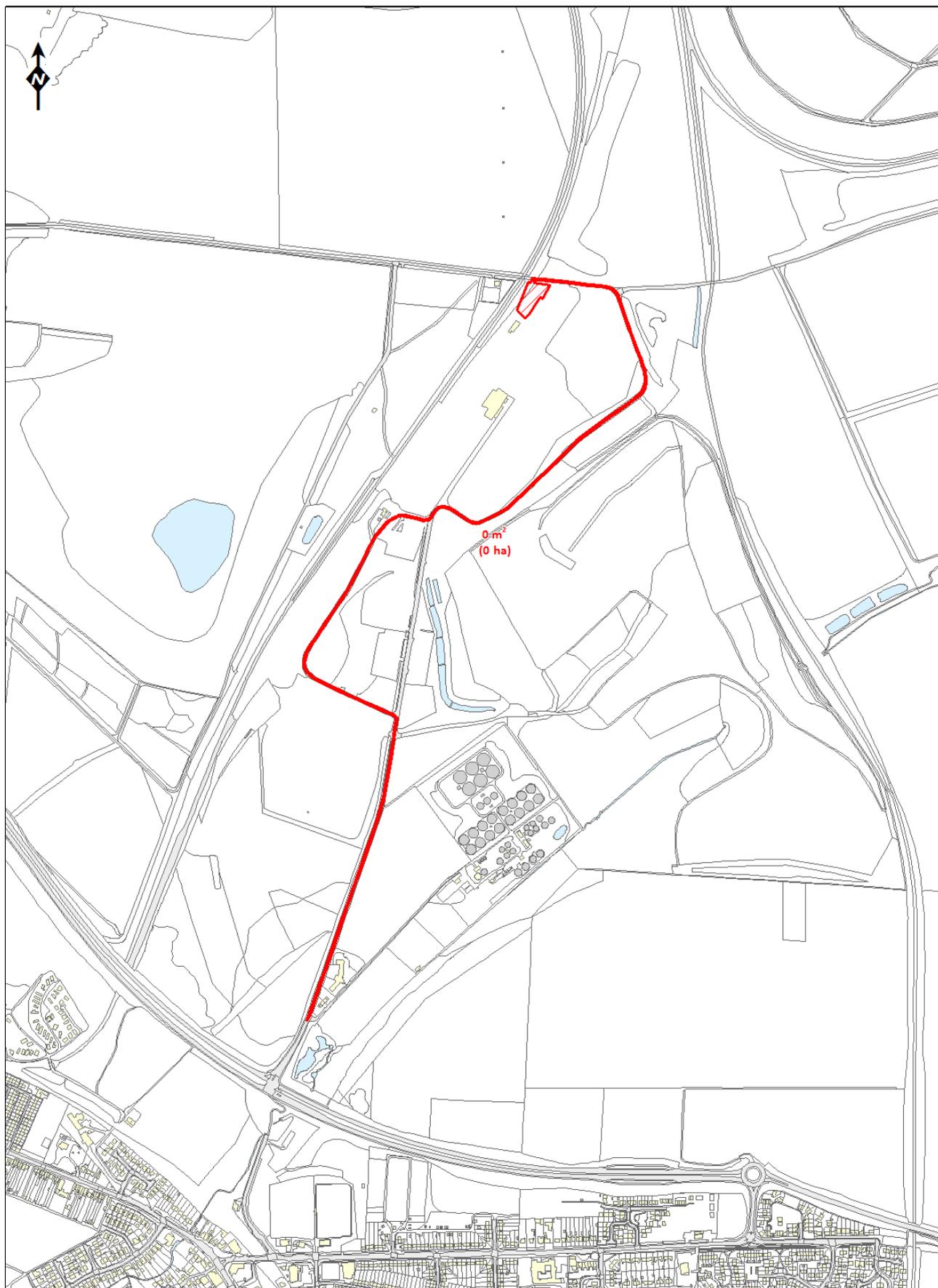
#### BACKGROUND PAPERS

Application case file.

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

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

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



<b>Application No:</b>	<b>17/00921/FULM</b>	
<b>Proposal:</b>	<b>Application for removal/variation of condition 10 attached to application 16/01796/FULM; Erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping</b>	
<b>Location:</b>	<b>Field Reference 2564 A17 Winthorpe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr M Foster</b>	
<b>Registered:</b>	<b>02 June 2017</b>	<b>Target Date: 01 September 2017</b>

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

Overview

In the interests of succinctness it is not considered necessary to re-iterate the full extent of the previous consent, but for clarity this is attached below. The application before members seeks to vary condition 10 of the consent approved in January 2017 which stated;

*Notwithstanding the plans hereby approved no part of the development shall be brought into use until the access road from the A17 has been provided including the provision of a combined footpath and cycleway of a width of no less than 3m on the southern side of the access road in accordance with details which are to be first submitted to and agreed in writing by the Local Planning Authority.*

*Reason: To promote sustainable travel and in the interests of highway safety.*

The application seeks to vary the siting of the footway & cycleway location from the southern side of the access road to the northern side. The footpath remains the same in every other respect.

Consultations

**Winthorpe and Langford Parish Council – Objection**

The objection is based on the same reasons that the Parish Council objected originally when this application came before them. The increase in the traffic in an area which is already swamped with traffic and suffers from severe traffic problems on a regular basis.

**NCC - Highways Authority – No objection**

The north is agreeable and has been approved as part of a separate Section 38 process

## Comments of the Business Manager

An application under Section 73 (variation of condition) is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This route requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. In this case I note that the original consent was granted relatively recently and there are no material changes in circumstances to consider, either in terms of on the ground or planning policy changes. I do not therefore repeat all development plan policies and material planning consideration, for which I rely on the previous report below.

The application seeks to vary condition 10 of the approved consent to essentially flip the footpath provision into the site. This has come following discussions between the applicant and Highway Authority as the scheme had been worked up. As part of the Section 38 discussions with County Highways in relation to preparing the road to an adoptable standard it was determined that re-locating the approved combined footway & cycleway to the northern side of the access road would provide better site connectivity with the existing footpath & highway network.

No objection to the proposed re-siting has been raised by colleagues in County Highways. Whilst the objection from the parish council are noted it is not considered that this application for the re-siting of the approved footpath/cycleway would have any bearing on traffic flow within the area and as detailed above the principle of the development cannot be re-visited as part of this application given that there is no material change in circumstances to the position last assessed by the Committee in January.

It is not considered that there are any further material considerations that would warrant refusal of the application.

## **RECOMMENDATION**

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

01

The development hereby permitted shall not begin later than 27th January 2020.

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, drawing references

- Site Location Plan Drawing No. L5/586-00
- PH1 Construction Works Site Layout Plan Drawing No. L5/586-07 Revision F
- Proposed Site Layout Plan Drawing No. L5/586-08 Revision H
- Enlarged Proposed Site Layout Plan Drawing No. L5/586-09 Revision H
- Proposed Ground Floor Plan Drawing No. L5/586-11 Revision J
- Proposed First Floor Plan Drawing No. L5/586-12 Revision D

- Proposed Second Floor Plan Drawing No. L5/586-13 Revision D
- Proposed Roof Plan Drawing No. L5/586-14 Revision D
- Proposed Elevations Drawing No. L5/586-15 Revision C
- Section 1-1 Drawing No. L5/586-16 Revision A
- Section 2-2 Drawing No. L5/586-17 Revision A
- Section 3-3 Drawing No. L5/586-18 Revision A
- Section 4-4 Drawing No. L5/586-19 Revision A
- Office Façade Section Drawing No. L5/586-20 Revision A
- Indicative Site Usage Plan Drawing No. L5/586-90 Revision B
- Pylon Signage Details Drawing No. L5/586-43
- S38/S278 General Layout sheet 1 of 2 Drawing No. 4954-01-01 B
- S38/S278 General Layout sheet 2 of 2 Drawing No. 4954-01-02 C

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Notwithstanding the plans hereby approved the use of the site shall be Sui generis as detailed within the application description with an element of ancillary specialist retail.

Reason: The presence of a pure retail development in this location would be contrary to the development plan and national policy.

05

The site drainage and surface water management shall be undertaken in accordance with the letter dated 27/04/17 under discharge of condition application ref: 17/00461/DISCON and in accordance with the following details: wastewater treatment plant proposal compiled by KEE dated 28/2/17 and on Drainage details sheet 1 of 2 4954-01-25A sheet 2 of 2 4954-01-26, Typical Cross Sections Drawing No. 4954-01-30 A, Headwall Details Drawing No. 4954-02-07 A and Proposed Drainage Layout Drawing No. 4954-02-02 C

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

06

The package treatment plant and septic tank specifications shall be undertaken in accordance with the letter dated 27/04/17 under discharge of condition application ref: 17/00461/DISCON and in accordance with the following details: wastewater treatment plant proposal compiled by KEE dated 28/2/17

Reason: To protect the underlying secondary A aquifer from contamination.

07

Hard and soft landscaping shall be carried out in accordance with the details approved by the letter dated 27/04/17 under discharge of condition application ref: 17/00461/DISCON and in accordance with the following details: plan reference: L5/586-06 Hard & soft landscaping plan.

Reason: In the interests of visual amenity and biodiversity.

08

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.

09

Tree planting shall be undertaken in accordance with the letter dated 27/04/17 under discharge of condition application ref: 17/00461/DISCON and in accordance with the following details: L5/586-06 Hard & soft landscaping plan.

Reason: In the interests of visual amenity and biodiversity.

10

Notwithstanding the plans hereby approved no part of the development shall be brought into use until the access road from the A17 has been provided including the provision of a combined footpath and cycleway of a width of no less than 3m on the northern side of the access road in accordance with details shown on plans: S38/S278 General Layout sheet 1 of 2 Drawing No. 4954-01-01 B and S38/S278 General Layout sheet 2 of 2 Drawing No. 4954-01-02 C.

Reason: To promote sustainable travel and in the interests of highway safety.

11

No gates shall be erected at the access to the development from the public highway unless and until details of such gates have been first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure vehicles stand clear of the highway whilst gates are opened/closed.

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

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

03

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.

Should you require any further information please contact us on the telephone number or email below.

04

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

05

In order to carry out the required off-site works at the A17 roundabout you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [david.albans@nottscc.gov.uk](mailto:david.albans@nottscc.gov.uk) for details.

06

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

## COPY OF COMMITTEE REPORT FOR PREVIOUS APPROVAL IN JANUARY, 16/01796/FULM

### The Site

The site lies to the north of the A17 and south of the Newark Showground site. The urban area of Newark is to the south west, Coddington south east and Winthorpe north west. The site forms 9.55 acres of a wider allocated site identified as Newark Urban Area – Mixed Use Site 1 within the adopted DPD. The site is accessed from an existing northern arm from a roundabout on the A17. To the south of the site are a large collection of buildings associated with Know How distribution centre, to the north land associated with Newark Showground and on the western edge a service station and the Friendly Farmer. The site is generally flat greenfield land, having been regularly cultivated and cropped as part of the larger arable field unit which forms the whole allocation. Part of the site is also hard standing given the history of the wider area as part of the RAF Winthorpe Airfield.

The site is relatively well screened from view by boundary hedgerows & trees and would be set to the north of an Internal Drainage Board maintained waterway which runs north east to south west and through a tunnel under the A17. This site lies within Flood Zone 1 albeit it is within an area prone to surface water drainage issues according to the Environment Agency Flood Maps. A public right of way (Winthorpe Footpath 3) crosses close to the entrance of the proposed site and provides access from Coddington to the south to Winthorpe to the north.

The applicant – Wirtgen Group are a successful international group of companies established in 1973 with offices situated throughout Europe. They specialize in the construction equipment industry and are suppliers of mobile machinery and services for all areas of road construction. The group employs approximately 7,000 people worldwide with its head office in Germany and have an annual turnover of circa £95m. At present there are two facilities in the UK, namely south west of Leicester and south of Lincoln. The proposal before Members would see the relocation of the existing Lincoln premises to the proposed site between Newark & Winthorpe. The decision to relocate from their existing Lincoln office to the proposed site is an operational and logistical one, and would see potential significant inward investment into the district of circa £14m.

### Relevant Planning History

**17/00461/DISCON** - Request for confirmation of discharge of conditions attached to planning permission 16/01796/FULM; Erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping. Conditions discharged April 2017

**16/01796/FULM** - Erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping. Approved January 2017

### The Proposal

Full planning permission is sought for the erection of a three storey building to accommodate vehicle/plant servicing & repair workshop, storage and ancillary office accommodation in addition to external storage & sales display area.

The site would be accessed from a new road constructed by the applicant from the northern spur of the A17 roundabout which would deliver the main access point to serve the wider expanse of this allocated site and finished to a standard where it could be adopted by the Highways Authority.

The proposed building would at its closest point be set back approximately 120m from the A17. The proposed building would measure 72.5m by 49m, giving an internal ground floor space of 3,552m<sup>2</sup>. The building would have an overall height of 13m with a further 2m high by 10m wide area above the front of the building for future signage. The building would have an almost flat roof with a slight incline for drainage. A number of roof lights would be incorporated into the roof line for natural light. The building would be orientated to front onto the A17 with the warehousing & more industrial elements of the business located to the rear.

It is proposed that the building be constructed in a modern palette of materials notably dark grey coloured cladding for the roadside facing offices with metal profile sheeting to the rear housing more industrial elements. Although predominantly rectangular in its form, interest to the elevations is introduced through the inclusion of canopies.

Road construction machinery storage would be to the east and south of the building with car parking to the west. To the north of the site would be a hard surfaced training facility where machinery can be demonstrated/tested prior to being hired/purchased. On the western edge of the site would be a collection of machines displayed as advertising for the business in addition to 2 x 6m high signage pylons.

It is proposed that the business would employ approximately 118 full time employees with 77 being based on site and 41 staff being field based.

For clarity whilst some of the processes/uses involved do have some synergy with the B2 Use class, Officers and the applicant have agreed that given the varying elements proposed across the site including hire of machinery, repair and sales (including display of the machinery/vehicles), that Sui Generis use class is more appropriate. As such the application before members is for a Sui Generis use with ancillary specialist retail. Planning permission would be required for any different use to that proposed.

The application is accompanied by a Planning, Design & Access Statement, a Flood Risk & Drainage Strategy Report, a Transport Assessment, Extended Phase 1 Habitat Survey, Tree Survey, a Landscape Review, Massing study, an Archaeological Geophysical Survey and a Geo-Environmental Report.

### **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  
NUA/MU/1: Newark Urban Area – Mixed Use Site 1

### **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

### **Publicity**

1 neighbouring property notified by letter  
Site notice posted 24/11/16  
Advert published 10/11/16  
Earliest decision date 01/12/16

### **Consultations**

#### **Winthorpe and Langford Parish Council – Objection**

The Parish Council has concerns about the impact that further development would have on the drainage towards Winthorpe village.

We have previously raised these concerns over proposals by Mastercare for the same reason

#### **NCC - Highways Authority – No objection subject to condition**

The submitted Transport Assessment has been vetted and a number of queries addressed in an on-going discussion with the applicant's highways agent, particularly with regard to the capacity assessment of the local road network. It is concluded that due to the operation of the site and the shift patterns of working, the proposal will have insignificant impact on peak time traffic conditions on the A17. Account has also been taken of the longer term development of pockets of development served off the same access. The impact on the A17/A46/A1 roundabout has been separately assessed by Highways England and comments made.

#### **Highways England – No objection**

#### **Trent Valley Internal Drainage Board – No objection**

The Board's consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required) The suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the

Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

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

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

**NCC - Lead Local Flood Risk Authority – No objection subject to condition**

The proposals acknowledge and consider the need to ensure the development is designed in such a way that it has no detrimental effect on surface water flows into the receiving watercourse(s) and to ensure this is adhered to:

1. A detailed surface water design and management proposal is submitted and approved by the LPA prior to any construction starting.
2. All proposals relating to surface water discharges from the development are approved by the IDB.

**Severn Trent Water – No objection subject to condition**

**Environment Agency – No objection subject to condition**

We have reviewed the 'Geo-environmental report' (ref 15-1312-03, dated July 2016) submitted in support of this planning application. Please note that these comments relates solely to the protection of the water environment in the vicinity of the site.

We are satisfied with the conceptual site model within the report that states there is a low risk

perceived for controlled waters. Based on this information we agree with this conclusion.

We note that foul sewage from the main building will be directed to a package treatment plant and then discharged to the adjacent IDB watercourse. A septic tank will be installed for the isolated toilet block. The drainage report states in section 6.3.6 that the anticipated wastewater flow from the site will be 4.1m<sup>3</sup>. The applicant needs to confirm whether this figure is the total wastewater flow from the site or from the isolate toilet block. A non-mains drainage assessment has not been submitted with the application. Additional details regarding the package treatment plant and septic tank should be provided.

Environment Agency position: the proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

**Natural England** – No comment

**NSDC Policy Officer** - Observations

The application site lies within the area covered by Policies NUA/SPA/1 and NUA/MU/1 which facilitate the principle of an employment use. I note that the site plan includes a sales area which I take to be trade sales ancillary to the main employment use. In the event of an approval it would be important to control this as the presence of retail in this area would be contrary to the development plan and national policy.

The main issues arising from the above policies that require addressing are archaeology, master planning, highway improvements and visual impact.

I note the masterplan contained within the submission which shows that the site could be developed without prejudicing the delivery of the remainder of the allocation and consider this would satisfy the policy. Policy NUA/MU/1 also carries a requirement for phasing which will require addressing. I note that the submission contains reports relating to highways improvements and archaeology. For consideration of these I defer to the relevant consultees who will need to be satisfied in order for the policy to be complied with. As the first development on this allocated site there is the potential for screening through landscaping or design which could satisfy this requirement of NUA/SPA/1.

The more standard site specific assessments will also need to be made by reference to the relevant DM policies.

## CONCLUSION

The principle of development is policy compliant. The submission appears to contain the necessary information to assess the criteria of the policies identified above. Subject to these and all other relevant Development Management Policies being satisfied, the proposal would be policy compliant and assist in the implementation of the development plan.

**NSDC Environmental Health Officer** – No objection

## Comments based on additional submitted information

Following the submission of the Additional Ground Gas Monitoring Letter Report (Delta-Simons Project Number: 15-1312.03 dated December 2016) and the discussion which described the

reasoning for the previous elevated results, I can confirm that I now consider that the ground gas has been adequately assessed. Further I can concur with the assessment that the site is CS1 and that no gas protection measures are necessary given the evidence provided by this additional report.

#### Initial Comments

With reference to the above development, I have received a Geo-Environmental Report, submitted by Delta Simons in support of the proposed development at the above site. This document includes an environmental screening report, an assessment of potential contaminant sources, a history of the sites previous uses and a description of the site walkover. Following this, intrusive sampling and analysis have been carried out and the report states that the risk to the proposed development from soil contamination is low.

I generally concur with this assessment however I note that elevated ground gas was identified and that CS2 level protection measures are proposed. There is little discussion or assessment of the monitored gas levels within the report or evidence to support how the CS2 level was determined. Furthermore, I would expect submission of gas protection measures for approval, prior to installation within the proposed building by a competent installer.

#### **Tree Officer – No objection subject to condition**

Although trees/hedges on the boundaries are unlikely to be directly affected it is recommended that a protection scheme should be conditioned to avoid any damage during construction activities.

Given the open nature of the site and the scope of development, a robust soft landscaping scheme to break up the building form and areas of hard surfacing should be conditioned.

Choice of species should be appropriate to specific site requirements and take account of the potential impact of predicted climate change and existing and potential pests and diseases.

#### **Nottinghamshire Ramblers – No objection**

I note that part of this site is crossed by Winthorpe Footpath 3 which joins the A17 relief road to the A46 and is part of an important pedestrian route between Coddington and Winthorpe. It has, however, been difficult to follow in recent years on account of development on the Showground site and lack of clear markings across the old airfield runways. Specific mention is made of this right of way in the Design and Access statement. We have no objection to this development as long as the route of the path is clearly marked.

#### **Two letters of representation has been received from local residents/interested parties, raising the following concerns: -**

In 2008 JBA consulting were commissioned by Newark and Sherwood council to do a survey on the stream and flood elevation scheme for the Mastercare centre and surrounding area. The conclusion of this survey was that the flood alleviation scheme was totally inadequate. As a result of this survey the planning services manager at the time Mr Peter Wilkinson put a stop to all further development in the area until the flood elevation scheme was improved and built to a standard fit for purpose. Any development without improvement of the flood scheme would put

winthorpe village which is down stream and agricultural land which is up stream of this development at risk of serious flooding.

No objection is raised to the principle of the proposed use or the layout and design of the buildings.

Objection is raised to the vehicular access arrangements and the allocation implied by the indicative masterplan. The objection is raised on the grounds that the development as presently proposed would be prejudicial to the proper planning of the area & would conflict with policy NUA/SPA/1.

Specifically concern is raised that the proposed development fails to address/provide for future access to the showground to the north of the application site.

At the time of the construction of the Long Hollow Way roundabout on the A17 (which is proposed to provides access to the application site, the showground society were given a clear assurance by the planning & highways authority that the junction had been designed to accommodate future access/egress to the showground.

Policy NUA/SPA1 requires that proposals within the policy area must specifically address, amongst other things the need to address access constraints relating to the A1/A46/A17 junctions. Moreover the mixed use allocation under policy NUA/MU/1 is explicitly made subject to the requirements of the Newark Showground Policy.

The creation of more access/egress points between the showground and the surrounding primary road network is clearly a public interest that is promoted through 2 grounds – 1) facilitating the safe flow of traffic 2) the contribution the showground makes to the local economy in terms of employment

The society has been in negotiation with the owners of the application site with a view to creating a better shape for the mixed use allocation especially at its western end so to enable a more efficient effective and viable layout. The society was seeking to swap land for access to the A17 roundabout, however the site owners have not responded to the latest offer. If the current planning application is granted the opportunity for an agreement to secure access to the A17 for the showground would either be lost or impaired.

The objector requests that the LPA seeks the applicant to amend the design to make provision for an additional access to/from the southern end of the showground & that the TA be amended accordingly.

The north eastern corner of the indicative masterplan is not in the ownership of the applicant and the objector does not agree with the layout of the indicative masterplan.

### Comments of the Business Manager

#### Principle of development

Paragraphs 18 & 19 of the NPPF state the following; *The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*

*19; The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*

This is reflected in local policy in the form of the Core Strategy. 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 identified by policy NUA/MU/1 – Newark Urban Area – Mixed Use Site 1 within the adopted Allocations and Development Management DPD. The site has been identified to accommodate a hotel/conference facility, restaurant facilities to support the wider showground uses and of particular relevance to this application employment uses. In addition to general policy requirements development on the site shall be subject to:

- The requirements of the Newark Showground policy area notably;
  - Addressing access constraints relating to the A1/A46/A17 junctions
  - Need to adequately screen new development
  - Investigation of potential archaeology on site
  - Address any issues regarding potential impact on neighbouring amenity
- The preparation of a site specific master plan for the allocation setting out the location of various land uses and a phasing policy for new development;
- Until appropriate improvements have been made to the A1/A46/A17 junction employment development will not be considered appropriate. Any proposed development will need to demonstrate that it will not generate significant am and pm peak traffic as part of any planning application.

The proposed submission has been reviewed by colleagues in Planning Policy and based on the submitted information they are confident that the proposed development would be policy compliant, subject to comments of consultees and relevant conditions. As a matter of principle, it is important that this development does not prejudice the wider delivery of the site. This is discussed in further detail below, especially in the highways section. Other individual elements of the above policy requirements are discussed in greater detail in the relevant sections.

### Design and Visual Impact

Core Policy 9 of the Core Strategy 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. Policy NUA/MU/1 also refers to screening of any development, which I take to mean securing appropriate siting, landscaping/and or boundary treatment being secured rather than simply hiding a development given that the allocation is in itself for significant development.

The proposed site is currently grassed and forms part of the wider allocated site which has been regularly cultivated and cropped. In terms of surrounding built form; the area is relatively open to the east and similarly to the north and west albeit bound by the A46. However, on the southern side of the A17 is the Know How distribution site which is occupied by a collection of vast warehouses, which members may remember will be further expanded given the granting of consent at December's meeting for a further 47m by 12m building (16/01505/FULM). This application seeks consent for the construction of a building in the southern half of the 9.55 acre site with the northern portion remaining open. To the east of the building would be an array of machinery used by the applicant for road construction and to the west car parking for employees.

The building proposed would measure approximately 72.5m by 49m, giving an internal ground floor space of 3,552m<sup>2</sup>. For comparison purposes the building within closest proximity to the site on the Know How site to the south west measures approximately 218m x 302m with a floor space of 66,000m<sup>2</sup>. In terms of scale; the building which forms the basis of this proposed application would be approximately 95% smaller, whilst of course still being significant. The submitted massing exercise & landscape review demonstrate that views of the proposed development will be relatively limited with exception from the nearby Public Right of Way (PRoW). This is due in part to the proposed siting of the building and screening vegetation alongside the A17 to the south and A46 to the north. Due to the relatively sparsely populated location of the development site, views from further afield would be restricted to transient views, i.e. those from vehicles passing the site on nearby roads. The clustering of the proposal within proximity to the A17 and the adjacent Know How site has the effect of containing the development and preventing the appearance of urban sprawl in the countryside.

The applicant has stated that the building has been designed so that the front elevation presents an active frontage and would achieve some visual prominence from the A17 to passing motorists. The building is proposed to be constructed of modern dark grey metal cladding synonymous with the commercial character of the area as established by the Know How centre. The more industrial side of the building and machinery storage areas would be in the majority screened from view by the built form of the building and surrounding screening vegetation. To further assimilate the development into its surroundings it is recommended that a condition be attached to any future consent for a landscaping scheme to be submitted & agreed prior to commencement.

Given the position of the site within proximity to the Know How centre and the relatively modest scale of the development in so far as comparison with the adjacent site it is not considered that the development will be read as being visually isolated or having an adverse impact upon its surroundings. Subject to further landscaping as detailed above which would further assist in screening and assimilating the development I do not 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.

In terms of wider highway network context Members will be fully aware of central government plans to priorities works to the A46 via the Highways England Road Investment Strategy (RIS) and the announcements in two successive Autumn Statements (2014, 2015). A further update has

been provided in the form of the Highways England Delivery Plan 2016-2017 which confirms work on option development for the A46 will be started in 2017-18.

The site would be accessed from an existing partially constructed spur on a roundabout on the A17 which currently serves the Know How site to the south. Colleagues at Highways England & Nottinghamshire County Council Highways Authority have been consulted and have raised no objection to the proposed development. Plans submitted detail pedestrian access to the Wirtgen site would be available via a new footway to be provided on the northern side of the site access road. Land for a 3 metre shared footway/cycleway on the southern side of the new road would be safeguarded for future provision by others as development of the overall allocation site proceeds. Concern has been raised to this approach by officers and colleagues at County Highways in relation to the difficulties of securing these facilities without a legal agreement. As such in the interests of completeness it has been agreed with the applicant that the proposed development provide a shared footway/cycleway on the southern side of the road prior to the Wirtgen scheme being occupied. The footpath on the northern side of the road would be provided at a later date as part of the wider site development. This approach is considered to be acceptable by both the applicant, officers and colleagues at County Highways and will be secured by way of condition.

Highways colleagues have reviewed the undertaken Traffic Assessment and are in agreement that the analysis confirms that the modest volume of traffic generated by the proposed development can be safely and adequately accommodated and that this first phase of development of the allocated site can be brought forward immediately. That is subject to the works to the existing roundabout serving Know How off the A17 and the internal spur road up to the development being provided. As the illustrative master plan confirms (as it is required to by policy NUA/MU/1) it is recognized that further mitigation works may be required to unlock the remainder of the site allocation. That may comprise mitigation which is user specific (eg. localized highway works to the roundabout or plot) or may indeed require the implementation of the wider strategic A46 works contained within Highways England Road Investment Strategy.

Each of the highway authorities is satisfied that subject to conditions the current proposals are acceptable. I have no reason to disagree, albeit I do note that any further development would need to be subject to additional technical work by highway engineers. Officers and the Council as a whole will also be continuing to promote and support the wider A46 RIS proposals as soon as reasonably practicable.

The comments raised by the objector in relation to provision of access to the showground as part of this development are noted and a response has been sought from the applicant and colleagues in planning policy. The applicant has responded that *'Local Plan Policies NUA/MU/1 and NUA/SPA1 are not prescriptive in the need to deliver an access from Long Hollow Way into the Showground site. There is therefore no specific policy requirement to deliver it. Importantly however, neither the indicative masterplan nor the proposed access road from Long Hollow Way Roundabout prevent a potential access into the Showground site coming forward in the future. Clearly there are issues of land ownership here which sit outside of this planning application, but I would reiterate that the development as proposed would certainly not prevent any future link from being delivered'*.

Officers are in agreement with this view and do not believe that the proposed development would prejudice any future potential access from the A17 roundabout to the showground site situated to the north.

In conclusion the proposal subject to condition 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 Flood Risk Assessment and Surface Water Drainage Strategy have been submitted in support of the scheme and reviewed by the Lead Local Flood Authority, the Environment Agency and the Trent Valley Internal Drainage Board. No objections have been raised from these bodies subject to condition.

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 applicant has acknowledged the siting within a location prone to surface water drainage issues and is proposing that the finished floor level of the proposed building be raised above the existing ground level of the site to mitigate against this risk. Long term ground water monitoring is being undertaken on the site to best inform the strategy for managing surface water. Both approaches will adopt SuD's principles, namely;

- Shallow infiltration techniques to drain the proposed hard standing & parking areas combined with discharge at an attenuated rate to the Winthorpe Airfield drain for roof drainage
- Discharging surface water from the entire development to the Winthorpe Airfield drain at an attenuated rate

Whilst two strategies are being formulated it is clear that a SUDs scheme is achievable on the site to manage surface water. The LLFA & Environment Agency have raised no objection to the surface water being managed by either of these techniques but have requested that confirmation of the preferred approach be secured by way of a surface water management condition prior to commencement of works.

There are no public foul sewers within reach of the site and as such foul water discharge is proposed to be managed via a package treatment works & septic tank. No objection has been raised to this approach subject to further details being submitted & agreed by way of condition.

Whilst I note the Parish Council's concerns with regards flooding, the site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping. Furthermore, the LLFA have advised that given the site's location away from the village and the proposed indicative surface water management techniques as discussed above that there is no risk of surface water flooding from this application site to residents of Winthorpe. I see no reason to disagree with the professional advice received.

Based on the above and subject to the detailed conditions I do not consider there would be any adverse impacts relating to flooding or surface water run-off and I conclude that the proposal accords with CP10 and the NPPF in flood risk terms.

### Residential Amenity

Policy DM5 (Design) states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The Newark Showground policy (NUA/SPA/1) details that developments should address any issues arising from proposals which may adversely affect nearby residents.

There are no residential properties located within proximity to the site. The closest residential accommodation to the site would be the properties at the southern edge of Winthorpe to the north west. Given the degree of separation and the nature of the business proposed it is not considered that the proposed development would result in a loss of neighbouring amenity. The proposal is therefore considered to comply with policy DM5 & policy NUA/SPA/1.

### Impact on Archaeological interests

In accordance with the requirements of the Newark Showground policy (NUA/SPA/1), an Archaeological Geophysical survey has been submitted in support of the application. The site has been surveyed and no clearly defined geophysical evidence of buried archaeological remains recorded. As such it is not considered that the proposed development would impact on heritage interests and the development would accord with Core Policy 14 & DM9 of the NSDC DPD.

### Impact on Trees & Ecology

A Phase one Habitat Survey & an Arboricultural Assessment have been submitted in support of the application. The ecology report concludes that the area of field inspected and being proposed for commercial development contains land of low ecological value and there is no indication that the proposed development will impact or compromise any area of significant biodiversity.

With regards impact on trees; there are no trees situated on the development site with the closest being approximately 10m to the south alongside the drainage channel. The Root Protection Area's for these trees have been calculated and the majority of the trees will avoid any impact of the proposed development or suffer minor root loss during the creation of hard standing. No objection to the proposed development has been raised by the Tree Officer subject to condition in relation to implementation of tree & hedgerow protection during construction and the submission of a landscaping scheme to strengthen existing boundaries which has already been detailed within the above section on visual impact. However, it is officer's view that the requirement for a condition to protect trees and hedgerows is not considered necessary given that none are sited within the development site. In conclusion it is not considered that the proposed development would detrimentally impact upon biodiversity on the site and the proposal would accord with policy DM7 of the NSDC DPD.

### Contaminated Land

The application has been supported by a submitted Geo-Environmental Report undertaken by Delta Simon. The report includes an assessment of potential contaminant sources, a site history and site walkover. Initial concerns were raised by the Environmental Health officer in relation to lack of detail in relation to proposed gas protection measures. A further Ground Gas Monitoring Letter Report was submitted by the applicant in support of the application. The environmental

health officer is now of the opinion that potential ground gas contamination has been adequately assessed and that no gas protection measures are required as part of the development.

### Impact on Heritage Assets

The proposed development has been considered by conservation colleagues. Colleagues consider that the closest assets to the proposed development are notably the Conservation Areas of Winthorpe (1km to the north west) and Coddington (1km to the south east) and Winthorpe House (1km to the north west). Notwithstanding the proposed scale of the development site it is considered that given the separation distances and intervening vegetation that any impact on the setting of these assets would be limited. As such it is not considered that the proposed development would detrimentally impact upon these assets and the proposal would accord with Core Policy 14 of the Core Strategy and Policy DM9 of the NSDC DPD.

### Other matters

The proposal will clearly lead to inward investment and to the provision of employment for Newark and beyond (including those relocating from Lincoln). The proposal will also bring with it other financial benefits such as business rates. Whilst this latter financial benefit is noted it is not, for the avoidance of any doubt, material to the planning decision or this recommendation.

The comments from the objector in relation to the indicative masterplan and ownership are noted; however the masterplan as per the description is just indicative and as per the requirements of policy NUA/MU/1 and has just been produced to demonstrate how the wider site could be delivered regardless of land ownership constraints.

### Conclusion

The proposal is to implement the first element of employment on this allocated site. Technical assessments, together with the views of both Highways England and Nottinghamshire County Council have demonstrated that this development can come forward without an unacceptable impact on the highway network (subject to conditions). The scheme will not prejudice the delivery of the wider site allocation with any future proposals still needing to carefully assess highway impacts and deliver any necessary mitigation. The site would deliver significant economic and social benefits in investing c£14m and in the employment of 118 members of staff, 77 of which will be based at the site. Whilst significant in size the scheme is considered appropriate in visual impact terms to its context. There are no other reasons as detailed above to withhold or delay the granting of planning permission. Approval is therefore recommended.

## **RECOMMENDATION**

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

### Conditions

01

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

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

02

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

- Proposed Connection to the A17 Roundabout Drawing No. NTP-16009-01 Rev A
- Site Location Plan Drawing No. L5/586-00
- PH1 Construction Works Site Layout Plan Drawing No. L5/586-07 Revision F
- Proposed Site Layout Plan Drawing No. L5/586-08 Revision H
- Enlarged Proposed Site Lyaout Plan Drawing No. L5/586-09 Revision H
- Proposed Ground Floor Plan Drawing No. L5/586-11 Revision J
- Proposed First Floor Plan Drawing No. L5/586-12 Revision D
- Proposed Second Floor Plan Drawing No. L5/586-13 Revision D
- Proposed Roof Plan Drawing No. L5/586-14 Revision D
- Proposed Elevations Drawing No. L5/586-15 Revision C
- Section 1-1 Drawing No. L5/586-16 Revision A
- Section 2-2 Drawing No. L5/586-17 Revision A
- Section 3-3 Drawing No. L5/586-18 Revision A
- Section 4-4 Drawing No. L5/586-19 Revision A
- Office Façade Section Drawing No. L5/586-20 Revision A
- Indicative Site Usage Plan Drawing No. L5/586-90 Revision B
- Pylon Signage Details Drawing No. L5/586-43

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Notwithstanding the plans hereby approved the use of the site shall be Sui generis as detailed within the application description with an element of ancillary specialist retail.

Reason: The presence of a pure retail development in this location would be contrary to the development plan and national policy.

05

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

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

06

The development hereby permitted shall not be commenced until such time as a scheme to agree the package treatment plant and septic tank specifications has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. There must be no siting of the septic tank or package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.

Reason: To protect the underlying secondary A aquifer from contamination.

07

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.)

Reason: In the interests of visual amenity and biodiversity.

08

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.

09

Prior to the implementation of the landscaping details hereby approved, within each phase of development, details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells (as appropriate) shall be submitted to and approved in writing by the District Planning Authority. Thereafter, the landscaping proposals within each phase of development shall proceed in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity.

10

Notwithstanding the plans hereby approved no part of the development shall be brought into use until the access road from the A17 has been provided including the provision of a combined footpath and cycleway of a width of no less than 3m on the southern side of the access road in accordance with details which are to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel and in the interests of highway safety.

11

No gates shall be erected at the access to the development from the public highway unless and until details of such gates have been first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure vehicles stand clear of the highway whilst gates are opened/closed.

12

No part of the development shall be brought into use unless or until improvements for pedestrians and cyclists at the A17 roundabout have been provided as shown *indicatively* on drawing no. NTP-16009-01A to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable travel and in the interests of highway safety.

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

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

03

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.

Should you require any further information please contact us on the telephone number or email below.

04

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

05

In order to carry out the required off-site works at the A17 roundabout you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [david.albans@nottscc.gov.uk](mailto:david.albans@nottscc.gov.uk) for details.

06

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

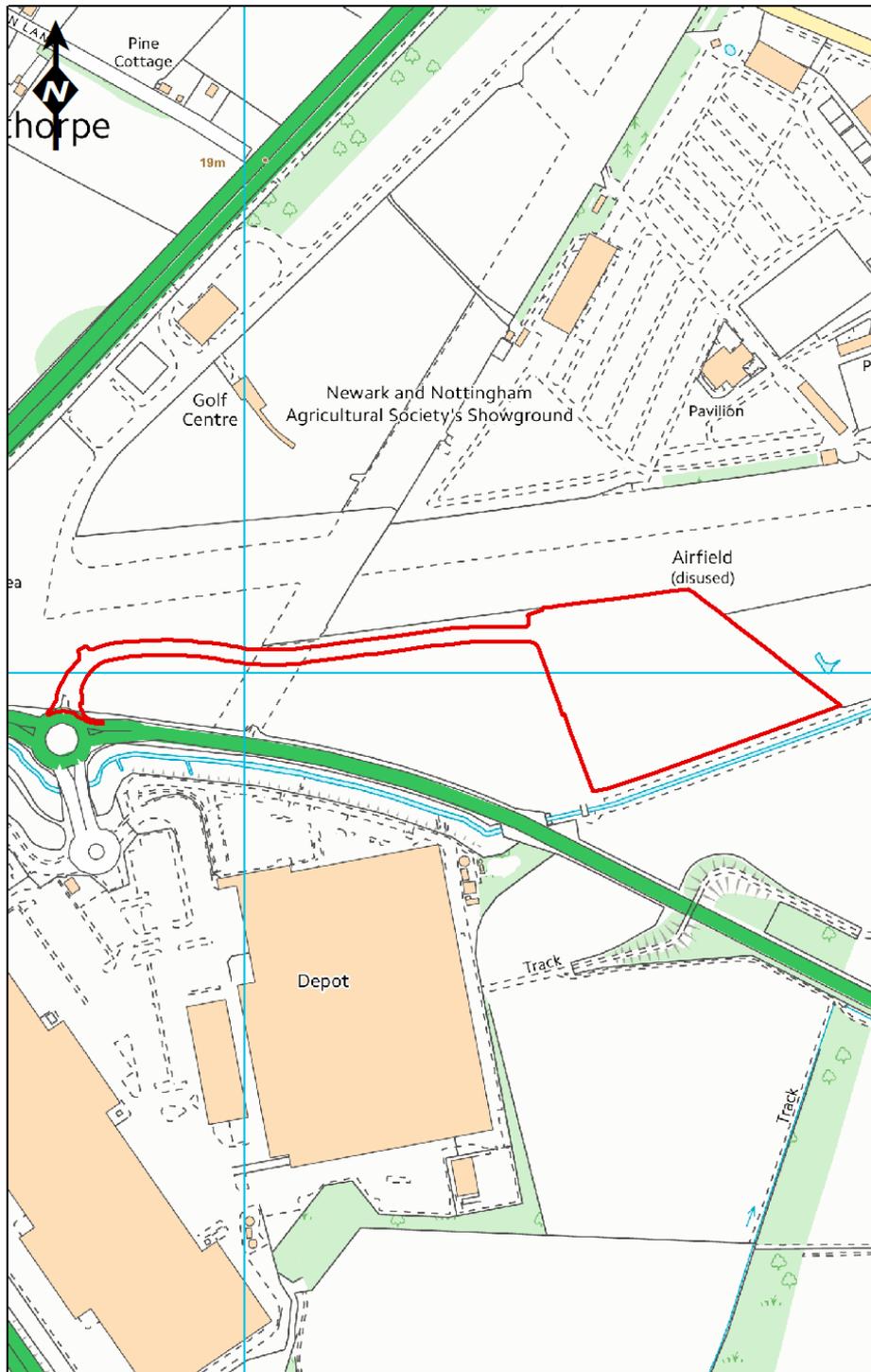
Background Papers

Application case file.

For further information, please contact James Mountain on 01636 655 840.

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

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



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**APPEALS A**

**APPEALS LODGED (received between 22 May 2017 to 20 June 17)**

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

**2.0 RECOMMENDATION**

**That the report be noted.**

**BACKGROUND PAPERS**

Application case files.

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

**Matt Lamb**  
**Business Manager Growth & Regeneration**

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/W/17/3168018	16/01478/OUTM	Field Reference Number 0177 Main Street Blidworth Nottinghamshire	Outline application for up to 30 dwellings with access off Main Street to include self-build and affordable homes	Hearing
APP/B3030/W/17/3170017	16/01997/OUT	Parkside May Lodge Drive Rufford Nottinghamshire NG22 9DE	Erection of one four bedroom house	Written Representation
APP/B3030/C/3173115		Thurgarton Priory Priory Road Thurgarton Nottinghamshire	Appeal against Enforcement Notice	Written Representation
APP/B3030/C/17/3173576		Barfield House Greaves Lane Edingley Nottinghamshire NG22 8BH	Appeal against Enforcement Notice	Written Representation

**APPENDIX B: APPEALS DETERMINED (22 May 2017 – 20 June 2017)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
16/01582/FUL	Land Adjacent Bar Farm The Bar Laxton Nottinghamshire	Erection of dwelling	DISMISS	01.06.2017
16/00946/FUL	Primary Site Ltd 20 Appleton Gate Newark On Trent Nottinghamshire NG24 1LY	Replacement of 1970's aluminium style windows with UPVC double glazed windows (Retrospective)	DISMISS	06.06.2017
16/01343/FUL	6 Dale Lane Blidworth Nottinghamshire NG21 0TG	Construction of a detached 4 bed house with garage and off street parking and turning for 3 vehicles	ALLOW	16.06.2017

**RECOMMENDATION**

**That the report be noted.**

**BACKGROUND PAPERS**

Application case files.

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

**Matt Lamb**

**Business Manager Growth and Regeneration**

## Appeal Decision

Site visit made on 31 May 2017

by **J C Clarke BSc(Hons) BTP MRTPI**

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

Decision date: 16 June 2017

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**Appeal Ref: APP/B3030/W/17/3167873**

**Land adjacent to 6 Dale Lane, Blidworth NG21 0TG**

- 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 P Lathrope, Plumb Ltd against the decision of Newark & Sherwood District Council.
  - The application Ref 16/01343/FUL, dated 17 August 2016, was refused by notice dated 3 November 2016.
  - The development proposed is the construction of a detached 4 bed house with garage and off street parking and turning for 3 vehicles.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a detached 4 bed house with garage and off street parking and turning for 3 vehicles at Land adjacent to 6 Dale Lane, Blidworth NG21 0TG in accordance with the terms of the application, Ref 16/01343/FUL, dated 17 August 2016, subject to the conditions listed in Annex 1.

### Procedural Matter

2. In accordance with normal practice, the description of the proposed development in the header to my decision is based on that given in the application form. I have, however, taken into account a revised block plan submitted to the Council before it made its decision, which includes an amended parking layout.

### Main Issues

3. The main issues are:
  - (a) the effect of the proposed development on the character and appearance of the site and the surrounding area;
  - (b) the effect of the proposed development on the living conditions of occupiers of neighbouring dwellings; and
  - (c) whether the occupiers of the proposed dwelling would have satisfactory levels of privacy.

### Reasons

#### *Character and appearance*

4. The appeal site is prominently located on a corner plot in an established residential area. The immediately adjacent rows of houses to the east and
-

south east of the site have well defined front building lines facing towards Dale Lane and Haywood Oaks Lane respectively. The buildings in the area are also generally set well back from the highways behind extensive front gardens. The area has a spacious character. Whilst there is variation in the design and detailing of buildings in the area, these are mostly built in red brick. The site itself has a continuous highway frontage which wraps around its northern, western and south western sides.

5. The proposed house would have a larger footprint than many dwellings in the immediately surrounding area and cause some loss of openness. However, it would have generous garden areas between it and each of the highway frontages and sit comfortably within its plot. Its front and rear elevations would not materially breach the 'building lines' formed by the frontages of the nearby dwellings to the east and south east facing towards Dale Lane and Haywood Oaks Lane. Its massing would be broken up by its part 2 storey and part single storey design. Its visual impact from the Haywood Oaks Lane frontage would also be reduced by the slope of the land downwards from this direction and by the existing hedging along parts of this frontage, which could be supplemented by new planting.
6. The proposed use of render on the upper parts of the elevations of the dwelling would not reflect the red brick which is used on most buildings in the area. However, as render exists on some buildings close to the site and some brickwork would be used on the new building, I do not consider that this point in itself causes material harm.
7. I conclude that, taking account of the factors set out above, the appeal proposal would not cause material harm to the character or appearance of the site and the surrounding area. Its approval would not conflict with relevant provisions of policy DM5 of the Newark and Sherwood Allocations and Development Management (NSADM) development plan document 2013, policy 9 of the Newark and Sherwood Core Strategy (NSCS) development plan document 2011, or the National Planning Policy Framework (the 'Framework') related to this matter.

#### *Living conditions in neighbouring dwellings*

8. The Council's concerns in relation to this issue focus upon the effects of the proposed dwelling on the outlook, lighting and privacy available to occupiers of number 6 Dale Lane. The proposed dwelling would be located, at its closest, about 1 metre from the side boundary with number 6, which is marked by a timber fence. Its 2 storey rear outrigger, which would be set slightly further from the boundary, would project about 5 metres further to the rear than the rear elevation of number 6.
9. However, the house at number 6 is itself separated slightly from the boundary between the 2 properties. Whilst it has a side facing window close to the boundary, its back door and main windows to ground floor habitable rooms in its rear elevation are located further away from the appeal property. In views from these windows the new building would be situated at an acute angle to one side. As a result, whilst the proposed dwelling would form a prominent feature projecting over the boundary fence when viewed from number 6, it would not limit the outlook from that dwelling to an unacceptable degree. Whilst it would cause some loss of sunlight within number 6 and its rear garden this would be limited to afternoon periods.

10. The first floor elevation of the proposed dwelling facing towards number 6 would contain 3 windows. However, any resultant loss of privacy for the occupiers of number 6 could be satisfactorily mitigated by ensuring that these windows, which would be between them serve 2 en-suite rooms and a bathroom, would be obscure glazed.
11. I have noted the concerns which have been expressed that the proposed dwelling would overlook the garden of 1 Haywood Oaks Lane. However, the dwelling would be a considerable distance from that property, which includes a driveway alongside the boundary with the appeal site. Any views from windows within the proposed dwelling towards the rear garden of number 1 would also be at an oblique angle.
12. Having regard to these points, the proposed dwelling would not cause material harm to the living conditions of occupiers of neighbouring dwellings. Its approval would not conflict with relevant provisions of policy DM5 of the NSADM or the Framework related to this issue.

*Privacy of occupiers of the proposed dwelling*

13. Due to the corner plot location of the proposed dwelling, its rear garden would be bounded by the adjacent footways. However, sufficient privacy for the garden and dwelling could be provided by supplementing the existing hedging and shrubbery alongside the relevant boundaries.
14. The proposal would, as a result, not conflict with any provision of policy DM5 of the NSADM or the Framework concerning this issue.

**Other considerations**

15. I have noted the Council's view that it can demonstrate a supply of deliverable sites sufficient to meet needs for housing development over a 5 year period, as required by paragraph 47 of the Framework. However, as I have not found there to be any material harm in relation to my main issues, this point is not determinative in my decision.

**Conditions**

16. My list of conditions, attached as annex 1 to this decision, is based on the draft list supplied by the Council but with some revisions in the interests of clarity and to ensure that the conditions accord with the tests in paragraph 206 of the Framework.
17. My condition 1 is a standard condition regarding the timescale within which development must start. My condition 2, listing the approved plans, is required in the interests of certainty. My conditions 3, 4 and 5, concerning the details of facing materials and landscaping, are required to protect the character and appearance of the area.
18. My conditions 6 and 7, removing permitted development rights for windows and dormer windows on the eastern and southern elevations of the new dwelling, and requiring the approved windows in the eastern elevation to be obscure glazed, are required to protect the privacy of occupiers of 6 Dale Lane. I have revised the wording of condition 7 as the words '*...Pilkington scale of privacy or equivalent...*' in the Council draft could be open to different

interpretations. My condition 8, requiring the parking and turning area to be laid out and thereafter retained, is needed in the interests of highway safety.

19. I have not included a condition removing other 'permitted development' rights as the exceptional circumstances required for such a condition, as set out in the Planning Practice Guidance<sup>1</sup>, do not exist in this case.

### **Conclusion**

20. I have found that the proposed development would not cause material harm to the character or appearance of the site or the surrounding area, or to the living conditions of occupiers of neighbouring dwellings. Its garden areas could also, with the provision of satisfactory boundary landscaping, have sufficient levels of privacy. No other matters have been drawn to my attention which would indicate that permission should be withheld.

21. Having regard to these findings, the proposal would accord with the development plan as a whole and constitute sustainable development in the terms set out in the Framework.

22. For the reasons given above I conclude that the appeal should be allowed.

*Jonathan Clarke*

INSPECTOR

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<sup>1</sup> Paragraph: 017 Reference ID: 21a-017-20140306

## **ANNEX 1**

### **CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan – 1234/1 rev B; location plan – 1234/2; and proposed elevations and floor plan – 1234/3.
- 3) No development shall be commenced until details and samples of the facing materials, including bricks, roof tiles and render, 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.
- 4) No development shall be commenced until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. 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;
  - 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; and
  - car parking layouts and materials.
- 5) The approved landscaping works shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing before the expiry of this period 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.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows (other than those expressly authorised by this permission) or dormer windows shall be constructed on the eastern or southern elevation of the proposed dwelling.
- 7) The dwelling hereby permitted shall not be occupied until the first floor windows on its eastern elevation have been fitted with obscured glazing. No part of any of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and

approved in writing by the local planning authority before any of these windows are installed. Once installed the obscured glazing shall be retained in accordance with the approved specification unless otherwise agreed in writing by the local planning authority.

- 8) No part of the development hereby permitted shall be brought into use until the parking and turning areas have been provided and surfaced in a bound material in accordance with details to be submitted to and approved in writing beforehand by the local planning authority. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.