

Date: 26 March 2015

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 7th April 2015 at 4.00 pm.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Minutes of the Planning Committee held on 25 March 2015.	TO FOLLOW
3. Declarations of Interest by Members and Officers	
4. Declaration of any Intentions to Record the Meeting	

PART 1 - ITEMS FOR DECISION

5. Land to the rear of 49 Second Avenue, Edwinstowe (15/000358/FUL) (Site Visit: 9.25am – 9.359.35am)	1 - 16
6. Copt Hill Farm, Ricket Lane, Blidworth (14/02169/FUL) (Site Visit: 9.55am – 10.00 am)	17 - 52
7. 4 Top Road, Blidworth (15/00048/FUL) (Site Visit: 10.05am – 10.15am)	53 - 62

8.	81 Dale Lane, Blidworth (15/00163/FUL) (Site Visit: 10.20am – 10.30am)	63 - 68
9.	9 Church Street, Southwell (15/00223/LBC) (Site Visit: 10.40am – 11.00am)	69 - 74
10.	9 Church Street, Southwell (15/00228/ADV) (Site Visit:10.40am – 11.00am)	75 - 82
11.	Bottle and Glass Public House, High Street, Harby (14/02218/FUL) (Site Visit: 11.30am – 11.40am)	83 - 94
12.	70 Bullpit Road, Balderton (14/2186/FUL) (Site Visit: 11.55am – 12.05pm (//))	95 - 110
13.	141 Caythorpe Road, Caythorpe (13/01189/OUT)	111 - 122
14.	Land at Lilac Close, Newark (15/00061/FULM)	123 - 138
15.	4 Middle Gate, Newark (15/00092/FUL)	139 - 144
16.	Former Garage Site, Wolfit Avenue, Balderton (15/00180FUL)	145 - 162
17.	Garages at Coronation Street, Bladerton (15/00209/FUL)	163 - 178
18.	Land at Grove View Road, Balderton (15/00260/FUL)	179 - 194
19.	Land to the rear of 49 Second Avenue, Edwinstowe (15/00358/FUL)	195 - 210
20.	55 – 61 Portland Way, Clipstone (14/01974/FUL)	211 - 216

PART 2 – ITEMS FOR INFORMATION

21(a)	Appeal Lodged	217 - 218
21(b)	Appeals Determined	219 - 232

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

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

NIL

NOTES:-

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

Application No:	15/00358/FUL		
Proposal:	4 No. one bedroom flats with associated external works.		
Location:	Land to the rear of 49 Second Avenue, Edwinstowe		
Applicant:	Newark and Sherwood Homes		
Registered:	27.02.2015	Target Date:	24.04.2015

This application is presented to the Planning Committee for determination in line with the Council’s Constitution as the Council has an interest in the development in that it owns the land in question.

Description of Site and Surrounding Area

The application site relates to an area of wasteland adjacent to an existing garage court. The land adjoins rear boundaries of 49 - 55 Second Avenue, nos.19 - 23 Fifth Avenue and 122 - 126 Fourth Avenue, Edwinstowe. The application site is currently raised by approximately 1.0m in relation to neighbouring land on the garage court and adjoining dwellings. The dwellings on adjoining sites are two-storey residential properties with a mix of hipped and gabled roofs. Neighbouring properties have windows on rear elevations facing the application site at ground and first floor level. The site is accessed via the garage court on Second Avenue and is situated within the village boundary of Edwinstowe as identified in the Core Strategy.

Description of Proposal

Full planning permission is sought to erect 4no. one bedroomed flats with associated car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

The flats would be accommodated within a rectangular building with maximum dimensions of 12.5m width x 10.15m depth. The building would be split in to two sections with a flat at ground floor and a flat at first floor with porches accessing each flat to the front elevation. The building would have a gable sided roof with maximum heights of 4.1m to the eaves and 7.35m to the ridge. The front elevation would face north west over the land currently occupied by the garage court and proposed to be developed for flats under a separate planning application currently being considered by the Council (planning ref.15/00069/FUL). The front elevation would include windows at first floor level provided as part dormers at eaves level. To the rear elevation the only windows serving the first floor would be rooflights. A window is provided at first and ground floor level to both gable elevations.

A shared private drive is proposed with the development proposed under planning application no.15/00069/FUL and this would sit adjacent to the eastern boundary of no.49 Second Avenue. 1no. parking spaces is shown fronting the proposed flats with 3no. further parking spaces on the opposite side of the shared access.

The remaining space to the front and rear of the building would be soft landscaped with paths to the front, north and south of the building. Space for bins is also reserved within the rear shared amenity space as well as a bin collection point close to the front of the site. 1.8m close boarded fencing is proposed to all boundaries as well as a retaining wall to part of the south western boundary.

A topographical survey, a flood map showing the application site lies outside the Flood Zone, an Ecology Survey and a Design and Access Statement have been submitted in support of the application.

Relevant Planning History

There is no relevant planning history for the site. A separate planning application is currently being considered for 6no. one bedroomed flats on land abutting and to the east of the application site (planning ref.15/00069)

Departure/Public Advertisement Procedure

Occupiers of 27 neighbouring properties have been individually notified by letter.

Earliest decision date 30.03.2015

Planning Policy Framework

The Development Plan

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

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

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

- | | |
|---------------|---|
| • Policy DM1 | Development within Settlements Central to Delivering the Spatial Strategy |
| • Policy DM3 | Developer Contributions |
| • Policy DM5 | Design |
| • Policy DM7 | Biodiversity and Green Infrastructure |
| • Policy DM12 | Presumption in Favour of Sustainable Development |

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- National Planning Policy Framework 2012
- Planning Policy Guidance (on line resource)

Consultations

Edwinstowe Parish Council – Make the following comments in support of points that have been raised by residents:

- The planning application gives the impression that the garages are not fit for purpose. This is not the case as residents are currently using them. NSDC has sent the residents notice of rent rises for the garages for next year.
- Residents have reported that there are bats in the area. They say that during testing/investigations no one asked the residents to open their garages to check for bats.
- Concerns about parking. Some residents use their garages to park their cars. If the garages are demolished they will need to find alternative parking space and the occupiers of the new flats may own cars and will also need car parking space. Residents are concerned the garages may contain Asbestos and that this doesn't appear to have been addressed.

NSDC (Strategic Housing) – Supports the proposed development of 4 no one bedroom flats with associated external works at Second Avenue, Edwinstowe, Mansfield, Notts and provides the following evidence regarding housing need in the area:-

The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Edwinstowe is part of the Sherwood Sub area and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 197 semi-detached houses, the highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for the highest level of need. 136 households require 1 bedroom and 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Edwinstowe: 668 households currently living in the Sherwood area preferred Edwinstowe for their future location preference. This is highest level of demand in the sub area.
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need Council therefore considers that in developing new affordable housing will deliver council priorities in terms of housing needs there is a breadth of evidence to support this.

NSDC (Environmental Health) – A combined Phase I and II Geotechnical & Geo-Environmental Investigation Report has previously been submitted by BSP Consulting on behalf of the developer in respect of the neighbouring site. This report identifies elevated PAH's and subsequently recommends remedial proposals.

It is likely that similar conditions are present in the ground at this site and as it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then the Environmental Health Officer would request that our standard phased contamination conditions are attached to the planning consent.

NSDC (Access and Equalities Officer) – As part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10.

The incorporation of ‘vehicular free’ external pedestrian pathways should be carefully considered, designed to accepted standards to ensure that they provide suitable access to and around the development. Any danger to pedestrians, particularly children, elderly or visual Impaired people, being required to walk along roadways or vehicular access routes should be avoided by providing a traffic free network of separated barrier free pavements and footpaths throughout of adequate width together with tactile warnings and dropped kerbs at road crossing points as appropriate and be linked to the existing pedestrian pavement network.

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

Nottinghamshire County Council (Highways) – Originally commented that the submission could not be supported as the shared private drive was not wide enough to allow easy manoeuvring in/out of the car park spaces associated with this site and the 3 spaces associated with the adjacent development, that there was no vehicular turning facility within the site and that inadequate consideration had been given to the existing gated accesses to the rear gardens on the south eastern and south western boundaries of the site in terms of manoeuvring.

At the time of writing this report, the further comments of the Highway Authority on revised plans submitted to address the above issues have been provided in respect of application 15/00069/FUL and raise no objects. Specific comments on this application are awaited and will be reported to Planning Committee as a late item.

Severn Trent Water Authority – No comments received.

Police Architectural Liaison Officer – No comments received.

Natural England – No comments received

Nottinghamshire Wildlife Trust – No objection to the proposed in principle and welcome the ecological survey already undertaken. It is understood that space on site is limited for ecological enhancements but we welcome the proposed tree and shrub planting, and the proposed bird and bats boxes. The Trust wish to provide the following advice:

- Bird/bat boxes should be installed at 4m or above, to avoid predation or vandalism. Bird boxes should not be south facing, as this can cause young chicks to overheat.

- It is requested that removal of vegetation should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted

to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

- Adjacent trees should be protected in accordance with BS5837:2012

Neighbours/interested parties - Local residents have been notified of the proposals. No written representations have been received.

Appraisal

Principle of Development

The site is located within the village envelope of Edwinstowe which is identified within the Core Strategy as a principal village under Spatial Policy 1. The village is considered to be a sustainable location for new housing. The principle of development is therefore acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety.

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 residential area of predominantly two storey dwellings with front elevations aligned with similar setback distances from the public highway. This proposal would result in flats being located to the rear of existing dwellings on Second Avenue, Fourth Avenue and Fifth Avenue. I am conscious that Policy DM5 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 harm the established character and appearance of the area. In this instance, I am mindful that the proposal would be associated with a comprehensive development which incorporates the adjacent garage site. The proposal would share an access with this adjoining site and the layout of the proposal would be such that the development would front the shared private drive. In this context I do not consider that the proposal would harm the established character and appearance of the area nor do I consider the proposal would set a precedent given there are no other garage sites in close proximity to the site and development of rear gardens would not allow for similar comprehensive development.

I am also satisfied that the design of the proposed flats with gable sided roofs and using traditional materials is acceptable and would sit well within the context of the adjoining dwellings and the wider residential setting.

The proposal incorporates soft landscaping to the front and rear and I consider this will further complement the appearance of the scheme.

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 area in accordance with Core Policy 9 and Policy DM5.

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 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 proposed building is orientated to the south of the nearest dwellings at nos.49 – 53 Second Avenue and has been laid out so that a side gable faces the rear elevation of these properties. A minimum distance of 10.1m is proposed to these neighbouring dwellings and the only windows facing these properties would be a bathroom window at ground floor and a kitchen window at first floor. The unit to either end (nos. 49 and 53 Second Avenue) would partly face the end gable with the central unit (no.51 Second Avenue) directly facing the gable on the proposed flats. The distance between the rear elevation of no.51 and the proposed flats is approximately 11.0m. Whilst I consider there will be some impact on the rear windows and private amenity space of this neighbouring property given the orientation of the proposal and the distance proposed, I note that the proposal has been designed incorporating part dormers to the front and roof lights only to the rear to reduce the height of the building. I also note that the finished floor level of the proposal would be approximately 1.0m lower than existing ground levels on the application site and therefore around 0.5m lower than the ground level of no.51. On balance, taking these factors into account, I am satisfied that any overbearing or overshadowing (loss of light impacts) on these neighbours would not be so significant so as to warrant a refusal of planning permission in this instance. Any consent can be conditioned to ensure windows to the side elevation are obscure glazed with non-opening lights up to a height of 1.7m above the internal floor level.

With regards to the relationship with dwellings on Fifth Avenue, I note that these dwellings have rear elevations located some 28.0m from the boundary of the site and I am therefore satisfied that there will be no undue impacts on the amenity of windows serving these dwellings. However, I note the proposed rear gardens are only 4.1m and therefore the rear elevation of the proposed flats would be in close proximity to the gardens serving these neighbours. The flats have been designed so that there are no first floor rear windows and that rooms to the rear would be served by windows in the roof slope. The agent has provided a revised plan showing the height of these windows to be positioned 1.7m above the floor level of the rooms they would serve. I am therefore satisfied that they are positioned so as to ensure that they would not result in an undue overlooking impact on the rear amenity space serving these neighbouring properties.

Given the proposed flats are located to the north of properties on Fourth Avenue and gardens serving these dwellings are 39.0m in depth I am satisfied that there will be no undue overbearing or overshadowing impacts on these properties. Given the close proximity of windows on the side gable to the boundary with the gardens serving these properties, I consider it would be reasonable to apply the condition to ensure any windows are obscure glazed and non-opening to a height of 1.7m above floor levels.

With regards to the private amenity space serving the proposed flats, whilst rear gardens would be minimal in depth at only 4.1m, I consider that in the context of the scheme and that this would

be a shared space with a width of approximately 14.5m, this would provide an adequate standard of amenity for the proposed flats.

Taking these considerations into account I am satisfied that on balance 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 the proposal would comply with Policy DM5.

Highway Issues

I am mindful of the comments received during consultation in respect of the potential impact on on-street parking and the problems already experienced in the area. I note that the proposal is for 4no. one bedroomed flats and 4no. off street parking spaces are provided with a shared private drive.

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, no materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Whilst no comments have been received from neighbours specifically in relation to this application, I am mindful of the comments received during consultation on the application relating to the garage court with regards to the potential impact on on-street parking and highway safety. It is therefore pertinent to also consider these issues in coming to a view on this associated proposal. I note that the proposal is for 4no. one bedroomed flats and the level of off-street parking proposed is consistent with that considered appropriate by the Highway Authority on the neighbouring site. The proposal would therefore comply with Policy DM5.

Whilst I am still awaiting the final highway comments on this application following the submission of revised plans relating to a revision to the access width, I am mindful that the Highway Authority have raised no concerns with regards to the vehicular access issues on Second Avenue when commenting on the separate garage court application. I consider it likely that their comments will be similar on this associated proposal. On this basis, vehicular traffic generated by the development itself is unlikely to have a significant impact on existing on-street parking problems or other traffic problems and would comply with Spatial Policy 7.

I am mindful on similar applications currently under consideration, the Highway Authority have suggested that the parking spaces should be allocated per flat to avoid disputes. I consider this would be reasonable and would also allow for control by condition that the respective resident (or their landlord) is responsible for maintenance of the space. I also consider it reasonable to attach the same conditions relating to the access widths as per the separate application for the garage court given this is the same access.

On balance, given suitable on-site parking is being provided for the development and the access has already been confirmed as appropriate on application no.15/00069/FUL and that in making these comments the Highway Authority were aware of this application, I am satisfied that the proposal complies with Spatial Policy 7 and Policy DM5.

Affordable Housing

I note the comments of Strategic Housing which include evidence on the need for this type of accommodation in the area.

The proposal does not require the provision of affordable housing as it does not meet the thresholds outlined in national and local policies. However, the Design and Access statement deposited with the application states that the dwellings will initially remain in the ownership of the District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing. I consider that this would be of benefit in terms of providing additional affordable housing stock within the District. Given that usually a development of this size would not necessitate an affordable housing contribution and that the principle of residential development in this location is acceptable, I do not consider that any conditions or Legal Agreements are required to secure affordable housing on the site in perpetuity.

Ecology

I note that Nottinghamshire Wildlife Trust raise no objections.

I note the Wildlife Trust also welcome the nesting boxes and bat roosting boxes proposed within the development as well as the proposed tree and shrub planting which the submission confirms would be consist of native and locally appropriate species in the landscaping scheme. The final planting details can be considered under the standard landscape condition. A condition requiring details of the nesting/bat roosting boxes to be incorporated alongside the advice of the Trust would meet the aims of Core Policy 12 and the guidance within the NPPF which requires that Local Authorities explore opportunities to incorporate biodiversity in and around developments.

With regards to removal of trees on the site and the impact on any adjoining trees, I note that the Design and Access Statement submitted confirms that a small tree to the south west corner of the site is to be removed and a hedge removed to accommodate boundary fencing. I am mindful that this vegetation is not protected and during my site visit I note that there was no planting on the site of any significant merit. I consider that appropriate replacement planting can be considered as part of any landscaping details provided to discharge pre-commencement conditions. With regards to any adjacent trees, mature trees on adjacent sites were noted and the Wildlife Trust's suggested condition requiring protection measures can be attached to any consent.

Subject to the suggested conditions, I consider that the proposal accords with the aims of Core Policy 12, Policy DM7 and the guidance within the NPPF.

Other Matters

I note the comments of the Environmental Health Officer and I consider it would be reasonable to attach the standard condition to address any contamination on the site.

With regards to drainage of the site, I note the agent's comments within the Design and Access Statement confirming that foul water will be connected to the existing sewer in the vicinity of the site and surface water will be drained via soakaways. I have not received the comments of Severn Trent Water at this stage but consider it prudent to attach their standard condition requiring drainage plans to be submitted and approved prior to commencement of development.

I note the comments of the Parish Council largely relate to the implications of the removal of garages on the adjoining site.

Recommendation

Approve, subject to the following conditions

Conditions

01

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

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

02

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

- Proposed Block Plan – drawing no. 1826/7/PO1B
- Topographical Survey – drawing no. 1826/7/PO3B
- Proposed Site Plan – drawing no. 1826/7/PO4C
- Proposed Floor Plans – drawing no. 1826/7/PO5B
- Proposed Elevations – drawing no. 1826/4/PO6B

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] 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
- Cladding
- 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 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.

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; and hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

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.

07

No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 4.8m for a minimum distance of 5m from the back edge of footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway.

08

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with drawing no. 1826/7/PO4C. The parking spaces shall be clearly delineated with spaces allocated 1no. per flat. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles and the parking spaces shall be clearly delineated and allocated 1no. space per flat thereafter.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

09

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.

010

The proposed windows serving the side elevations of the building facing dwellings on Second Avenue and Fourth Avenue shall be shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

011

Before development is commenced precise details of nesting boxes and bat roosting boxes to be incorporated into the development shall be submitted to and approved by the Local Planning Authority. Once approved the nesting and bat roosting boxes shall be provided before the development is first occupied.

Reason: In order to enhance biodiversity on the site in accordance with the aims of Core Policy 12 and the guidance at Paragraph 118 of the National Planning Policy Framework (2012).

012

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

unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Contamination

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policy CP9.

013

Removal of vegetation should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to removal of any such vegetation and once approved all works shall be in accordance with these details.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy 2011.

014

Before development is commenced details of methods to protect trees adjacent to the development in accordance with BS5837:2012 as well as a proposed timetable for these measures to be retained shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the agreed protection measures shall be put in place prior to commencement of development and shall be retained in accordance with the agreed timetable.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in accordance with the aims of Core Policy 12.

Informatives

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not be 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

When submitting details in respect of Condition 11 of this consent, you should be mindful of the advice of Nottinghamshire Wildlife Trust in this respect i.e. Bird/bat boxes should be installed at 4m or above, to avoid predation or vandalism. Bird boxes should not be south facing, as this can cause young chicks to overheat.

04

With regards to Condition 13 of this consent you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

BACKGROUND PAPERS

Application case file.
Housing Market and Needs Assessment 2014

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00358/FUL



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Application No:	14/02169/FUL	
Proposal:	Installation and commissioning of a single 500kW wind turbine generator (Hub Height of 40m and Tip Height of 67m)- Minor Alteration to planning permission 13/01651/FUL	
Location:	Copt Hill Farm, Ricket Lane, Blidworth, Nottinghamshire	
Applicant:	Wheatley Energy	
Registered:	12 December 2014	Target Date: 06 February 2015
	Extension of Time Agreed: 10 April 2015	

The Site

The application site lies in the open countryside approximately 1 km north of the settlement of Ravenshead and 1.5 km west of Blidworth. The site lies within the Green Belt.

The application site is part of a 10 Ha agricultural unit located on the north side of Ricket Lane on a relatively flat agricultural field. The turbine would be accessed via an existing access track serving Copt Hill Farm. The surrounding area consists of a generally rural landscape with gently to steeply undulating land defined by hedgerows and blocks of woodland.

The Fountain Dale Area (containing listed buildings including house, steps and Friar Tucks Well and moat which is a Scheduled Ancient Monument (SAM)) is less than 0.5km to the north of the site.

The existing Lyndhurst Wind Farm comprising 5 turbines measuring 125m to blade tip are located approximately 1.5km north west of the site.

Relevant Planning History

13/01651/FUL – Installation and commissioning of a single 500kW Wind Turbine Generator with a height of 62m to Blade Tip at Copt Hill Farm. This application was approved under delegated powers (Blidworth Parish Council supported the proposal) in September 2014.

In considering this application, the proposal has been considered against The Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The proposed wind turbine meets the criteria and thresholds of Part (3)(i) of Schedule 2 of the 2011 Town and Country Environmental Impact Regulations insofar as it includes a wind turbine that exceeds 15m in height.

The Local Planning Authority has applied the selection criteria set out by Schedule 3 of the Regulations and made reference to the guidance set out in Circular 02/99. Taking all matters into account, the Local Planning Authority considered an EIA was not required for the proposed development.

The Proposal

Full planning permission is sought for the erection of a single 500kW wind turbine at the site. Permission has already been granted for a turbine in the same field and this application essentially seeks to re-site the turbine 6m to the north-west of the originally approved site. This is necessary so as to avoid a gas main that crosses the site. The height of the turbine would also increase by 5m from the approved 62m to tip height to 67m. The applicant says that this increase will increase the generating capacity of the project to maximise the energy to be produced.

The Agent has confirmed that they have no intention of installing two wind turbines at the site. It is logistically not feasible due to each of blades being 27m in length and would therefore collide, also from a technical point of view installing 2 turbines that close together is not feasible in regards to the turbines generating power. The turbines would massively inhibit each other and would make the project inane. A further technical reason is that the grid connection on site only allows for the installation of one 500kW wind turbine and 2 turbines are therefore not feasible in regards to producing renewable energy.

The key components of the project comprise the turbines itself set on a foundation some 13m across of between 1-2m in depth, a crane platform and substation. Connection to the national grid would be subject to a separate application with the network operator.

The three bladed turbine (EWT DW54/500) consists of a tapered tubular steel tower 40m in height. To the head of the tower lies swivel housing containing a generator, gearbox and control equipment.

In addition to the normal requirements, the application is accompanied by the following submissions:

- Acoustic Assessment with Technical Details of Sound levels
- Conservation Impact Assessment
- Ecological Assessment, Addendum and Surveys
- Ground Investigation Report
- Heritage Assessment
- Landscape and Visual Impact Assessment (LVIA)
- Design and Access Statement
- Transport, Storage and Crane Guidelines
- Shadow Flicker Assessment
- Pre-consultation Details

Duty to consult

I am aware of the Statutory Instrument (SI) No.2932 of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013, which sought to introduce a pre application consultation procedure for developers to consult with the local community for planning applications involving more than 2 turbines or turbines with a hub height of greater than 15 metres. The SI was enacted on 17th December 2013 and only effective for turbine applications submitted after this date.

The applicant's agent has provided a copy of a pre-consultation document (4/12/2014) and have confirmed that this was posted through the mail boxes of the dwellings (prior to re-validation) within the vicinity of the site (within c500m). No consultation responses were received. Legislation does not specify what the developer actually needs to do to demonstrate compliance. I therefore take the view that the applicant has complied with the legislation and the application is lawfully made and valid.

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 and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 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
- Core Policy 14: Historic Environment

Allocations & Development Management DPD

- Policy DM4 – Renewable and Low Carbon Energy Generation
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance 2014 (PPG)
- Wind Energy SPD, adopted March 2014
- Newark and Sherwood Landscape Capacity Study for Wind Energy Development, March 2014

Consultations

Blidworth Parish Council – Object but have not clarified on what grounds this objection is made.

Rainworth Parish Council – No comments have been received to date.

Ravenshead Parish Council – No comments have been received to date.

Ashfield District Council – No objection and refer to previous advice which stated:

The proposed turbine is located on land to the east of the Ashfield District. The eastern boundary edge is well defined by a group of mature plantations namely Harlow, Normanshill and Thieves Wood. Having reviewed the Landscape Visual Impact Assessment, supporting Zone of Theoretical Visibility and photomontages (view points 9, 10 and 14) the likely visual impact to Ashfield is considered slight, with immediate views from the District being interrupted by the existing plantations and changes in topography. It is therefore considered that the proposal would not have a significant detrimental impact on the Ashfield District. Given the existing (and consented) turbines in the wider area, the main issue is assessing an acceptable threshold for the combined/cumulative visual impacts.

Gedling Borough Council – No comments received. It should be noted that they did not object to the previous application.

Environmental Health – In relation to Shadow Flicker, it is clear that properties are likely to be affected. Therefore were the application to proceed measures to counter this issue as identified must be installed prior to operation commencing. In addition a condition requiring investigation and action to the written approval of the LPA in the event of a complaint, should also be attached to any approval given. With regards Noise the EHO comments they do not envisage any problems. However a request that conditions requiring that in the event of a complaint about noise or shadow flicker, that applicant carry out a full investigation and undertake all necessary remedial works, all to the approval of the LPA be attached to any approval given.

No comments from a contaminated land perspective.

Natural England – Advice that that their comments given in respect of 13/01651/FUL remains valid. This was:

Rainworth SSSI - The proposed location for the turbine is located just under 2km from the nearest SSSI, Rainworth Lakes, notified for its standing water and wetland communities. The proposal is therefore unlikely to have any impacts upon the notified features of this SSSI, and Natural England is satisfied that the proposed development would not damage or destroy the interest features for which the site has been notified.

Landscape - The proposal does not appear to be either located within, or within the setting of, any nationally designated landscape.

Nightjar and woodlark within the Sherwood Forest Area - We note the development is located in the Sherwood Forest area, in proximity to habitats identified for breeding nightjar and woodlark and therefore we refer you to the Natural England's Advice Note on this matter which provides more information and outlines Natural England's recommended 'risk based approach'. Therefore 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 (any mitigation/avoidance measure) 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.

Other - It is for the local authority to determine whether or not the application is consistent with national or local policies on biodiversity and landscape. The LPA should assess and consider the possible impacts resulting from this proposal on protected species, local wildlife sites, the potential impact on the local landscape and whether the application provides opportunities for biodiversity enhancements.

Notts Wildlife Trust – Comments as follows:

We note that the above application is an amended resubmission of 13/01651/FUL where we previously provided comment. The submitted surveys were carried out during 2014 for the previous application, however we consider that these can still be considered up to date being from the most recent survey season.

We note that the location and size of the turbine have been altered – with this in mind, we would wish to be reassured that the 50m minimum separation distance from blade tip to nearest suitable habitat feature will be maintained under this revised application (please see p15 of the Ecological Surveys report - EMEC Ecology, June 2014). It was previously calculated as 51m and therefore even a small change in location and/or blade length could potentially reduce this distance and increase the risk to bats.

We also note that the Site Plan ref PS-02 shows the access to the turbine location now coming from the south, rather than the west. We seek clarification as to whether hedgerow and/or trees would need to be removed to facilitate the revision. If this is the case and hedgerow removal cannot be avoided, mitigation and compensation recommendations should be provided. These may include timing of works to avoid the bird breeding season between 1st March and 31st August and compensatory planting elsewhere using native species. We would also recommend a further assessment of the tree labelled as number 9 on Figure 6 of the EMEC report, if it is to be affected, to confirm that it does not support roosting bats.

We would also maintain that a pre-start ecological walkover survey should be conditioned in order to ensure that the situation with regard to protected species has not changed in the time since the surveys were undertaken.

English Heritage – No comments have been received. However they raise no objections to the previous scheme and advised that the scheme should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

NSDC Conservation – We have given advice previously on this proposal and I refer you to those comments (see below). The submitted scheme seeks to make a minor amendment to the approved planning permission in regards to its location and tip height (ref: 13/01651/FUL). The amended location will be 6m north-east of the granted location and the overall tip height will rise from 62m to 67m.

The changes are relatively minor in respect to the permission already granted, and will not exacerbate impact. The overall height change, as measured from sea level, is only 3m. In landscape terms relative to visual receptors previously identified, the proposal will not be significantly different from that already approved.

In reaching this view, I have considered our legal duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Previous comments: We note that the height of the turbine has been reduced from 102m to 62m (to blade tip). We acknowledge that this will significantly reduce harmful impact on nearby heritage assets, notably those in the Fountain Dale area. Due to its proximity and form, the turbine still presents a degree of adverse impact on the setting and experience of nearby heritage assets, so our assessment of the proposal otherwise remains unchanged. However, we accept that the scale of harm has been significantly reduced.

Prior to the reduction in height of the turbine (revised plans received 21 March 2014) and receipt of additional information in relation to the heritage impacts of the proposal it was considered that there is some harmful impact on the Fountain Dale cluster of heritage assets, but that this is less than substantial and can be weighed against public benefit (in-line with para.134 of NPPF). Full reasons are set out in the *Impact on Heritage* section below.

NCC Highways – The amendments do not materially change previous comments and they offer no objection subject to condition (see condition 8) and note to applicant.

NCC Archaeology – No comments received.

NCC Rights of Way – Nothing further to add than previous advice which stated:

This proposal is approximately 360m as the crow flies from the nearest public footpath & 540 m from the nearest bridleway. Therefore, this wind turbine, should not interfere with any public rights of way in the immediate area.

British Horse Society – No comments received.

NATS – NATS objected to the proposed development as it believes the development would cause an adverse impact to the Claxby and associated air traffic operations of NATS without suitable mitigation. An agreement has been entered into between NATS and Wheatley Energy Ltd dated 27th May 2014 for the design and implementation of an identified and defined mitigation solution in relation to the development that will be completed under agreement. NATS is therefore prepared to withdraw its objection to the proposed development.

CAA – No specific comments. Confirmation of procedural matters.

National Police Air Service – No comments received.

MOD – No objection. If permission is granted request a condition be imposed (see condition 9)

The Joint Radio Company Ltd – no problems foreseen.

Derbyshire, Leicestershire and Rutland Air Ambulance – No comments received.

Midlands Air Ambulance – No comments received.

Lincs and Notts Air Ambulance – No comments received.

North Midlands Helicopter Support Unit – No comments received.

Nottinghamshire Police Helicopter Division – No comments received.

NCC (Landscape Architects in the capacity as Landscape Consultants).The proposal is acceptable in landscape terms and recommend approval. Their full comments are attached as an Appendix.

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

- This is the wrong site as there are 20 plus livery yards which will all be affected
- Horses will be spooked by the turbine;
- Lane is predominantly single lane traffic and trying to ride a horse is bad enough;
- Adjacent livery businesses will not be able to stay so that will be hundreds of pounds I will have lost;
- Previous comments (made in respect of 13/01651/FUL) have not yet been addressed;
- Construction will overshadow part nearby property and be too close to the boundary - concerns about topple distance;
- Concerns regarding shadow flicker and how this would impact on nearby property;
- Noise – what will be done to minimise excessive noise;
- Impact on cell phones/magnetic fields – will it prevent emergency calls;
- Is infrastructure of Cross Lane/Ricket Lane adequate for this;
- What impact/upheaval will it cause?
- Government have reiterated their objection to single turbines so why should this go ahead?

Comments of the Business Manager

Principle of Development – Renewable Energy and Green Belt

Renewable Energy

The UK Government is committed to meeting binding targets set by the EU Renewable Energy Directive (15% by 2020). The Government, in 2009, published its Renewable Energy Strategy which in turn envisages an energy mix from renewables required to meet its own prescribed targets. These targets have been maintained under the coalition Government.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012. The Framework replaced a series of national policy statements, circulars and guidance including Planning Policy Statement 22 ‘Renewable Energy’ (PPS22) and Planning Policy Statement 5 ‘Planning for the Historic Environment’ (PPS5). Although the thrust of the previous policy in these documents has been carried forward into the Framework, the wording is more condensed and there have been some changes in policy. The Noise Policy Statement for England (DEFRA - 2011) also remains in effect and is cross referenced in the Framework in a footnote to Paragraph 124.

A core principle of the NPPF is 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. This is central to the economic, social and environmental dimensions of sustainable development’.*

NPPF paragraph 94 states that, *'Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change'* in line with the objectives and provisions of the Climate Change Act 2008.

NPPF paragraph 97 includes that Local Planning Authorities should *'recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'*; *'have a positive strategy to promote energy from renewable and low carbon sources'*; *'design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts'*; and *'consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources'*.

NPPF paragraph 98 concerning the determination of planning applications includes provisions that Local Planning Authorities should in summary not require applicants to demonstrate the overall need for renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

In March 2014 the Department for Communities and Local Government (DCLG) launched its Planning Practice Guidance. This replaced a number of previous planning practice guidance documents including, of particular relevance to the consideration of this application, Planning practice guidance for renewable and low carbon energy (2013) and PPS 25: Development and Flood Risk Practice Guide (2009). The Guidance sets out that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. In identifying suitable areas for renewable and low carbon energy local authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. In this respect the Guidance states that Cumulative landscape impacts and cumulative visual impacts are best considered separately.

The District Council's commitment to climate change is set out by Core Strategy Core Policy 10 and Policy DM4 of the Allocations & Development Management DPD. The policies indicate that the District Council will encourage the provision of renewable and low carbon energy generation within new development and recognises that the support for renewable and low carbon development is key to meeting the challenge of climate change.

In determining this application it is necessary to take into account that the applicants already have an extant planning permission for a turbine of a similar scale granted last year. This represents a fallback position that should be afforded significant weight. There is a policy presumption in favour of sustainable development it will be necessary to these positive impacts and materials considerations with any negative effects.

Green Belt

A similar proposal for a turbine just 6m away has already been found to be acceptable in terms of its impact on the Green Belt and this is a significant material consideration that should be afforded substantial weight.

The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Policy DM4 of the DPD states that planning permission will be granted for renewable energy projects where its benefits are not outweighed by detrimental impact upon the purposes of including land within the Green Belt arising from the individual or cumulative impact of proposals.

The proposed turbine and associated development would reduce the openness of the Green Belt, albeit it would be a very slender structure with a relatively compact foundation. The proposed turbine constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. As such, the turbine would have an adverse impact on the openness of the Green Belt. It is necessary to consider whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development in accordance with Paragraphs 87 and 88 of the NPPF.

Paragraph 91 of the NPPF acknowledges that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The NPPF also states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The application estimates that the power output of the proposed wind turbine at Copt Hill Farm is now 1,900,000 kWh per annum (the previous approval was 1,650,000 kWh), based on the average wind speeds. The turbine would generate enough electricity for the operation of the farm and the surplus would be fed back into the grid.

The amount of electricity generated would make a valuable contribution to meeting national targets for renewable energy generation. Paragraph 98 of the NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

As such, I conclude that the benefits of the scheme associated with the production of energy from renewable sources and the benefits to the rural economy are sufficient to outweigh the harm by reason of inappropriate development and the limited harm to the openness of the Green Belt. I consider these benefits to amount to very special circumstances necessary to justify the development in the Green Belt.

Visual and Landscape Impacts – Landscape Setting, Cumulative Landscape and Cumulative Visual Impacts and Impact on Heritage Assets

Given that Blidworth Parish Council raised objection to the scheme, the LPA commissioned Independent Landscape Advice from NCC to assist the decision making process. Their comments are contained in full in the attached Appendix.

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 (February 2010) 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.

Within the Newark and Sherwood Landscape Character Assessment, the application site falls within the Sherwood Policy Zone Blidworth Wooded Estates (S PZ 46). This area has undulating topography and the majority of the area is permanent improved and unimproved pasture. There are some detracting features in that there is some breakdown of the field pattern due to subdivision of field areas into smaller paddocks for horse grazing. Busy roads pass through the area. The landscape condition is described as very good with the landscape sensitivity described as moderate.

The Policy Action for this area is to 'Conserve' which the LCA defines as '*actions that encourage the conservation of distinctive features and features in good condition.*' There are no statutory landscape designations at the site or in the vicinity of the site.

The proposed turbine would require minimal land take to allow its footing and associated works to be developed, when considered in relation to the wider landscape. It would also utilise an existing access road and track with a relatively short length of new access being created into the field where the proposed turbine would be located.

The Newark and Sherwood Landscape Capacity Study for Wind Energy Development (NSLCS) was published in March 2014 following public consultation. The study examines the sensitivity and capacity of the district's landscape to wind turbine development at a range of scales. It has been prepared to help inform planning application decisions for wind turbines, and will play a role in steering wind energy development to the most appropriate locations within the district boundary. Landscape sensitivity to wind turbines is defined as follows in the NS LCS: '*Sensitivity is the relative extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development.*'

The Newark and Sherwood Landscape Capacity Study (March 2014) identifies the development of a small-medium (31 to 50m tip height) turbine as having moderate capacity and the development of a medium (51 to 80m) turbine as having high-moderate sensitivity. The proposed turbine at 67 metres is classed as a medium turbine. The mixed scale of the landscape suggests that there could be some limited potential for single turbines and clusters of two to three turbines. The overall aim for this area is a landscape with occasional wind energy.

In assessing the impact on the landscape, I am mindful of the recently published Planning Practice Guidance which states that in relation to both cumulative landscape and cumulative visual impacts of proposals these issues are best considered separately. These have also been assessed by the Independent Landscape Consultants.

Having considered the proposal in relation to all matters relating landscape including setting and cumulative impacts, the Independent Advice received is that the increase in height of 5 metres has a negligible effect and as such the proposal is acceptable and should be approved. I concur with this assessment and do not intend to reiterate this but rather rely on their assessment attached to this report. Subject to conditions requiring landscape enhancement through mitigation planting, I

conclude that the proposals would have an acceptable impact on the landscape character of the area in accordance with Core Policy 13.

Impact on Heritage Assets

Impacts on heritage were considered in detail for the original consented application and found to be acceptable. The Conservation Officer has assessed the revised scheme and confirms that in their view the proposal would not exacerbate impact. The overall height change, as measured from sea level, is actually only 3m. The previous assessment has therefore been updated below.

Core Policy 14 of the Core Strategy aims to secure, *'the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including Scheduled Monuments and other archaeological sites, Registered Historic Parks and Gardens, Listed Buildings and buildings of local historic importance, Conservation Areas and other cultural assets of significant value.'* This policy is supported by Policy DM9 of the Allocations & Development Management DPD.

The site is not located partly or wholly within any World Heritage Site, Conservation Area or Area of Archaeological Importance. There are no Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens or Registered Battlefields on the site. Notwithstanding this, Core Policy 14 of the Core Strategy and NPPF paragraph 132 indicates that development may still be contrary to policy where it has a detrimental impact on the setting of heritage assets.

A Conservation Impact Assessment and Cultural Heritage Impact Assessment and Setting Study have been submitted to address the impact of the proposal upon both designated and non-designated heritage assets listed as required by the Conservation Officer. This included further information on the following:

- Impact on the designated assets comprising Fountain Dale, including the moated SAM, Fountain Dale House & outbuildings (Grade II listed), flight of steps and gateway east of the house (Grade II) and Friar Tuck's Well (Grade II). This might include further photomontages from The Robin Hood Way (to north of Fountain Dale) and written analysis;
- Impact on non-designated heritage assets, notably Copt Hill Farm which may include remnants of the 18th/19th century farmstead (see historic map attached) - this should be based upon info from the County HER.

This submitted study concluded that the proposed turbine would have little impact on the setting of the listed buildings or SAM. This is either because the asset is screened by trees or hedges to an extent that views of the turbine would be severely if not completely restricted; the asset exists within its own setting and does not rely on the wider area to preserve its special character or appearance; and the asset is located within an area whereby the surrounding topography is such that the turbine simply won't be visible.

The Conservation Officer has advised that the proposed turbine will be visible from a number of material viewpoints in which impact on heritage assets is worthy of consideration. In this case, there are two significant clusters of heritage assets to consider:

- i) Fountain Dale, including the moated SAM, Fountain Dale House & outbuildings (Grade II listed), flight of steps and gateway east of the house (Grade II) and Friar Tuck's Well (Grade II);
- ii) Blidworth, notably the conservation area, Church of St Mary (Grade II*) and tower mill (Grade II).

Fountain Dale -

The main house is dated to the mid-18th century, although it has a 19th century frontage. The house has numerous associated features including an outbuilding, wall and gate pier, as well as wider elements such as an early 19th century set of stone steps. The fish ponds between Fountain Dale and the moated site SAM are further evidence of the historic manorial nature of the grouping, presumably related to the medieval hunting lodge thought to have existed within the moated site during the 13th century. The quirky well head known as 'Friar Tuck's Well' is located at the eastern limit of the ponds. The group of designated heritage assets comprising Fountain Dale House appear to be relatively well screened by woodland from the proposed turbine. However, due to the scale of the turbine, it is likely that the structure will be prominent in the areas around this heritage asset grouping, thus affecting the way in which the assets are experienced, particularly on the Robin Hood Way. The moated scheduled monument and Friar Tuck's Well to the northeast of Fountain Dale House, for example, sit on the Robin Hood Way, and although they are currently overgrown and appear well screened by woodland, there is inter-visibility between the existing turbine group to the north (Lindhurst Farm) and the proposed turbine in this context.

The setting and landscape experience of the Fountain Dale grouping was assessed as less than substantial harm for the purposes of paragraph 134 of the NPPF. The Conservation Officer considers that the proposal will not result in substantial harm to the designated heritage assets in this grouping due to the extensive woodland coverage.

It should be noted that The Robin Hood Way has regional significance as a walking route. The existing turbines to the northeast are prominent in aspects along this route in the Blidworth vicinity and it is likely that a further turbine, especially of this scale, will result in degrees of inter-visibility and cumulative impact with the group of 5 turbines to the north. In the context of the wider landscape character between Rainworth, Blidworth and Harlow Wood, this impact is not considered to be substantially harmful to the significance of any specific identified heritage assets, or indeed the general understanding or enjoyment of the historic environment of this area.

Blidworth –

The proposal is not felt to harm the wider setting of the Blidworth Conservation Area (CA). Whilst the immediate setting of the CA can be identified in the fields and undulating landscape between New Lane and Ricket Lane, longer views from a number of vantage points in and around the CA demonstrate that the existing turbines are only occasionally prominent. The distance between the proposal site and the CA, furthermore, is significant enough to ensure that impact will not result in substantial harm. Again, whilst cumulative impact and inter-visibility is relevant, Conservation does not feel that the proposal causes any substantive harm to the CA or its setting.

Historic churches were often constructed to be landmarks within the landscape. On approach to Blidworth from the west or along Main Street from the east, the tower of the Church of St Mary (Grade II*) is relatively prominent, although it should be noted that the scale and height of the church tower is such that it is not a dominating landscape feature within the wider landscape. The built environment on higher ground on the north side of the road also partially screens the church from northern aspects of the wider landscape. The mill tower is relatively squat. The land to the west of the mill tower currently screens the mill from the proposal site. Overall, it is felt that the proposal will not adversely affect the setting of the church or windmill.

General comments –

Overall, the impact of the turbine on the character and appearance of the area is not likely to cause substantial harm to the significance of any specific or group of heritage assets. As such, any adverse impacts identified should be treated as less than substantial harm for the purposes of paragraph 134 of the NPPF. The harm can be weighed against any public benefit. In this instance, on balance, I consider that the generation of electricity for use in farm operations with surplus being fed into the grid represents a public benefit sufficient to offset the perceived less than substantial harm.

Impact on Archaeology

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

The Heritage Statement submitted prepared by Trent and Peak Archaeology 2014 confirms that direct impacts to sub-surface archaeology may be possible during the construction of the turbine. As such, it is recommended that a planning condition requiring further investigation is required in this instance. This is included as condition 16.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development and Policy DM4 seeks to ensure no detrimental impact upon amenity, including noise pollution, shadow flicker and electro-magnetic interference.

Noise

NPPF paragraph 123 states that, *'Planning policies and decisions should aim to:*

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'*

In respect of renewable energy and low carbon energy development, it is stated in a footnote to Paragraph 97 that *'in assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure.'*

Planning Practice Guidance 2014 recently replaced The *'Planning Practice Guidance for Renewable and Low Carbon Energy'* (which in itself replaced the PPS22 Companion Guide) and advises that

the report 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)' should be used by local planning authorities when assessing and rating noise from wind energy development. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.

An Acoustic Assessment has been submitted as part of the application which has been reviewed by our Environmental Health Officer. The Assessment considers noise impact at the 4 nearest residential properties and stables that are not financially involved in the proposal. The Assessment concludes that noise emissions at the nearest sensitive receptor would be above the recommended 35dB LA90, 10 min but below the 40dB LA90 10 min threshold in line with the guidance contained in the ETSU-R-97, up to a wind speed of 10 metres per second at 1.5 metres height. The survey submitted was in line with the worst case scenario in line with the guidance on noise impacts. The Assessment therefore considers that noise emissions associated with the operation of the proposed EWT 500kW wind turbine would not result in any loss to the nearest noise sensitive receptors.

Having taken the advice of the Environmental Health Officer, I am satisfied that provided conditions are attached (see Conditions 3, 4 and 15) requiring that in the event of a complaint about noise, that the applicant carry out a full investigation and undertake all necessary remedial works, then neighbouring amenity will be protected.

It is therefore considered that the proposed turbine would not have a detrimental impact in respect of noise and as such the proposals would accord with Policy DM4 in terms of impact on amenity, the NPPF and guidance outlined in ETSU-R-97.

Shadow Flicker

As stated in Planning Practice Guidance, under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. It is also only properties located 130 degrees either side of north, relative to the turbines that can be affected at these latitudes in the UK. It has been accepted on previous planning applications considered and is stated within the Department for Energy and Climate Change document on submitted that only observers located within 10 times the rotor diameter of a wind turbine (in this case 540m) may be affected by shadow flicker. The Visual Receptor map submitted as part of the application indicates that within this shadow flicker zone there are three properties which are not financially involved with the project (residential property 320m directly to the east is not in the shadow flicker zone). These residential properties are listed below:

- SFR5 - dwelling (Greenfields) located circa 375m north-north east
- SFR7 – dwelling (Stokely) located circa 463m north-north east
- SFR8 – dwelling (Fountain Dale Lodge) located circa 314m west

The submitted shadow flicker report states that the effect of shadow flicker on these potential shadow flicker receptors is limited as the site is very well screened by tall mature trees and hedgerows as well as the undulating nature of the topography in this area. If the shadow flicker receptors were to experience any shadow flicker from the proposed turbine the time period of experiencing shadow flicker would be limited. In summary, shadows may be cast on a maximum of

78 days over a year on the windows of Receptor 8 (the events will last no more than 43.8 minutes (0.73 hours) on any one day), 48 days over a year on the windows of Receptor 7 (the events will last no more than 28.2 hours (0.47) on any one day) and 44 days over a year on the windows of Receptor 5 (the events will last for no more than 30.6 minutes (0.51 hours) on any one day). These results are based on worst case scenario and in reality these events may not always coincide with the correct weather conditions. This could be mitigated through turning off the turbines during the brief periods when conditions are likely to occur. This could be dealt with by condition 17.

I therefore consider that any impact in terms of shadow flicker would be minimal and would not be so detrimental so as to warrant a refusal of permission on these grounds. Environmental Health have raised no concerns in this respect. I consider that it would be reasonable to attach a condition to any planning consent requiring that a scheme for the investigation and alleviation of shadow flicker be submitted on receipt of a written request from the LPA following any complaint in this respect. With such mitigation protocol in place it is likely that any residual effects can be reduced to a satisfactory level that is not significant, protecting the amenity of nearby properties from the potential effects of shadow flicker. Subject to conditions 3, 4 and 17 the proposal would therefore not need to be considered as a potential detrimental impact under Policy DM4.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and Policy DM4 seeks to ensure no detrimental impact upon the ecology of the local or wider area.

An Ecology Survey along with an Addendum Report (EMEC Ecology, June 2014) has been submitted by the Applicant. On the basis of the information provided, Nottinghamshire Wildlife Trust and Natural England raise no objection to the application subject to conditions requiring the implementation of mitigation measures set out in these reports. I have noted the request of Nottinghamshire Wildlife Trust in relation to a pre-start ecological walkover survey but in the context of the mitigation measures set out in the ecological report, I do not consider this to be necessary.

The impact upon nightjar and woodlark within the Sherwood Forest Area has also been assessed and the Wildlife Trust agree with the conclusion of the ecological consultant that the field is not regularly used as a foraging resource or commuting route and therefore any significant impact on these populations is unlikely.

Overall, subject to conditions (see 5, 14 and 18) it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of Core Policy 12 and Policy DM12 of the DPD.

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.

The applicant/agent has provided swept path analysis for the HGVs expected to the site from the A60, and entering the application site. The largest vehicle expected may be up to 30m in length.

The route for all traffic associated with this proposal is to be from the A60 Nottingham Road, onto Ricket Lane. The existing access into Copt Hill Farm from Ricket Lane should be used and will require widening (as shown on dwg. 264469-1201.1) to allow safe access into the site and the applicant should provide detailed drawings to show the extent of the works in the highway to assess whether the temporary surfacing is acceptable at the point of access. Therefore, subject to the a condition requiring details of alterations to the existing Copt Hill Farm access, the Highways Officer raised no objection to the proposal.

Overall, subject to conditions, it is not considered that the proposed development would have an adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy and Policy DM4 of the DPD.

Safeguarding, Telecommunications, Television Interference

Various organisations have been consulted with regard to aviation safety. None of these have raised any safeguarding concerns.

The Ministry of Defence, Civil Aviation Authority raise no objection to the proposed scheme. The Civil Aviation Authority and Ministry of Defence have requested that information be provided at least six weeks prior to the start of construction, to allow for the appropriate notification of the relevant aviation communities to take place.

NATS have confirmed that an agreement is in place for a mitigation solution and therefore their original concern has been overcome.

I note that the Joint Radio Company has also raised no objections to the proposal in respect of radio systems operated by utility companies.

I consider that there are unlikely to be any undue impacts on terrestrial TV service given that we have now had the digital switchover in this area, and therefore there should be no undue issues with television interference as a result of this development.

Decommissioning

Conditions (11 and 13) would be attached to any consent requiring a decommissioning and site restoration scheme to be submitted on expiration of any planning consent.

I am mindful that the NSLCS includes that NSDC will seek confirmation from applicants that they are agreeable to a bond being secured to ensure that suitable funds are available to carry out decommissioning and restoration works at the end of the life of a turbine. In this instance a bond has not been secured. I am mindful that the proposal relates to a single turbine with minimal works associated with the turbine, access and ancillary equipment. The cost of decommissioning and restoration of the land should therefore be comparably low. In this instance I therefore consider that the suggested condition with site restoration scheme would be commensurate to the scale of the proposal and consider it would be unreasonable to withhold a consent solely on the absence of a bond.

Public Rights of Way

The proposed turbine would be a sufficient distance away from the nearest right of way so as not to present any safety hazards to the users of the nearest public rights of way.

Other Issues

Impact on horses

I have had regard to the advice contained with The British Horse Society Advice Note on Wind Turbines and Horses. This report highlights that there have been no formal trials to establish horses' responses to turbines but recommends that a separation distance of three times the blade tip height should be required between a turbines and any route used by horses. The proposal is for a single turbine and the requirement for such a separation distance is not as critical in this instance. The British Horse Society have been consulted but no response has been received either to this scheme or the previously approved scheme. The proposed turbine would be located more than 70 metres from the edge of Ricket Lane and I consider this to be adequate.

Topple Distance

It is noted that one neighbour has expressed concern regarding the topple distance (albeit in the context of falling on adjacent properties land rather than in respect to highway safety). The turbine is not within topple distance of any dwelling. The 67m turbine would be located c69m from Cross Lane and c74m from Ricket Lane this exceeding fall over distance. The Highways Authority raise no objection to the scheme in terms of highway safety.

Balancing Exercise and Conclusions

The application is considered to comply with the relevant Development Plan policies and is strongly supported by national policy. Whilst the proposal is 'inappropriate by definition', the harm to the openness of the Green Belt is considered to be limited. The benefits relating to the amount of energy produced amount to very special circumstances to justify the development in the Green Belt. In relation to the 'less than substantial harm' identified for heritage assets, I also conclude that the energy generated from the scheme outweighs this harm. The impact upon the landscape when taking into account cumulative impacts and the fact that this is the replacement of a turbine with extant planning permission at the site, is considered to be acceptable. In light of there being no significant environmental, social or economic impacts arising from the proposal, it is recommended that the application is approved subject to conditions.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

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;

SS-050W PS-01 Location Plan (dated 05/12/2015)
SS-050W PS-03 (Block Plan) dated 05/12/14
SS-050PW PS-04 (Wind Turbine Elevations) dated 05/12/2014
264469-100A1.1 (A60/Ricket Lane Junction)
24469-110B0.1 (S Bend on Ricket Lane)
264469-130B.1 (Left Turn into Site)
264469-100B0.1 (A60/Ricket Lane Junction)
264469-120A1.1 (junction off Ricket Lane and Right hand turn into site)

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: For the avoidance of doubt and in order to define the permission.

03

Prior to the commencement of the development hereby permitted, a scheme shall be submitted and approved in writing by the local planning authority setting out the protocol for the assessment of shadow flicker and noise in the event of any complaint being received, including the remedial measures to be taken. Operation of the wind turbines shall be in accordance with the approved protocol.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

04

Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging disturbance from shadow flicker and/or noise from the turbine at a dwelling that is lawfully occupied and lawfully existing at the time of this consent, the wind turbine operator shall at its expense provide a scheme for the investigation and alleviation of shadow flicker and/or noise in accordance with the protocol required by Condition 3. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with the scheme thereafter.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

05

All works should be undertaken in accordance with the mitigation recommendations set out in sections 5 and 6 of the Ecological Surveys (prepared by Emec Ecology June 2014) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

06

The turbine installed on site shall comprise a "EWT DW54/500kW" wind turbine (as shown on drawing number SS-050PW PS-04 EWT dated 05/12/2014) which shall be no larger than the maximum dimensions submitted as part of the application and no part of the structures shall carry any logo or lettering other than as required for health and safety reasons.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and the amenity of nearby residential occupiers in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

07

Prior to the commencement of development precise details of the following matters shall be submitted to and approved in writing by the Local Planning Authority.

- details of the colour/finish to the nacelle, blades and tower of the wind turbine
- details of the precise location, design, materials and colour to be used for the construction of the sub-station
- precise details concerning the extent of the turbine foundations and plinth

Once approved in writing the development shall be completed in accordance with the approved details and maintained as such thereafter.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

08

No part of the development hereby permitted shall be brought into use until the existing Copt Hill Farm access is altered to accommodate the construction traffic associated with the proposal, with details to be first submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

09

No development shall be commenced until the operator of the wind turbine has provided written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority:

- i) Proposed date of Commencement of Development
- ii) The maximum extension height of any construction equipment.

Within 14 days of the date on which electricity is first exported from the development, the operator of the wind turbine shall provide written confirmation of the following details to the Ministry of Defence (MOD), Civil Aviation Authority (CAA) and Local Planning Authority:

- i) Earliest possible date of completion of construction
- ii) The height above ground level of the highest potential obstacle
- iii) The position of that structure in latitude and longitude

In the event that the anticipated date of completion of construction varies from that which has been notified to the MOD and CAA, an update shall be provided in writing to both parties prior to construction extending beyond the date of which they have been notified.

Reason: In the interests of air traffic safety.

10

All electrical cabling between the turbine and the sub-station shall be located underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

11

If the wind turbine hereby permitted ceases to operate for a continuous period of 12 months then a scheme for the decommissioning and removal of the wind turbine and ancillary external housing equipment shall be submitted within six months of the end of the cessation period to the Local Planning Authority for its written approval.

Reason: in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

12

The planning permission hereby granted shall be for a temporary period only, to expire 25 years after the date of the commissioning of the development. 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 in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

13

Not later than six months before the date on which the planning permission hereby granted expires, the wind turbine and external housing shall be dismantled and removed from the site and the land reinstated to its former condition in accordance with a scheme to be submitted to the Local Planning Authority for written approval prior to the commencement of the development. The scheme to be submitted shall include the dismantling and removal of the turbine and external housing above existing ground levels and the removal of the turbine base and foundations.

Reason: In the interests of visual amenity and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

14

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

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with Core Policy 12 of the Core Strategy and Policies DM4 and DM7 of the Allocations & Development Management DPD.

15

The turbine shall not produce an audible tone requiring a correction as set out in "The Assessment and Rating of Noise from Wind Farms" - ETSU-R-97.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

16

No development shall take place within the application site until details of an archaeological scheme of mitigation have been submitted to and approved in writing by the Local Planning Authority. The scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation and should ensure that all phases of ground disturbance at the site are archaeologically monitored in circumstances that will allow archaeological features to be recorded. Once the scheme has been approved in writing by the Local Planning Authority, the scheme shall thereafter be implemented in full accordance with the approved details.

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

17

Prior to the turbine being first brought into use a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority which sets out what measures will be employed to mitigate for adverse impacts arising from shadow flicker upon receptor properties identified in the Shadow Flicker Assessment by Long Life Energy dated 17/02/2015 forming part of the application. The approved scheme shall be implemented in accordance with the agreed measures upon being brought into use and shall remain in place for the lifetime of the development.

Reason: To ensure that adequate protection is afforded to the properties identified as being adversely affected by Shadow Flicker in the interests of residential amenity in accordance with Policy DM5 of the DPD.

18

No new tree or hedge planting should be undertaken within 73 metres of the turbine base, to avoid future encroachment of the 50 metre standoff distance (between blade tip and linear feature).

Reason: In order to comply with Natural England Guidance and to ensure the protection and enhancement of natural habitat on the application site, in the interests of nature conservation and in line with Core Policy 12 of the adopted Core Strategy.

19

No development shall be commenced until full details soft landscape mitigation including hedgerow enhancement has 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.

Reason: In the interests of visual amenity and biodiversity in accordance with Core Policy 12 and 13 of the Core Strategy and Policies DM5 and DM7 of the Allocations & Development Management DPD.

20

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 in accordance with Core Policy 12

and 13 of the Core Strategy and Policies DM5 and DM7 of the Allocations & Development Management DPD.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

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 applicant must contact Malcolm Goodall, Abnormal Load Officer at Nottinghamshire County Council (Highways) on tel. 0115 977 4490, prior to any works commencing and also discuss the temporary removal of the road signs in the grass verge adjacent to the A60 which be at the applicant's expense.

04

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 Highway Act 1980 (as amended) and therefore, land over which you have no control. In order to undertake the works you may need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans (01623) 529735 for details.

BACKGROUND PAPERS

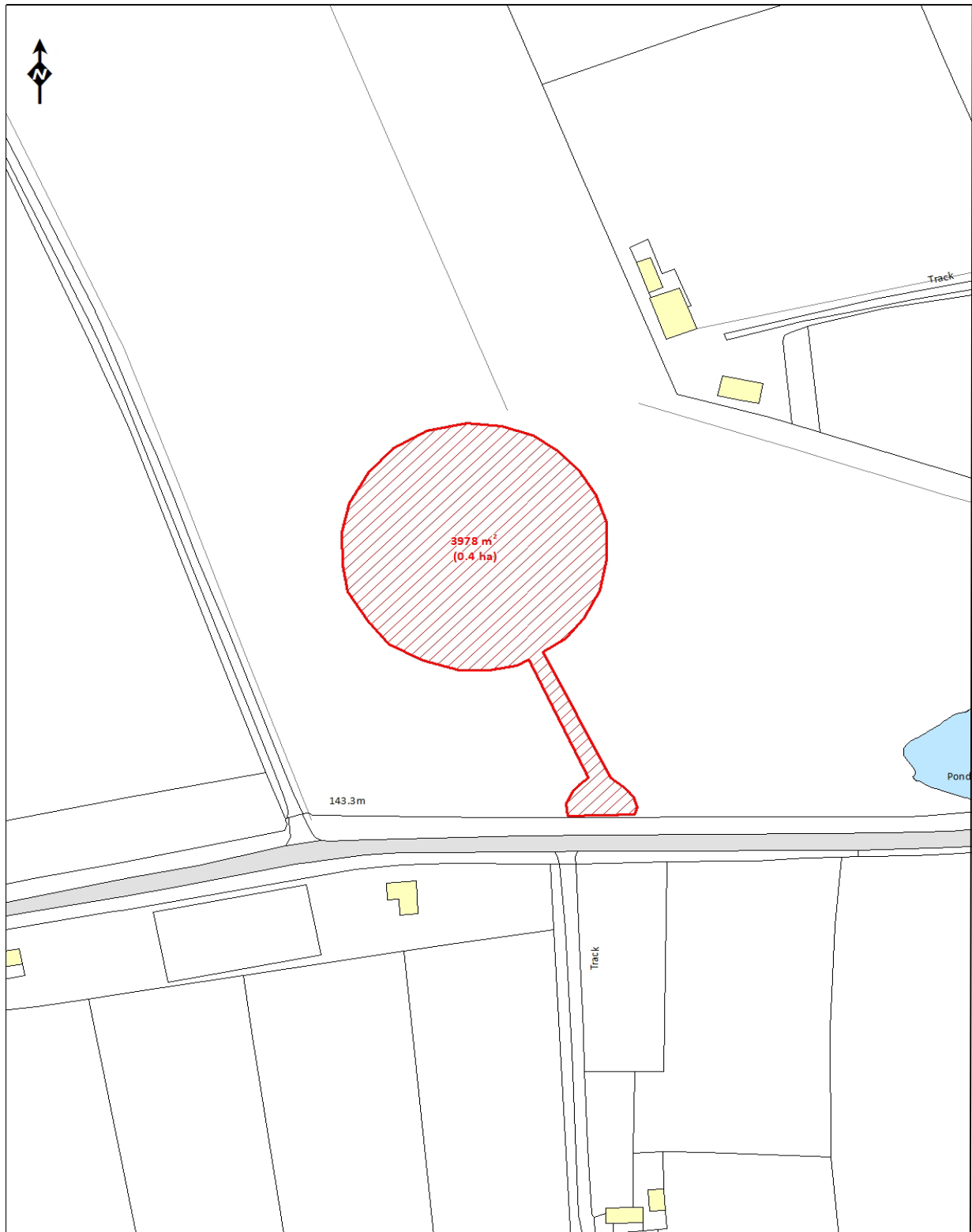
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 14/02169/FUL



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This matter is being dealt with by:
Helen Jones
Reference: 14/02169/FUL
0115 977 4552
helen.jones@nottsc.gov.uk
www.nottinghamshire.gov.uk



FAO Helen Marriott
Senior Planner,
Development Business Unit,
Newark and Sherwood District Council,
Kelham Hall,
Kelham,
Nottinghamshire,
NG23 5QX

18th March 2015

Dear Helen,

Planning Application Reference No: 14/02169/FUL

Proposal: Proposed erection of a single 500kW wind turbine with a hub height of 40 metres and 67metres in height to blade tip,

Location: Copt Hill Farm, Ricket Lane, Blidworth

Applicant: Wheatley Energy

The following comments have been prepared by Helen Jones of the Nottinghamshire County Council (NCC), Landscape and Reclamation Team acting as Landscape and Visual Impact Assessment (LVIA) consultants to Newark and Sherwood District Council (NSDC). The comments have been formulated on the basis of submitted documentation. NSDC were also contacted to obtain a list of turbines in the planning system and to update their status at 12th February 2015, in order for these to be considered in the cumulative landscape and visual impact assessment. There is already a consented development on this site (planning application reference 13/01651/FUL which was approved in September 2014). The basis for these comments is to treat application reference 14/02169/FUL as a new application in its own right. Since the original planning approval the Newark and Sherwood Landscape Capacity Study for Wind Energy Development, commissioned by NSDC and prepared by Land Use Consultants in March 2014 has been adopted as a Supplementary Planning Document by NSDC. Other wind turbine applications have also been granted approval since September 2014.

The following documents and drawings have been referred to in order to produce these comments:-

Documents

- LVIA – Life Long Energy – December 2014
- Design and Access Statement – Life Long Energy – dated 8th December 2014
- Pre consultation details – Life Long Energy - dated 4th December 2014
- NWT comments Claire Sambridge – Helen Marriott NSDC

Drawings

- Site location Plan – Life Long Energy – SS-050W PS-01 - 05.12.2014
- Site Plan – Life Long Energy – SS-050W PS-02 - 05.12.2014
- Block Plan – Life Long Energy – SS-050W PS-03- 05.12.2014

- Viewpoint 1 – Life Long Energy
- Viewpoint 2 – Life Long Energy
- Viewpoint 3 – Life Long Energy
- Viewpoint 4 – Life Long Energy
- Viewpoint 5 - Life Long Energy
- Viewpoint 6 - Life Long Energy
- Viewpoint 7 – Life Long Energy
- Viewpoint 8 - Life Long Energy
- Viewpoint 9 - Life Long Energy
- Viewpoint 10 – Life Long Energy
- Viewpoint 11 – Life Long Energy
- Viewpoint 12 – Life Long Energy
- Viewpoint 13 – Life Long Energy
- Viewpoint 14 – Life Long Energy

- ZTV (15km) - Life Long Energy – Figure 07 – December 2014
- ZTV (15km) - Life Long Energy – Figure 06 – December 2014
- Cumulative turbine locations (15km) - Life Long Energy – Figure 09 – December 2014
- Cumulative ZTV (15km) - Life Long Energy – Figure 10 – December 2014

- Regional Landscape Character Assessment - Life Long Energy – Figure 03 – December 2014
- Landscape Policy Zones - Life Long Energy – Figure 04 – December 2014
- Designations within 5km – Life Long Energy – Figure 05 – December 2014
- Receptors within 2km – Life Long Energy – Figure 08 – December 2014

- EWT international datasheet
- Revised elevations wind turbine – EWT DW54 / 500 Wind Turbine – Life Long Energy – SS-050W PS-04 05.12.2014
- Swept Path Analysis drawings – A60 and site entrance - Collett Consulting

Key documents and drawings from the previous planning application reference 13/01651/FUL have also been referred to, these are as follows:-

- Revised LVIA – Life Long Energy – February 2014
- Design and Access Statement – Life Long Energy – 6th September 2013
- Revised Site location Plan – Life Long Energy - 21.03.2014
- Revised Site Plan – Life Long Energy – SS-050W PS-02 - 21.03.2014

1. Landscape and Visual Impact Assessment Methodology

The Landscape and Visual Impact Assessment has followed the methodology set out in the Landscape Institute and the Institute of Environmental Management and Assessment in Guidelines for Landscape and Visual Impact Assessment' – Third Edition (GLIVA3) – May 2013.

There are also references to other guidance such as the Countryside Agency and Scottish Natural Heritage (2002) Landscape Character Assessment: guidance for England and Scotland and other publications by Scottish Natural Heritage (SNH) related to Visual Assessment of wind farms.

In the NCC comments, I have made reference to the Newark and Sherwood Landscape Capacity Study for Wind Energy Development, commissioned by NSDC and prepared by Land Use Consultants in March 2014.

Study Area

The Zone of Theoretical Visibility (ZTV) and Cumulative Zone of Theoretical Visibility (CZTV) were defined as a 15 km radius. Viewpoints were selected within a 10km radius area. A smaller study area of 5 km radius was used for the assessment of landscape effects

2. The existing site

The 0.30 hectare application site is located within an agricultural field on land to the west of the village of Blidworth, and is surrounded by land in agricultural use. The site lies within an area of open countryside between the urban developments of Mansfield to the north west, Rainworth to the north east, Blidworth to the east, and Ravenshead to the southwest.

The proposed site will be accessed from a newly constructed access track of Ricket Lane to the south. The closest Public Rights of Way to the proposed site are the Robin Hood Way to the north of the proposed site and Blidworth Bridle Way 9 to the west and Blidworth Bridle Way 7 to the north east

The closest residential properties, not connected with the proposed development, are residential properties on New Lane to the north east, Providence Farm to the north, and Fountaindale Lodge and Brackendale to the west of the proposed site

The site is at a level of approximately 142 m AOD, just below the crest of a ridge between Blidworth and Ravenshead. The surrounding landscape is gently undulating

Scattered farms occur throughout the landscape linked by minor roads. The fields are generally regular in shape and include long 'strip' fields which reflect medieval farming practices. Fields are enclosed by field boundaries with mature hedgerows with scattered mature hedgerow trees. There are small blocks of deciduous woodland scattered throughout the area as well as larger coniferous plantations.

In a 360 degree view from the site the following operational wind turbines are located:-

- 5 number 3 bladed turbines – Lindhurst Farm
Height 125m to tip (Application reference 06/002014/FUL) – 1.6 km from the proposed site to the closest turbine
- 1 number 3 bladed turbine – Cottage Farm
Height 102m to tip (Application reference 13/00406/FUL) – 1.2 km from the proposed site
- 1 number 3 bladed turbine – Baulker Farm
Height 77m to tip (Application reference 11/00873/FUL) – 4.4 km from the proposed site

3. Proposed Development

The applicant now seeks consent to erect a medium height turbine (as defined by the LUC study referenced previously) on land to the west of Blidworth. The proposed development is described in both the Landscape and Visual Impact assessment (LVIA) and the Design and Access Statement– Life Long Energy – dated 8th December 2014)

The proposed turbine is an EWT Direct Wind 54/500 type as illustrated on the proposed turbine elevation – Life Long Energy - SS-050W PS -04 dated 05.12.2014. The proposed turbine is three bladed and now has a maximum height of 67 metres to the blade tip, an increase in height of 5 metres from the previous application. In all other respects the turbine design is the same as the previous application and the only change is in its height. There is also a very minor change in its location from grid reference 457098 356277 to grid reference 457095 356282. The amended location will be 6m north-west of the granted location. The minor relocation is to accommodate the gas main which runs across the site.

Ancillary works associated with the application are shown on drawing SS-050W PS -02 dated 05.12.2014 and includes the following:-

- Proposed temporary access track extension from existing field entrance – approximately 90 metres in length and 4 metres wide. The track will be constructed in a hard surface of a specification to be agreed.
- Turbine hard standing – The cranes used to install the turbine require a solid level hard standing next to the turbine base. The proposed hard standing will be approximately 17m x 34m as shown the above drawing although not labelled as such and large enough to accommodate all of the heavy equipment manoeuvring. The hard standing will presumably be left in-situ following construction and covered with topsoil

- Cable - this will be required to connect the substation to the grid connection point. Although not stated by the applicant this would presumably run along the proposed access track. This cable would be installed underground and would be adopted by the Distribution Network Operator. No new overhead cables will be required.

No details have been provided about the turbine foundation, or any associated electricity substation and these are required from the applicant.

4. Physical Impact of the proposed development on the landscape

The direct physical impact of the proposed development on the landscape fabric of the existing site, at the construction stage, has been described in the applicants LVIA (Paragraph 6.2). The physical effects upon the landscape are considered to be **moderate - slight adverse** on the receiving Policy Zone S 46 Blidworth Wooded Estate lands as a result of physical construction operations and therefore not significant. The physical effects upon the landscape are considered to be **slight adverse** on the same Policy Zone as a result of movement of vehicles and therefore not significant. The physical effects on adjacent Policy Zones and the Sherwood Landscape Character area have also been considered, none of these are assessed as significant. I am in agreement with these conclusions.

The works will result in the removal of 0.3 km² of agricultural land, although existing agricultural operations will continue on completion of the scheme. There will also be the excavations necessary for the ancillary works described above.

Information is provided by the applicant about the delivery route of the turbine components to the site, in the Swept Path Analysis drawings included with the application, these only indicate tree pruning rather than any removal of vegetation to bring the components to site. It seems likely that no further vegetation removal will be required other than that described above as the proposed site is adjacent to Ricket Lane.

5. Impact on the landscape character of the study area

The hierarchy of Landscape Character Assessment that exists is as follows: firstly at the national scale are National Character Areas (NCAs) as defined by Natural England (formerly Countryside Commission/ Countryside Agency). This is followed at a regional scale by the East Midlands Regional Landscape Character Assessment (2010), Natural England and thirdly at the most detailed scale, by the Nottinghamshire Landscape Character Assessment (2009), Nottinghamshire County Council, of which the NSDC Landscape Character Assessment is a part.

NSDC in partnership with NCC has undertaken this Landscape Character Assessment (LCA) 2010 to assist decision makers in understanding the potential impact of proposed development on the character of the landscape.

The above assessment is underpinned by policy justification in that Landscape Character Assessment has taken place at a national, regional and county level in line with government planning guidance, and at the county level LCA is supported by its adoption as Supplementary Planning Document (SPD) in December 2013 to the Newark and Sherwood District Council Core Strategy.

The Newark and Sherwood District Council Core Strategy Core Policy 13 addresses issues of landscape character. A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Strategy Core Policy 13. 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 proposed turbine is located within the Sherwood Landscape Character Area, which has been divided into 62 Policy Zones. The application site is located in Sherwood Policy Zone 46 – Blidworth Wooded Estatelands

The landscape condition of the Blidworth Wooded Estatelands is defined as ‘very good’. The area has a unified pattern of elements as the majority of the area is permanent improved and unimproved pasture. There are some detracting features in that there is some breakdown of the field pattern due to subdivision of the field areas into smaller paddocks. Busy roads also pass through the area. Despite this, overall this is a visually unified area. Ecological integrity is moderate with areas of permanent pasture, interconnecting mature hedgerows and small woodlands. Cultural integrity is good in that the field pattern is intact which reflects the Sanderson Plan of 1835, with well-maintained and mature, species rich hedgerows. Overall, a visually unified area with a very strong functional integrity /habitat for wildlife leads to a very good landscape condition.

In the LCA, the landscape sensitivity of the Blidworth Wooded Estatelands is defined as ‘moderate’. The components of the landscape character are characteristic of the Sherwood LCA. The time depth is historic (post 1600) giving a moderate sense of place overall. However the medieval field pattern around the historic core of Blidworth is intact throughout the area. Some elements of the landscape such as mature hedgerows are possibly ancient, the evidence being the number of species being contained within the hedgerows. This leads to a moderate sense of place overall. The undulating landform is apparent with intermittent tree cover provided by bushy hedgerows giving a moderate visibility of features. There are panoramic views to the north and south from the high point of New Lane to the north of the area. A moderate sense of place and moderate visibility leads to a moderate landscape sensitivity overall.

Core Policy 13 of the Strategy indicates that the development proposals positively address the recommended actions of the Landscape Policy Zones in which proposals lie and demonstrate that such development would contribute towards meeting landscape conservation and enhancement aims for the area. The Policy Action for this area is ‘Conserve’, which the LCA defines as ‘actions that encourage the conservation of distinctive features and features in good condition’, these are specifically to:-

Landscape Features

- Conserve the historic pattern of permanent unimproved and improved pasture
- Conserve mature hedgerows and mature trees to pasture areas and roadsides
- Conserve the possibly ancient mature hedgerows and mature trees to New Lane
- Conserve small woodlands with acid grassland to the north of the area
- Create opportunities for restoring areas of heathland where appropriate

Built Features

- Conserve the sparsely settled character of the area by concentrating any new development outside of this area of historic field pattern and within the core of Blidworth Village
- Conserve the existing field pattern by locating any new small scale development within the existing field boundaries
- Promote sensitive design and siting of new agricultural buildings and temporary stables for horses
- Promote measures for reinforcing the traditional character of farm buildings using vernacular building styles

The Newark and Sherwood Landscape capacity study for wind energy development by LUC, has shown the location of the proposed site to have medium – high sensitivity to medium height turbines (51 to 80 metres) Figure 5.3

The applicant's assessment of sensitivity of the study area is summarised in Table 13 (LVIA) in a range from low to high. The sensitivity of the Policy Zone in which the site is located is Moderate with a medium capacity to accept change, which is lower than the LUC assessment above.

Applicants conclusions of the Landscape Character Appraisal

The Landscape and Visual Impact Assessment was submitted as a stand-alone document with the Planning Application. The applicant has appraised the landscape and visual character using 14 viewpoints which were not agreed in advance with NSDC.

The landscape character is described at a national, regional and local level in the baseline landscape assessment of the LVIA. The site is located in National Character Area 49 – Sherwood. The criteria for assessment of landscape sensitivity and the magnitude of change have been provided in the methodology of the LVIA. The assessed levels of landscape sensitivity and the magnitude of change are used to determine the degree of significance of effect on landscape character. A significant effect in terms of the Environmental Assessment Regulations is generally defined as one which is above Moderate, but this is not defined in Table 6 (GLIVA)

A summary of the effects on Landscape Character is provided in Table 18 (LVIA) at the construction, operational and decommissioning phases. Operational phase landscape impacts on the Sherwood RLCA in which the proposed site is located are assessed by the applicant as **moderate -slight adverse**. Operational phase landscape impacts on the receiving Policy Zone 46, are assessed by the applicant as **moderate - slight adverse**. The Landscape effects on adjacent Policy Zones and the Sherwood Landscape Character area have also been considered. A greater level of impact of **moderate adverse** is assessed for Sherwood Policy Zone 4 Rainworth Lodge Wooded Estatelands because of its 'more sensitive landscape character (paragraph 6.3.1). I would argue that the landscape character of Sherwood Policy Zone 46 is also sensitive due to its field pattern described earlier and the level of landscape impact on this area should also be at least **moderate adverse**, and this has been underestimated by the applicant. However I am in agreement that there are no significant adverse effects on landscape character.

No mitigation of the landscape impacts has been identified by the applicant; I consider that there is some scope to provide some mitigation, with planting works on the surrounding farmland on land within the applicant's ownership. This could include (taken from the Policy action for the Policy Zone described earlier) to 'Conserve mature hedgerows and mature trees to pasture areas and roadsides' This would help to deliver some key actions for the Policy Zone Sherwood 46. Plant species should be suitable for the Sherwood Landscape Character Area

6. Visual Impacts of the proposed development on the visual character of the study area

The proposed development would comprise the installation of a 500kW turbine which has a maximum height of 67 metres to the blade tip, a hub height of 40 m, with a rotor diameter of 54m. The design and height of the proposed turbine is therefore known and the visual impact can be predicted.

The Landscape and Visual Impact Assessment (LVIA) includes an assessment from 14 viewpoints, which have not been agreed in advance with NSDC. The full visual assessment is described in section 7 (LVIA) and is summarised in Table 19 (LVIA). Photomontages have been created for each of these viewpoints. This summary indicates that there is a range from negligible to minor/moderate adverse visual effects, these visual effects are classed as not significant (i.e. None of the effects are above moderate adverse) I am in agreement with the conclusions of the visual assessment.

Viewpoint	Distance to Site (Km)	Visual Receptors	Sensitivity of Visual Receptor	Magnitude of Change	Overall Visual Effect	Visual Effect Significance
1	2.64	Users of Public Footpath and Bridleway, road users	Low – due to distance from site	Very Low	Slight-Negligible	Not significant
2	3.40	Residents	Low – due to distance from site	Negligible	Negligible	Not significant
3	0.64	Recreational walkers	Medium – due to distance from site	Medium	Minor to Moderate	Not significant
4	0.94	Residents, road users	Medium – due to distance from site	Medium	Minor to Moderate	Not significant
5	2.75	Residents, pavement users, road users	Low – due to distance from site	Low	Slight	Not significant
6	1.40	Residents, road users	Medium – due to distance from site	Low	Minor	Not significant
7	1.42	Recreational walkers	Medium – due to distance from site	Low	Minor	Not significant
8	1.16	Recreational walkers, farm workers	Medium – due to distance from site	Medium	Minor to Moderate	Not significant
9	0.95	Road users	Low	Negligible	Negligible	Not significant
10	2.92	Road Users	Low	Negligible	Negligible	Not significant
11	8.88	Recreational walkers	Low	Negligible	Negligible	Not significant
12	6.75	Recreational Walkers	Low	Low	Slight	Not significant
13	6.87	Recreational Walkers, Residents	Low	Negligible	Negligible	Not significant
14	5.60	Road users	Low	Negligible	Negligible	Not significant

7. Cumulative Landscape and Visual Impact Assessment

The current situation in the study area is that there are 6 no large and 1 medium approved or operational turbines (LUC size definition) within the 360 degree view from the proposed site, within 5km of the proposed site.

- 5 number 3 bladed turbines – Lindhurst Farm
Height 125m to tip (Application reference 06/002014/FUL) – 1.6 km from the proposed site to the closest turbine

- 1 number 3 bladed turbine – Cottage Farm
Height 102m to tip (Application reference 13/00406/FUL) – 1.2 km from the proposed site
- 1 number 3 bladed turbine – Baulker Farm
Height 77m to tip (Application reference 11/00873/FUL) – 4.4 km from the proposed site

The Cumulative Landscape and Visual Impact Assessment (CLVIA) was carried out by the applicant visiting each of the 14 viewpoints and considering all of the turbines visible and taking into account all of those known to be in the planning process.

These turbines together with all turbines in the planning system at the time the CLVIA was carried out are illustrated on LVIA Figure 09 - Cumulative turbine locations and are listed in Table 20 of the LVIA. This shows all turbines, existing operational turbines, consented turbines, and any other turbines in the planning system at October 2013 to illustrate the above as well as the location of the proposed site. A Cumulative Landscape and Visual Impact Assessment ZTV was produced as LVIA Figure 10.

The cumulative LVIA concludes that there is a **minor adverse to non – significant** cumulative effect on landscape character, which is not significant. This is on the basis that there are already the other turbines listed above within the same Landscape Policy Zone (paragraph 8.2). However this is incorrect the Lindhurst turbines are in the adjacent Sherwood Policy Zone 11 and the Cottage Farm turbine is in S PZ 04. This is instead a cumulative effect on landscape character when considering the adjacent Policy Zones, I would consider that this is at least a **minor adverse** cumulative effect and is underestimated.

The main area of cumulative visibility of the proposed turbine with the operational and consented turbines would be to the north east. The cumulative LVIA concludes that there is a **Minor adverse** cumulative effect on visual receptors, which is not significant. However the cumulative impact on users of Public Rights of Way has not been considered in detail in the LVIA, if the proposed turbine added to those already visible is considered this impact may have been underestimated, although it is accepted that mature vegetation in the area does provide some screening

Overall the LVIA concludes that there is a **minor adverse** cumulative effect arising as a result of the proposal, NCC consider that this is an underestimate. However I am in agreement that there are no significant adverse cumulative effects

8. Sequential Impact

This is described as the sequential effect where the observer sees different wind turbine developments from different viewpoints whilst travelling through the landscape and is considered in section 8.4 of the LVIA. The study concludes that the single turbine will have a **minor adverse** effect which is not significant. This conclusion is accepted as the turbine is some distance from the main vehicular routes through the area – B6020 and A617 Rainworth bypass. From the A617 Rainworth bypass the Lindhurst Farm turbines are dominant and the proposed application is a further 1.6 Kilometre distant.

9. NSDC Landscape Capacity Study

This report has not been referred to in the applicants landscape and visual impact assessment although it was available in March 2014, NCC have therefore referred to it in these comments.

On a strategic level the NSDC Landscape Capacity Study sets out an overall aim for each of the identified landscape character types. Within the NSDC Landscape Capacity Study Table 2.5 (Page 14) sets out levels of wind energy development within the landscape.

Comment [CG1]: Shouldn't this section be further up? ...in Lscape Character section?

These are:

A **landscape without wind energy** is considered to be an LCT within which no wind energy developments are located. There may, however, be in views of wind energy developments located in neighbouring types of landscape. Some landscapes in this category may be able to accommodate small scale turbines, for example associated with farm buildings, and this is clearly set out where this is the case.

A **landscape with occasional wind energy** is considered to be an LCT within which a very small number of wind energy developments are located. In this landscape, the wind energy developments are usually clearly separated and whilst each development influences the perception of the landscape at close proximity, they do not have a defining influence on the overall experience of the landscape (developments would not result in a significant cumulative impact on the LCT as a whole) The LCT would not be dominated by wind turbines.

A **landscape with wind energy** is considered to be an LCT within which several wind energy developments are located; where the landscape may be perceived as having wind turbines visible in more than one direction; and/or where wind energy developments have a strong influence on the character of the landscape *but* are not the defining characteristic of the landscape character. It will still be possible to appreciate the character of the landscape without wind turbines dominating every view in the LCT.

A **wind farm landscape** is considered to be an LCT where turbines are the defining influence on the landscape character of the area. All other landscape features are seen in the context of extensive wind energy development

The proposed turbine development is located in Landscape Character Type A3 – Wooded Estate lands and the overall aim for this LCT has been assessed as a **landscape with occasional wind energy** in terms of the level of development likely to be acceptable. In this landscape, the wind energy developments are usually clearly separated and whilst each development influences the perception of the landscape at close proximity, they are not the defining characteristic of the overall experience of the landscape.

Having reviewed the guidance within the NSDC Landscape Capacity Study in relation to this proposed development and the surrounding landscape I conclude that there is some capacity to accommodate this wind turbine development without it becoming a defining characteristic.

However, depending on the size, cluster size and position further wind turbine developments other than those already discussed may start to have a cumulative impact on the surrounding landscape.

10. Impact of the increase in height of the turbine, and minor change in location of the turbine

10.1 Physical Impact of the proposed development on the Landscape

The route used to bring the turbine components to site has not changed between the Planning application reference 13/01651/FUL and 14/02169/FUL ,these 2 applications are identical in both the Design and Access Statements using a route from the A60 via B 6020 and then onto Ricket Lane. The comments from Nottinghamshire Wildlife Trust highlight that on entry to the site itself the location of the temporary access matting used during the construction period differs slightly. In Drawing – PS-02 – dated 05.12.14 this access is from the south and in Drawing PS-02 - 21.03.14 the access is from the west. However this amendment does not appear to involve the removal of mature vegetation, the Wildlife Trust have requested further details on this matter and also replacement mitigation planting if this is necessary.

10.2 Landscape character

An increase in the turbine height of 5 metres will not change the conclusions drawn previously that there will be a moderate to slight adverse impact on the landscape character of the above landscape character area

10.3 Visual Impact.

NCC have produced drawings to illustrate the Zone of Theoretical Visibility (ZTV) of the proposals using the Map Info professional 12.5 with Vertical Mapper 3.7 software

LR/PRRH062/44 – baseline Zone of Theoretical Visibility
LR/PRRH062/45 – 62 metre turbine Zone of Theoretical Visibility
LR/PRRH062/46 – 67 metre turbine Zone of Theoretical Visibility
LR/PRRH062/47 – combined 62 metre and 67 metre turbine Zone of Theoretical Visibility

Drawings LR/PRRH062/45 and 46 indicate that there is very little difference in terms of the ZTV between the 2 turbine heights, the drawings are almost identical. The differences are shown on Drawing LR/PRRH062/47 where the very small fringes of blue visible show the areas where the 67 metre turbine would be visible but the 62 metre turbine would not.

It must be emphasised that these drawings illustrate the worst case scenario and are based on topography only and do not take into account the screening effect of buildings and vegetation. But even in the worst case scenario they show minimal difference in visual impact due to the increase in height from 62 to 67 metres.

10.4 Cumulative impact

Additional wind turbines have been approved since the applicants Figure 9 was produced, these are as follows:-

- 13/009893/FUL - Mickledale Lane 87m
- 13/01061/FUL - Lurcher Farm 48.5 m
- 13/01371/FUL - Inkersall Grange 77m

However these are more than 5 kilometres from the site, these are located on the A614 road corridor and are visually separated from the proposed development. Therefore they will not increase the level of cumulative landscape and visual impact within the study area.

11. Summary

- **The landscape and visual impact assessment of the proposed development has been carried out to the appropriate methodology.**
- **Additional information is required from the applicant concerning turbine foundations and any ancillary buildings required.**
- **The physical effects upon the landscape are considered to be moderate - slight adverse on the receiving Policy Zone S 46 Blidworth Wooded Estate lands as a result of physical construction operations and therefore not significant. The physical effects upon the landscape are considered to be slight adverse on the same Policy Zone as a result of**

movement of vehicles and therefore not significant. I am in agreement with these conclusions.

- A summary of the effects on Landscape Character is provided in Table 18 (LVIA) at the construction, operational and decommissioning phases. Operational phase landscape impacts on the Sherwood RLCA in which the proposed site is located are assessed by the applicant as slight adverse. Operational phase landscape impacts on the receiving Policy Zone 46 – Blidworth Wooded Estatelands, are assessed by the applicant as moderate - slight adverse. However I consider that this is an underestimate and should be moderate adverse.
- I consider that there is scope for mitigation which would help to deliver some key actions for the Sherwood Policy Zone 46 – Blidworth Wooded Estatelands , which should be requested
- Visual Impact is in a range from negligible to minor/moderate, and is not significant which I am in agreement with
- Overall the LVIA concludes that there is a minor adverse cumulative effect arising as a result of the proposal, NCC consider that this is an underestimate. However I am in agreement that there are no significant adverse cumulative effects
- The sequential impacts of the proposed turbine have been assessed by the applicant as minor adverse and I am in agreement with this assessment.
- Having reviewed the guidance within the NSDC Landscape Capacity Study in relation to this proposed development and the surrounding landscape I conclude that there is some capacity to accommodate this wind turbine development.
- The Impact of the increase in height of the turbine, and the minor change in the location of the turbine have been considered but it is concluded that these will have negligible impact on the conclusions already drawn for physical impact on the landscape, impact on landscape character of the study area, impact on the visual character of the study area, and cumulative landscape and visual impact.

12. Conclusion

The proposed development is submitted for a site on which there is an existing consent by NSDC for a similar proposal. NCC have independently considered the current application and on the basis of the above summary recommend that the application should be approved. Although certain the levels of significance of impact on the landscape character of Sherwood Policy Zone 46 – Blidworth Wooded Estatelands have been underestimated this not sufficient for these to become significant effects.

The change in height and the minor amendment to the site location between this and the previous applications is negligible in its effect.

NCC therefore recommends the approval of the proposed application.

Yours sincerely

Helen Jones
Landscape Architect
Nottinghamshire County Council

Application No:	15/00048/FUL	
Proposal:	Full Planning Application for Replacement Dwelling. (Re-submission of app ref: 14/01660/FUL)	
Location:	4 Top Road, Blidworth, Nottinghamshire	
Applicant:	Mr & Mrs. D Cole	
Registered:	13.01.2015	Target Date: 10.03.2015
		Ext of Time Agreed: 10.04.2015

The Site

The application site comprises a two storey red brick cottage situated approximately 1.5km to the south of the centre of Blidworth.

The property forms half of a pair of semi-detached cottages accessed from a private driveway situated off Rigg Lane. The shared driveway runs along the front of the property and serves the development site, the attached dwelling Laburnum Cottage and Peartree Cottage situated to the west. The land to the north of the dwelling is a grassed area and provides a turning circle for the properties using the driveway.

The principle amenity area for the property is to the rear (south) and this extends approximately 60m. It is understood that until recently the garden area for the dwelling was densely covered in vegetation; however at the time of undertaking the site visit the site had been cleared. The rear garden area of the dwelling rises gently from north to south and is composed of bare earth with two small low level brick outbuildings on the western boundary being the only features.

The cottage appears to be vacant but shows signs of recent inhabitation. To the rear of the cottage, the western half of the building is painted white to match that of the adjoining property. The eastern half of the dwelling is unpainted and appears to be an extension, further exaggerated by the connecting links showing signs of coming away from the original dwelling. The adjoining property to the west shows sign of been added to a number of times in the past; including an extensive two storey element to the rear and a number of smaller single storey projections. Furthermore, there are a number of single storey red brick outbuildings situated approximately 15m to the south of the neighbouring dwelling which are believed to act as plant rooms for the outdoor swimming pool situated to the north.

The boundary treatment between the adjoining properties is made up of a mix of treatments. To the east; the immediate boundary is a C. 1.8m high red brick wall, which increases to C.4m accommodating lean to buildings on the boundary. It then reduces to a C.1.8m high hedge further to the south. To the west the immediate boundary is a C.2m high hedge which reduces to 1.8m

and then 1.5m the further into the site it goes. There are a number of hedgerow trees contained within the eastern boundary which provide further screening to the neighbouring dwelling.

The site is situated within the Nottingham Derby Green Belt.

Relevant Planning History

14/01660/FUL – Replacement dwelling. Refused October 2014

The Proposal

The application is for full planning permission for the demolition of the existing semi-detached cottage and the construction of a replacement two storey dwelling. The adjoining property, it is proposed would be underpinned and a new insulated externally rendered wall provided.

This re-submitted application proposes a dwelling which would be exactly 50% larger than the dwelling it would replace. The siting of the dwelling has also been amended. The previous application detailed the dwelling to be set back approximately 4.5m to the south in comparison to the adjoining neighbouring dwelling (Laburnum Cottage). The current application details the dwelling to be sited approximately 31.5m to the south of Laburnum Cottage situated to the west, which would allow for the creation of a garden and parking area to the front of the dwelling.

Departure/Public Advertisement Procedure

Occupiers of two properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

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

Allocations & Development Management DPD

Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

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

National Planning Policy Guidance, on-line resource 2014

Consultations

Blidworth Parish Council – Support the proposal

NCC Highways Authority – The red boundary line does not extend up to the adopted highway. However, the proposal is acceptable subject to this amendment being made.

Nottinghamshire Wildlife Trust – No objection

We are generally satisfied with the methodology employed, although the addition of desk study information from Nottinghamshire Biological and Geological Records Centre (including Local Wildlife Site data) would have increased the robustness of the assessment. In this case, the closest Local Wildlife Site (Longdale Lane Plantation) is approximately 100m to the south of the development and we do not anticipate that the proposal will impact on this area. The report notes that there are mature trees on site which may have potential for roosting bats these trees should be retained and suitably buffered during works. If they are to be impacted upon in any way, further survey will be required.

The buildings are considered to have negligible potential for roosting bats and no further survey is required. In the unlikely event that a bat is discovered during operations, work should stop immediately and advice should be sought from a licensed bat worker. Consideration should be given to the use of bat-friendly lighting if used during construction, and where proposed as part of the development. Lighting should be directed downwards and away from vegetation where possible.

Any vegetation clearance (including the ivy covering the current property) will be constrained by the bird breeding season. We would request a suitably worded condition, for example:
No removal of hedgerows, trees or shrubs and also ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird’s nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (as amended).

The consultant makes no mention of whether evidence of bird nesting was present in the buildings surveyed. If birds were to make use of the buildings for nesting prior to development, any works to those areas would also be constrained as above. We would support the inclusion of biodiversity enhancements as part of the developments. These could include:

- Installation of bird and bat boxes on buildings and retained trees
- Use of native, locally appropriate species in planting schemes

Representation has been received from one local resident which can be summarised as follows:

- The existing dwelling is in a state of disrepair and is unattractive in comparison to neighbouring dwellings.
- The demolition of No. 4 will create a greater sense of openness at the end of Top Road and allow for a family home to be built in its place.
- The proposed dwelling design is that of a modest cottage which will complement the rural surroundings.

Comments of the Business Manager

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

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

The NPPF and Core Strategy do not define what is meant by 'materially larger.' Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floor space increase) in determining whether a replacement dwelling is materially larger than the original dwelling. However, what is materially larger in planning terms is essentially a matter of fact and degree and is not defined as either a quantitative (size, floor space, footprint, volume, etc) or qualitative (bulk, design, context) measure. Throughout the years there has been extensive case law on the subject with matters of interpretation varying.

The tables below demonstrate the differences between the floor space and ridge heights of the existing and proposed dwellings: -

Existing Dwelling Floor Space	Proposed Dwelling Floor Space	% Increase
90m ²	135m ²	50%

Existing Dwelling Ridge Height	Proposed Dwelling Ridge Height	Increase
6m	6.8m	0.8m

The tables demonstrate that the proposed dwelling would have a floor space approximately 50% larger than that of the existing dwelling and a ridge height approximately 0.8m higher. Whilst it is accepted that the proposed dwelling would be larger than that which it would replace, the

dwelling is not considered to be deemed as 'materially larger' and as such is considered to accord with the NPPF in terms of acceptable scale for a replacement dwelling sited within the Green Belt.

Turning to the siting of the proposed replacement dwelling; the NPPF identifies that the allocation of land as Green Belt should seek to serve five purposes. Of particular relevance to this application is 'to assist in safeguarding the countryside from encroachment' (para 80). The existing dwelling forms one half of a semi-detached cottage attached to the neighbouring dwelling Laburnum Cottage. Pear Tree Cottage, situated to the west is constructed on the same building line as that of Laburnum Cottage and the development site. The previously refused application sought to site the dwelling approximately 4.5m to the south in relation to the attached Laburnum Cottage. The current proposal seeks to site the dwelling approximately 31.5m to the south of the frontage of Laburnum Cottage and within the existing garden area of the development site.

It is considered that the neighbouring buildings to the west define the existing building line. Corner Cottage and Chapel Cottage situated to the north east of the development site are served by a separate access from Calverton Road. Notwithstanding the presence of ancillary brick outhouses without the garden area of the development site and neighbouring properties, the land to the north, south, east and west of the existing dwelling is relatively open. The applicant has stated that the proposed development would result in the creation of a better standard of accommodation for the applicant and his family than that which currently exists. Whilst it is accepted that the current dwelling is relatively small in scale, the creation of a replacement which would result in a perceived loss of openness to the Green Belt is not considered to be such a special circumstance to warrant this loss.

It is considered that the siting of a replacement dwelling in the proposed location, 31.5m to the south of the existing building line would result in a significant loss of openness due to encroachment over and above Spatial Policy 4B of the Newark and Sherwood Core Strategy and the NPPF, a material consideration.

Impact on the Character of the Area

The existing semi-detached dwelling is situated on a private road accessed from Rigg Lane which serves another 2 properties; namely the adjoining property Laburnum Cottage and Peartree Cottage situated on the corner of Rigg Lane and the private road. All properties on the private road are aligned along the same building line with their garden areas to the rear (south) and parking available to the front (north). The neighbouring properties of Corner Cottage & Chapel Cottage are situated to the north and accessed via Calverton Road. The proposal would see the demolition of the existing semi-detached cottage and see its replacement sited approximately 31.5m to the south of the existing Laburnum Cottage frontage.

The proposed dwelling would have a floor space approximately 50% larger than that of the existing dwelling and a ridge height approximately 0.8m higher. It is proposed that the dwelling be constructed of a red brick with a slate roof.

Views of the existing cottage are limited given its relatively remote location and positioning with screening provided to the north and east. However, the proposed replacement dwelling would be sited approximately 31.5m to the south of Laburnum Cottage and introduce new built form into an area which is at present relatively open. When viewed from Rigg Lane, it is considered that the siting of the proposed dwelling given its isolated location, increased ridge height and contrasting building materials would appear at odds with the surrounding dwellings, to the detriment of the existing character of the area. The proposed development would therefore it is considered be contrary to policy DM5 of the Newark and Sherwood Development Plan Document.

Impact on Residential Amenity

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

New fenestration is proposed at first floor level on the front and rear elevations, however only at single storey level on the side elevations of the dwelling. It is proposed that the replacement dwelling be sited approximately 31.5m to the south of its current location. This would result in a separation distance of 21m from the rear first floor windows of the proposed dwelling and those in situ on Laburnum Cottage, the neighbouring dwelling. Given this proposed distance the replacement dwelling is not considered to result in direct window to window overlooking.

Corner Cottage, the dwelling situated to the north east of the proposed dwelling would have a degree of separation of approximately 40m with boundary vegetation further reducing the possibility of any overlooking. However, given the proposed location of the dwelling within its plot consideration must be given to the potential of overlooking of the garden areas immediately to the rear of the dwellings situated to the east and west, considered to be most private. The development site and Laburnum Cottage, situated to the west are at present separated by a brick wall of approximately 1.8m in height. Three brick lean to buildings are also situated on the boundary of the neighbouring dwelling, which are understood to serve as a plant room for the outdoor swimming pool situated between the rear of the dwelling and to the north of the plant buildings. The buildings have a ridge height of approximately 4m. The distance between the swimming pool and the first floor fenestration proposed in the replacement dwelling would be approximately 12m. However, it is considered that the outbuildings situated on the neighbouring boundary would reduce the possibility of views into this area thus preserving unacceptable neighbouring amenity. The boundary treatment to the east is composed of hedging and hedge row trees. Given the relatively dense boundary treatment, it is considered that views from the proposed first floor windows of the replacement dwelling would be unlikely to result in overlooking of the immediate neighbouring garden area to the east. There is considered to be the potential for views into the southernmost garden areas of the dwellings to the east and west from rear windows of the proposed dwelling; however these garden areas are situated some distance

from the dwellings and could experience existing long distance views from rear windows in neighbouring dwellings.

As such it is considered that the proposed dwelling would be unlikely to result in overlooking of neighbouring private amenity areas.

Given the dwellings proposed location to the south of the existing building line it is considered that due to the degree of separation from neighbouring dwellings the proposed development would be unlikely to result in overbearing or overshadowing.

As such the proposed development is not considered to detrimentally result in a loss of neighbouring amenity.

Impact on Highway Safety

The current dwelling appears to offer no formal parking arrangement, however space is available to the front and side of the dwelling on grassed areas for vehicles to park. The proposed site plan details the proposed dwelling to be set back in its plot allowing ample room on the frontage for vehicles to park.

NCC Highways Authority has commented that the proposed location plan does not demonstrate how users of the proposed property would access the highway given that the red line boundary does not extend to an adopted road. To date no revised site location plan has been received. It is therefore the officer's interpretation that the Highways Authority objects to this application. However, this shall not be included as a reason for refusal as it is considered that this objection can easily be overcome by amending the current location plan.

Impact on Ecology

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

Conclusion

It is acknowledged that the existing semi-detached dwelling is in a relatively poor state of repair, with substandard room sizes. The dwelling is accessed from a private road with no allocated parking spaces. The principle of a replacement dwelling of the scale proposed is considered to be acceptable.

However, the replacement dwelling through its siting 31.5m to the south of the existing defined building line, would detrimentally impact upon the openness of the Green Belt and the character of the surrounding area, contrary to the provisions of Spatial Policy 4B of the Newark and Sherwood Core Strategy, Policy DM5 of the Newark and Sherwood Development Plan Document and the NPPF. I consider that this harm to the open character and appearance of the area is sufficient to outweigh the other considerations above.

RECOMMENDATION

That full planning permission is refused for the reasons set out below.

01

In the opinion of the District Council, the siting of the proposed replacement dwelling in tandem with the materials proposed in the dwellings construction would result in an unacceptable loss of openness, to the detriment of the character of the area and the Nottingham Derby Green Belt. There are no very special circumstances or other material planning considerations that outweigh this harm. The proposed development would therefore be contrary to Spatial Policy 4b and Core Policy 9 of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012) a material planning consideration.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason 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/ The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

BACKGROUND PAPERS

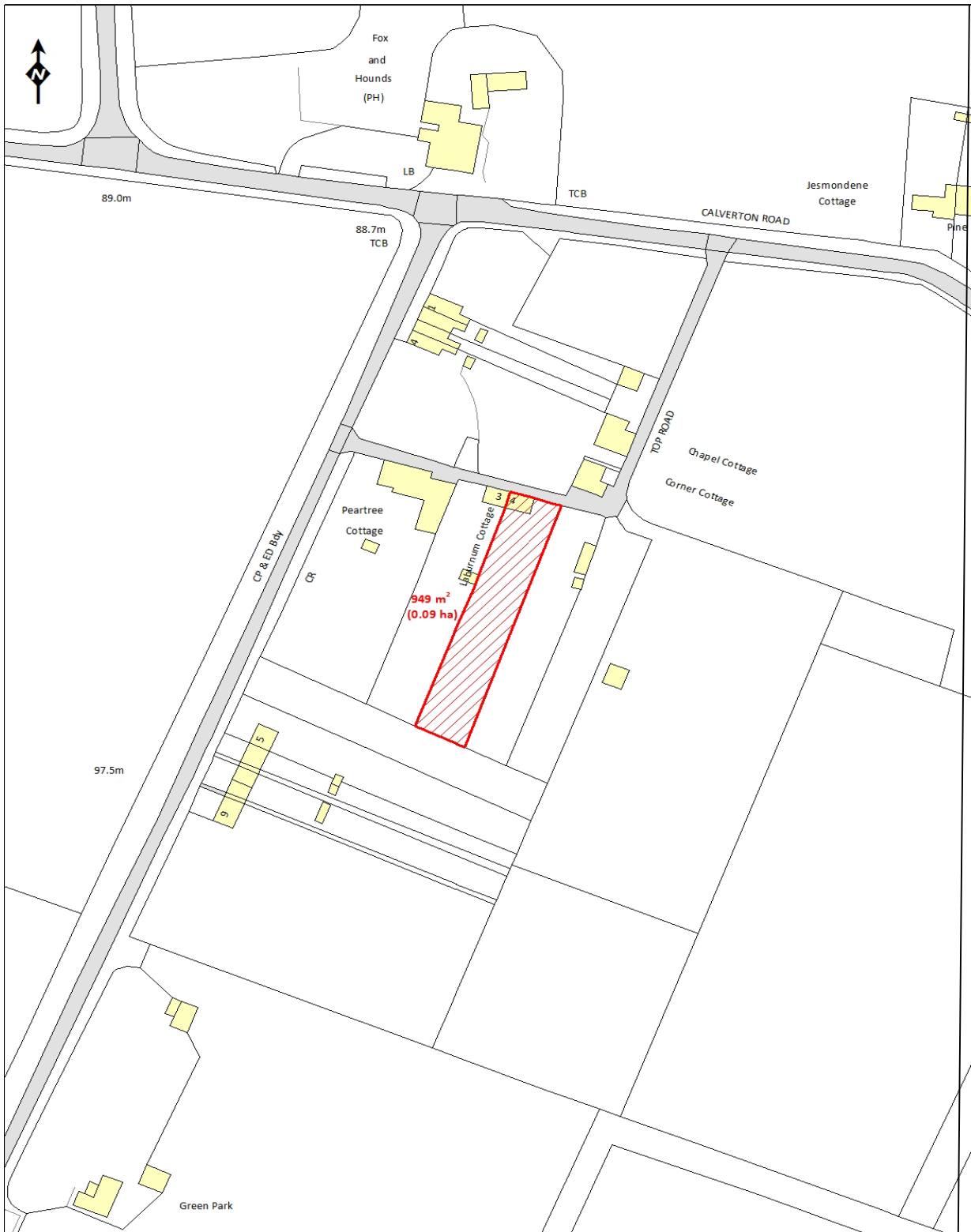
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00048/FUL



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Application No Proposal	15/00163/FUL Change of use extension of house into a hairsalon.		
Location	81 Dale Lane Blidworth Nottinghamshire NG21 0SU		
Applicant	rachelle coope		
Registered	13th February 2015	Target Date	10th April 2015

The Site

This application relates to a two storey end of terrace property located on the northern side of Dale Lane at its junction with Park Avenue and sited within a residential area of similar dwellings close to the eastern edge of the main built up area of Blidworth, a principal village as identified in the Core Strategy.

The site is bounded by 0.5m high stone wall to the roadside boundaries which have a 1m high concrete panel fence behind along Park Avenue. To the side of the property, there is a raised graveled area with a 1.8m high brick wall screening the rear garden from the road side.

The dwelling has an existing rear extension with mono pitch roof. There are no windows to the elevation facing into the raised side garden area.

There is an existing dropped kerb access on Dale Lane which serves the graveled off street parking area to the front of the property.

Relevant Planning History

There is no relevant planning history associated with this site.

The Proposal

The application proposes a material change of use of the rear extension to the dwelling to that of a hair salon. No external alterations to the extension are proposed. The remainder of the property would be retained as a residential use.

The application states that the proposed salon will employ 1 full time (the applicant) and 1 part time member of staff who will work every two weeks on a Saturday. The open hours will be:-

Tuesdays- 9am - 5.30pm

Wednesday 9am-3pm

Friday 9 am- 5.30pm

Saturday 9am – 1.30pm (every two weeks)

The application does not propose any opening hours to take place on Sundays or Bank Holidays.

Clients are by appointment only. An email was received on the 17th March 2015 confirming that the number of clients expected per day would be approximately 6.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Allocations & Development Management DPD (2013)

Policy DM5: Design

DM11: Retail and Town Centre Uses

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Cllr Yvonne Woodhead has referred this application to Committee in the event of a recommendation of approval.

Blidworth Parish Council - No objections are raised

NCC Highways Authority – Following receipt of additional information with regards to no.s of staff, visitors and clients it is considered that the proposal will not have a significant impact on the public highway and as such there are no highway objections.

Environmental Health – No comments are made.

No Representations have been received from local residents.

Comments of the Business Manager/ Appraisal

The main consideration in the determination of this application are whether the proposed use is appropriate in this location, its impact on neighbouring amenity and whether the proposal raises any highway issues.

Proposed Use

Policy SP1 of the Core Strategy identifies Blidworth as a Principal village and as such it should have a good range of day to day facilities to complement the roles of the service centres of Southwell,

Sherwood and Mansfield Fringe Areas. Policy SP7 encourages sustainable transport and outlines that development proposals should promote an emphasis on non car modes as a means of access to services. Criterion contained within Core Policy 9 of this document identifies that all new development should contribute to a compatible mix of uses particularly to town and village centres.

Policies contained within the Allocations & Development Management DPD reflects those of the Core Strategy. Policy DM12 recognises that inappropriate retail development in out of centre locations can cause significant harm to both the vitality and viability of individual. Within the rural areas of the District, there will be development in locations and of scales that, whilst not compliant with current planning policy, none the less provide for local need and contribute to local employment. Where it can be demonstrated that such proposals are of benefit to the local community, they will be supported.

I am mindful that the proposed use, which falls within Use Class A1 (shops) as identified in the Town and Country Uses Classes Order, would be considered a main town centre use and that the application site falls outside of the main shopping area of Blidworth. However I am of the opinion that the proposed hairdressing salon would be of such a small scale, taking account of the proposed hours of operation and that it would only employ the applicant and 1 additional part time member of staff at the weekend, to not significantly impact on the vitality or viability of the shopping area to justify refusal on these grounds. The proposed use would, in my opinion, be of such a scale so as to not impact upon the main residential use of the property nor the character of the surrounding area. Furthermore the business would predominantly serve the immediate local community, as outlined in the supporting statement submitted with the application.

I therefore consider that given the scale of the proposed business and its location at the edge of the village, the principle of the proposed use would be acceptable in this location.

Impact on neighbouring amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Criterion 3 of Policy DM5 of the Allocations & Development Management DPD states that 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.

The proposed hair salon would operate from an existing small extension to the rear of the dwelling. Taking account of the details submitted with the application with regards to hours of operation and number of clients, I am satisfied that such a use of the existing extension would not result in such an increase in the number of comings and goings from the property to adversely impact upon the level of amenity currently enjoyed by the occupants of neighbouring dwellings.

Highway Issues

Spatial Policy 7 of the core strategy includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking

problems, no materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful that the application site falls within a residential area of the village. However, I note that the Highway Authority does not consider that the proposal is expected to have a significant impact on the public highway and as such raises no objections.

The property has an existing vehicular access to the front and a gravelled driveway and parking area. 4 no. off street parking spaces are proposed to serve both the dwelling and visitors. Taking account of the details submitted with the application I do not consider that the proposal would result in any significant increase in on street parking.

Taking the above into account given that on-site parking is to be provided to serve the development I am satisfied that, on balance, the proposal would not result in such a significant change of highway circumstances to justify refusal on these grounds.

Conclusion

On balance taking the above considerations into account I would recommend that planning permission be granted. Notwithstanding this I do consider that it would appropriate to attach a condition restricting the use to that outlined in the supporting email given that it is on this basis that the application has been assessed.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

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 use hereby permitted shall be operated in accordance with the details set out in the email dated 5th March 2015 and email dated 17th March 2015. The use shall be operated within the following times:-

Tuesday 9am - 5.30pm

Wednesday 9am - 3 pm

Friday 9am - 5.30 pm

Alternate Saturdays 9am -1.30pm

unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

03

The home hairdressing business hereby approved shall not take place anywhere on the site except within the rear extension as indicated on the application forms deposited with the application on the 2nd February 2015 , unless otherwise agreed in writing by the Local Planning Authority. The hairdressing business shall only be operated by the residential occupiers of 81 Dale Lane Blidworth in conjunction with the residential occupation of the remainder of the building.

Reason: In the interests of residential and visual amenity.

Note to Applicant

01

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

02

The 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 proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

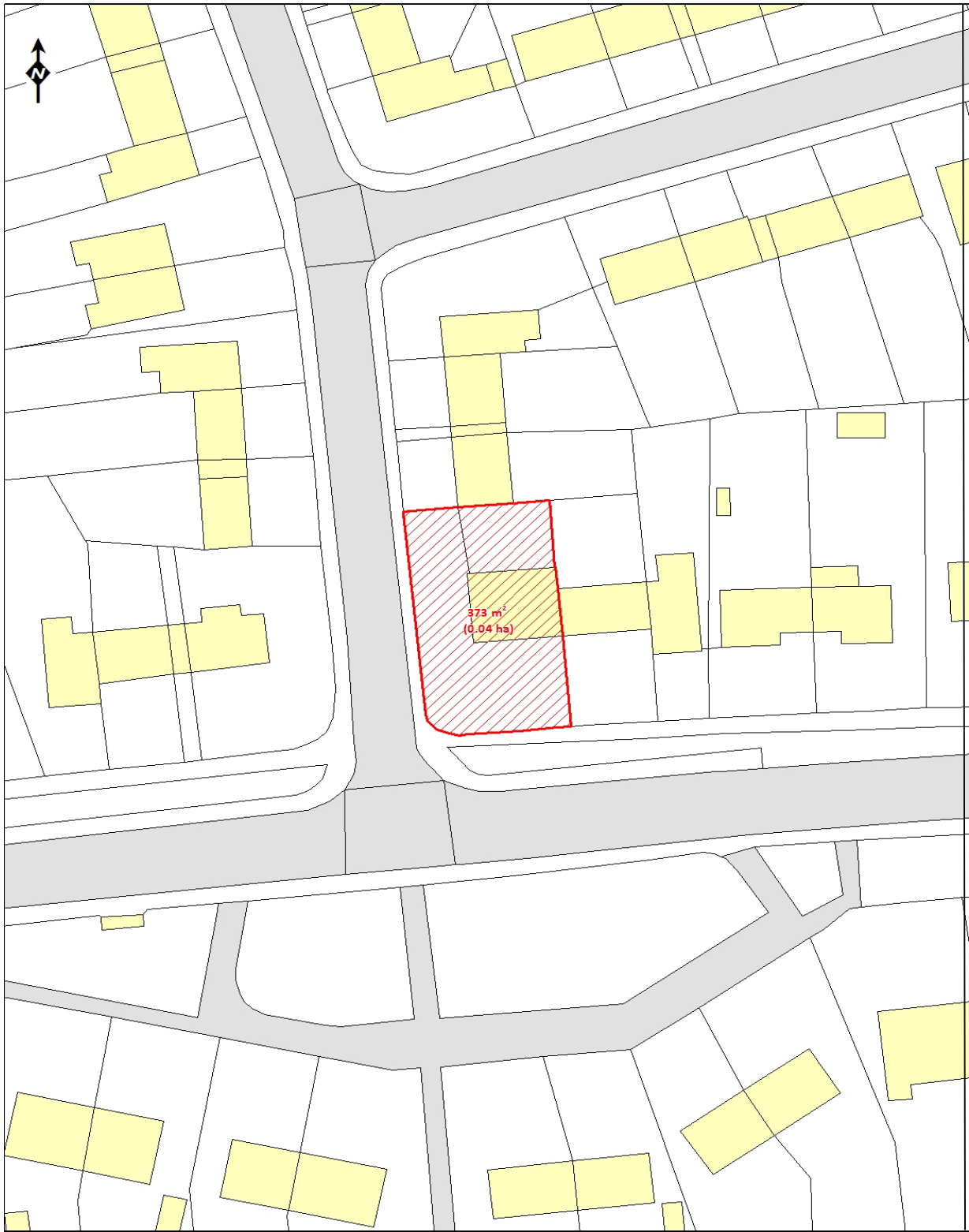
Application case file.

For further information, please contact 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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00163/FUL



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Application No:	15/00223/LBC	
Proposal:	New signage	
Location:	9 Church Street Southwell Nottinghamshire	
Applicant:	Mrs Jacqui Thomson - The Royal Bank Of Scotland	
Registered:	12th February 2015	Target Date: 9th April 2015

This application is presented to the Planning Committee for determination at the request of Cllr. Harris.

The Site

The site is located within Southwell District Centre, which is within the Southwell Urban Boundary. The site is also located within Southwell Conservation Area. The site consists of a Grade II Listed building that is currently used as a bank with a flat above. There is a wall running along the side boundary of the property which is also listed.

To the side of the property is a single width vehicular access which leads to a parking area to the rear of the property.

There is existing signage to the front façade in the form of a fascia side above the ground floor windows which is in the applicant’s corporate colors of bark blue and red. Adjacent to the vehicular access is a hanging sign with the corporate logo in red with a dark blue background.

Relevant Planning History

An application for advertisement consent has been submitted in conjunction with the Listed Building application to which this report relates – ref. 15/00228/ADV

The Proposal

Advertisement consent is sought for a revised scheme to that originally submitted, which was submitted by email on the 6th March, as outlined below:-

- Individual 490mm high non-illuminated purple NatWest lettering, and red logo, powder coated to a matt finish along the front fascia.
- A hanging sign utilizing the existing structure. A hanging, non illuminated, red NatWest logo (chevron). The logo will measure 572mm by 500mm, with the cumulative height of the sign 3135mm and the bottom of the sign 2635mm above ground level.
- A non-illuminated vinyl tablet sign and vinyl cladding for the existing ATM machine that is located on the side elevation of the premises. The external measurements of the tablet is

1040mm by 420mm and the cladding is 1170mm by 940mm.

A Design and Access Statement and Heritage Statement have been deposited with the application.

Departure/Public Advertisement Procedure

Occupiers of 37 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.

Planning Policy Framework

The Development Plan

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and its Guidance.

Other Material Planning Considerations

The National Planning Policy Framework and its Guidance. These documents state the Government's objectives for the historic environment and the rationale for its conservation. They recognise the unique place the historic environment holds in England's cultural heritage and the multiple ways it supports and contributes to the economy, society, and daily life. Tests are identified to ensure that any damage or loss against the historic environment is permitted only where it is properly justified.

Consultations

Southwell Town Council – The following comments are based upon the original scheme. Consultations have been sent out for the revised scheme as received by Email on 6th March 2015. Any additional comments that are received will be reported verbally.

Consider that the proposal lacks a real understanding and sensitivity regarding the unique history of the building, the history of the site and the wider conservation and historical area in which the building is situated. It is noted that the signage is not tailored to its location and is corporate in its finished design which is not in keeping with Southwell. It suggested that the proposal is modified to respect the age and historical importance of this 14th century building.

Southwell Civic Society – Do not object to the proposal.

NSDC Conservation – No objections to the revised proposal.

Has no objection to the use of individual letters, rather than a fascia board, as now suggested. Notes that while locators are being used, these are very short and does not think they will be

visible, so their use is acceptable here. The overall proportion of the letters is suitable for the space available.

A non-glossy finish, as described, is acceptable.

Nottinghamshire Building and Preservation Trust Limited – Do not object to the proposal.

NCC Highways Authority – No objections are raised upon the revised plans.

NSDC Environmental Health – No comments are raised.

NSDC Access and Equalities – No observations.

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

Comments of the Business Manager/ Appraisal

The impact of the proposed signage in terms of amenity and public safety, taking account of cumulative impact, is assessed as part of the related Advertisement Consent application ref: 15/00228/ADV.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant listed building consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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. The associated Planning Practice Guide states in paragraph 179 that retention of historic fabric is a fundamental part of any good alteration.

The Council's adopted SPD on shop fronts and advertisements outlines the general principles for signage on listed buildings. Lettering should always be simple and well-designed taking into account the character of the building. The signs, as detailed in the amended plans, (which are predominantly replacements) would be well related to the scale of the existing building which is an established bank. The Conservation Officer raises no objection to the proposal. Overall, it is not considered that the proposed advertisements would result in an over proliferation of signage to the detriment of the surrounding area. The signs would appear as modest advertisements and would not detract from the visual amenity of the locality, intrude upon or interrupt exiting historic features of the Listed Building or adversely affect its historic fabric.

Overall, the proposed works are considered to preserve the setting of the listed building and any features of special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION

Approve subject to the following conditions:

Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the approved block plan, elevation and signage details and section plans submitted by Email on the 6th March 2015, drawing numbers 6343/GI/01 Rev B and 9542/GI/01 Rev A.

Reason: So as to define this consent.

02

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application and shall have a matt finish unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

03

Before the works are commenced, details and information relating to how the signs/ advertisements will be fixed to the building will be submitted to, and approved in writing, by the Local Planning Authority. The signs/ advertisements shall then only be affixed in the approved method unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the historic significance of the building.

Note to Applicant

01

For the avoidance of doubt, this consent should be read in conjunction with the related Advertisement Consent ref. 15/00228/ADV

02

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

BACKGROUND PAPERS

Application case file.

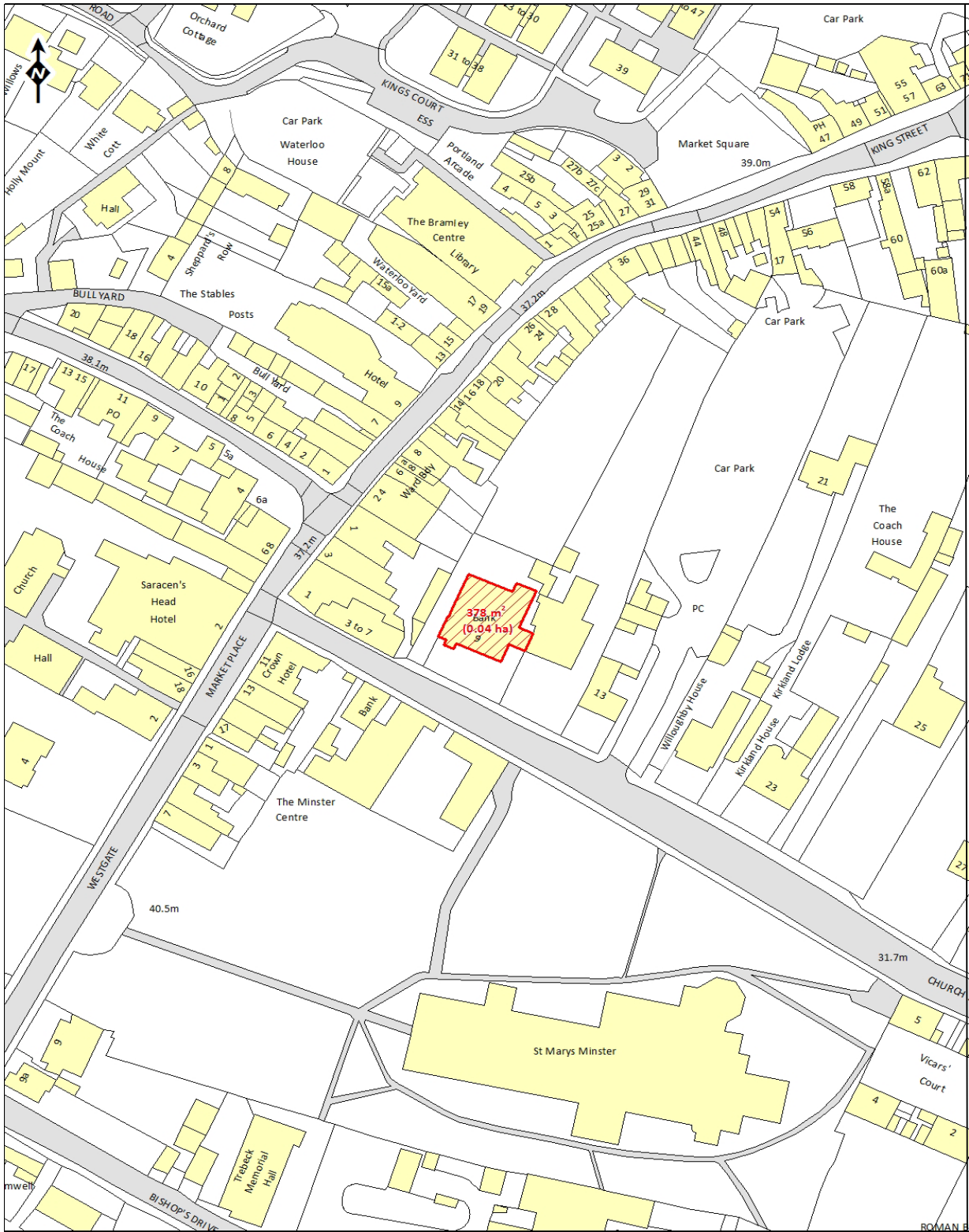
Application ref. 15/00223/LBC

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00223/LBC & 15/00228/ADV



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Application No:	15/00228/ADV	
Proposal:	New signage	
Location:	9 Church Street Southwell Nottinghamshire	
Applicant:	Mrs Jacqui Thomson - The Royal Bank Of Scotland	
Registered:	12th February 2015	Target Date: 9th April 2015

This application is presented to the Planning Committee for determination at the request of Cllr. Harris.

The Site

The site is located within Southwell District Centre, which is within the Southwell Urban Boundary. The site is also located within Southwell Conservation Area. The site consists of a Grade II Listed building that is currently used as a bank with a flat above. There is a wall running along the side boundary of the property which is also listed.

To the side of the property is a single width vehicular access which leads to a parking area to the rear of the property.

There is existing signage to the front façade in the form of a fascia side above the ground floor windows which is in the applicant's corporate colors of bark blue and red. Adjacent to the vehicular access is a hanging sign with the corporate logo in red with a dark blue background.

Relevant Planning History

A Listed Building consent application has been submitted in conjunction with the advertisement application to which this report relates – ref. 15/00223/LBC

The Proposal

Advertisement consent is sought for a revised scheme to that originally submitted, which was submitted by email on the 6th March, as outlined below:-

- Individual 490mm high non-illuminated purple NatWest lettering, and red logo, powder coated to a matt finish along the front fascia.
- A hanging sign utilizing the existing structure. A hanging, non illuminated, red NatWest logo (chevron). The logo will measure 572mm by 500mm, with the cumulative height of the sign 3135mm and the bottom of the sign 2635mm above ground level.
- A non-illuminated vinyl tablet sign and vinyl cladding for the existing ATM machine that is located on the side elevation of the premises. The external measurements of the tablet is

1040mm by 420mm and the cladding is 1170mm by 940mm.

A Design and Access Statement and Heritage Statement have been deposited with the application.

Departure/Public Advertisement Procedure

Occupiers of 37 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.

Planning Policy Framework

Newark and Sherwood Core Strategy Development Plan Document (adopted March 2011):

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

Allocations and Development Plan Development Plan Document (adopted July 2013)

Policy DM5 Design

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations:

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- National Planning Policy Framework (NPPF) Adopted March 2012
- Shopfront and Advertisement Design Guide Supplementary Planning Document (SPD)
- Planning Practice Guidance: Advertisements 2014
- Planning Practice Guidance: Conserving and Enhancing the Historic Environment 2014
- Southwell Town Council are currently consulting on a Draft NP and having assessed the relevant policies I consider that the proposal is in accordance with them.

Consultations

Southwell Town Council – The following comments are based upon the original scheme. Consultations have been sent out for the revised scheme as received by Email on 6th March 2015. Any additional comments that are received will be reported verbally.

Consider that the proposal lacks a real understanding and sensitivity regarding the unique history of the building, the history of the site and the wider conservation and historical area in which the building is situated. It is noted that the signage is not tailored to its location and is corporate in its finished design which is not in keeping with Southwell. It suggested that the proposal is modified to respect the age and historical importance of this 14th century building.

Southwell Civic Society – The following comments are based upon the original scheme. Consultations have been sent out for the revised scheme as received by Email on 6th March 2015. Any additional comments that are received will be reported verbally.

Object to this application. The NatWest Bank is a Grade 11 listed building and was originally part of Norwell Overhall Prebend. It occupies an important and prominent site in the heart of Southwell's

Historic Town Centre. The site is directly opposite the Grade 1 listed Southwell Minster. The proposal is insensitive, unnecessary and inappropriate and should not be permitted just because it is part of NatWest's new image.

The purpose quoted in Styles and Wood's submission is to "improve and reinforce their (NatWest) presence on the high street, providing a quality aesthetic to the town and city scapes in which they are based, to improve customer banking experience. Their intention is to renovate the existing tired shopfronts", With the closure of Santander and the immanent closure of HSBC, Nat West do not need to reinforce their presence. Moreover Church Street is not a high street, nor does it have a shopfront in the accepted way.

We are strongly opposed to the proposed gaudy 7.78 metre long fascia. It is far too large and any change should be restricted to the size of the existing sign. The proposal is for this to be plastic and internally illuminated which is completely contrary to NSDC's "Shopfronts and Advertisements Design Guide" Design Principle 15 with respect to signs in Conservation Areas and Listed Buildings. The hanging sign is unnecessarily large and the bright colour scheme of the other proposed signs and ATM fascia are not appropriate to a listed building.

This proposal should be strongly resisted, despite the fine words in the Design and Access Statement, the proposal takes no regard of this listed building or the conservation area. The existing signage although not ideal was proportionate in colour, materials and scale to the building.

The applicant should be encouraged to withdraw this application and return with a more appropriate solution.

NSDC Conservation – No objections to the revised proposal.

Has no objection to the use of individual letters, rather than a fascia board, as now suggested. Notes that while locators are being used, these are very short and does not think they will be visible, so their use is acceptable here. The overall proportion of the letters is suitable for the space available.

A non-glossy finish, as described, is acceptable.

Nottinghamshire Building and Preservation Trust Limited – Have not commented on the impact of the proposed advertisements.

NCC Highways Authority – No objections are raised upon the revised plans.

NSDC Environmental Health – No comments are raised.

NSDC Access and Equalities – No observations.

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

Comments of the Business Manager/ Appraisal

The impact of the proposed signage on the historic character and fabric of the Listed Building is assessed as part of the related Listed Building Consent application ref: 15/00223/LBC.

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 67 of the NPPF I consider that the main issues in the determination of this application are related to amenity and public safety, taking account of cumulative impact. The intentions of national policy are reflected by policy DM5 of the Allocations and Development Management Document.

Impact on Amenity

The justification of Policy DM5 states that in terms of visual amenity the impacts of advertisements will be assessed by reference to criterion 4 of the policy regarding 'Local Distinctiveness'. This aims to ensure that the proposal would reflect the character of the locality in terms of scale, form and design.

The visual amenity of the area has to be considered in the context of the location of the site within an important part of Southwell Conservation Area. The building itself is also Grade II Listed. The Council's adopted SPD on shop fronts and advertisements outlines the general principles for signage on listed buildings. Lettering should always be simple and well-designed taking into account the character of the building.

It is considered that the amended proposal would be well related to the scale of the existing building which is an established and prominent bank within the centre of Southwell. I note that the conservation planner has raised no objection to the revised proposal. Overall, it is not considered that the proposed advertisements would result in an over proliferation of signage to the detriment of the surrounding area. It is considered that the signs would appear as modest advertisements and would not detract from the visual amenity of the locality, intrude upon or interrupt existing historic features of the Listed Building or the setting of nearby listed buildings or the character or appearance of the Conservation Area.

Impact on Public Safety

The Highway Authority raises no objection to the proposed advertisements as they would not result in any unacceptable detriment to highway safety for pedestrians or other highway users.

Conclusion

The proposed advertisements would not be detrimental to the character and appearance of the Listed Building and would not detract from the visual amenity of the locality, having regard to the character and appearance of the Conservation Area and the setting of Listed Buildings. The proposed signage would not result in any detriment to highway or public safety. Consequently, the proposed advertisements are considered to be in accordance with the provisions of the NPPF and Policies DM5 and DM9 of the DPD.

RECOMMENDATION

Approve subject to the following conditions:

Conditions

01

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

02

The development hereby permitted shall not be carried out except in complete accordance with the approved block plan, elevation and signage details and section plans submitted by Email on the 6th March 2015, drawing numbers 6343/GI/01 Rev B and 9542/GI/01 Rev A.

Reason: So as to define this consent.

03

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application and shall have a matt finish unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No advertisement shall be sited or displayed so as to: (a) endanger persons using the highway.(b) obscure, or hinder the ready interpretation of, any traffic sign; or(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

The signage hereby approved shall not be illuminated at any time as confirmed by email dated 6th March 2015.

Reason: In the interests of visual amenity and to preserve the historic significance of the building.

Note to Applicant

01

For the avoidance of doubt, this consent should be read in conjunction with the related Listed Building Consent ref. 15/00223/LBC.

02

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

BACKGROUND PAPERS

Application case file.

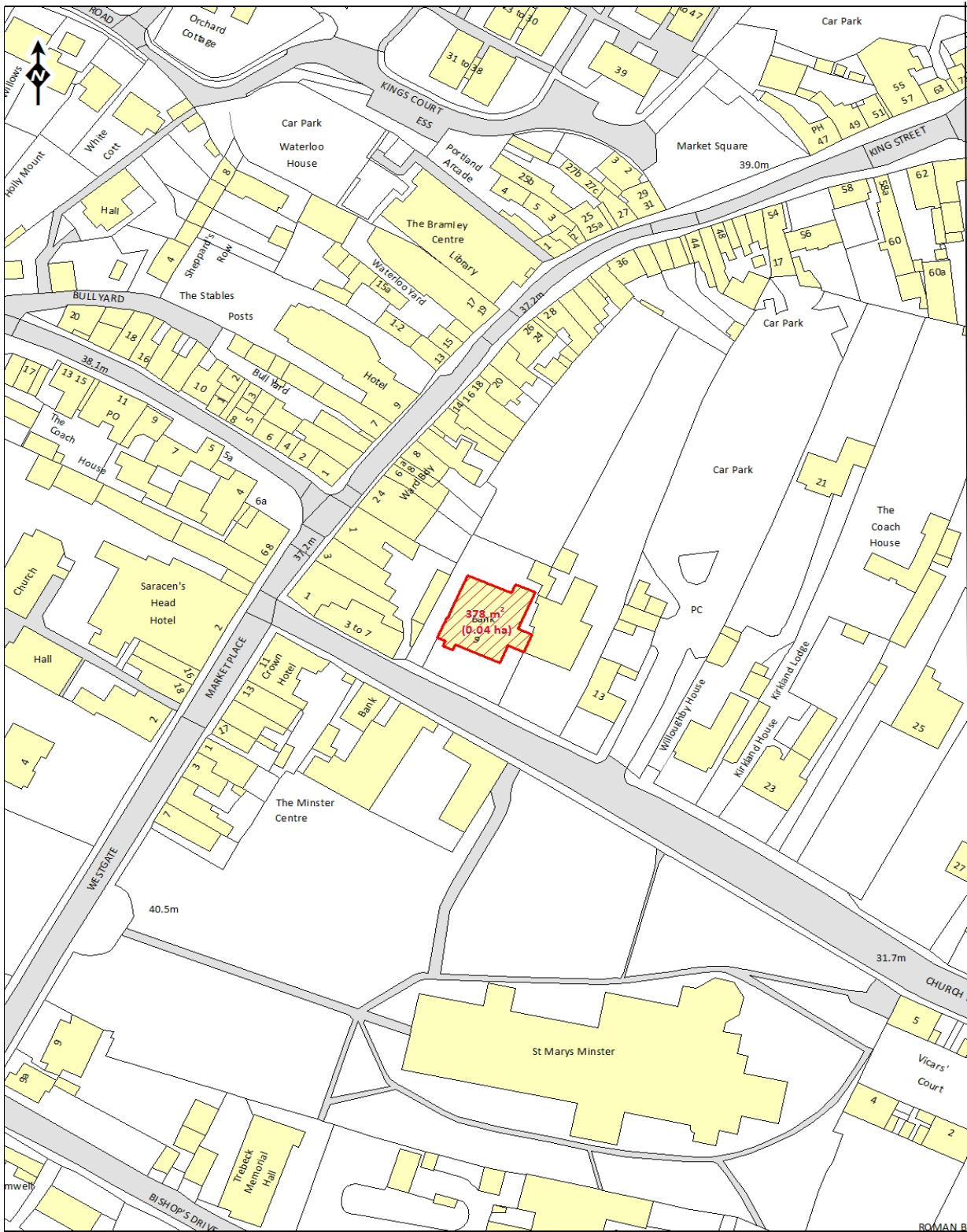
Application ref. 15/00228/ADV

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00223/LBC & 15/00228/ADV



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Application No:	14/02218/FUL	
Proposal:	Alterations and extension to public house to create microbrewery and upgrade the function suite.	
Location:	Bottle and Glass Public House, High Street, Harby	
Applicant:	Mr Robert Alder	
Registered:	24.12.2014	Target Date: 13.03.2015

The Site

The application site comprises a two storey pub occupying a prominent position in the street scene within the settlement of Harby. The primary part of the building fronts onto the highway behind a small area of hardstanding and is of render and slate with brick and slate elements extending to the rear. The access is to the side which leads to parking. A public right of way runs through the centre of the site adjacent to the vehicular access. There are dwellings to each side of the pub with frontages towards the highway and a further dwelling set back into the site adjacent to the boundary of the pub, Jasmine Cottage. There is countryside to the rear of the site.

Relevant Planning History

There is a detailed history on the site. This includes 97/50883/FUL which refused an extension to the function room and 98/50863/FUL which approved an extension to the restaurant.

The Proposal

The proposal seeks permission to alter and extend the pub. A single storey extension is proposed to the side of the pub with a width of 5.7 metres, depth of 9.1 metres, with a pitched roof to the front and flat roof beyond. The roof would have eaves of 3.1 metres with a ridge of 4.6 metres. This extension would facilitate the proposed microbrewery. The extension to the function room would add a footprint of 7.2 metres by 8.3 metres, eaves of 2.9 metres and a ridge of 4.7 metres. The extension would be set towards the rear of the building, adjacent to the car park.

The Agent has confirmed that the floor area of the combined extensions total 94.4sqm and not the 112 sqm as stated on the application form.

Departure/Public Advertisement Procedure

Occupiers of seven 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.

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
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 6 – Shaping our Employment Profile
Core Policy 9- Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD

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

Cllr Shillito has called the application to Committee due to impact on residential amenity.

Harby Parish Council – support the proposal in principle of developing the community amenity. However there are concerns with aspects of the proposals which result in the Council not being able to support the application in its current state. The micro-brewery is not in an appropriate location, it is too close to neighbours and the roof terrace will overlook neighbours and invade their privacy. A better location may be where the office is located on the plan. The council approves of the development of the orangery (it is worth noting there are currently no toilets on-site which are accessible for wheelchair users and there is no baby change station).

Environmental Health – no objections. There are at least 2 micro breweries in the area that I am aware of and I have received no complaints about them. My understanding is that the activity is not inherently noisy though keg handling may produce some noise. In truth they tend to be limited by the size of the premises and if the business grows they seek new premises.

Access Officer – Recommends informative.

Nottinghamshire Ramblers – no objection.

NCC Highway Authority – Initially commented that it is recognised that the retention of village pubs is helpful to the local economy and sustainability. It is also acknowledged that the proposed alterations/extensions are modest in scale. However if the alterations result in more visitors to the site, as the applicant hopes, then car parking needs careful consideration to avoid, as far as is reasonable, the risks of on-street parking happening on a regular basis. To this end, it would be helpful if more information is provided to justify the level of parking provision and why no additional parking is proposed as part of the application. Any information about the expected level of visitors when the function room is in use, and the expected frequency of large functions

may also assist. I would be interested to learn if the Parish Council supports the application or has any concerns.

Following the submission of further information state there appears to be about 17 car parking spaces on tarmac plus overspill; not 30 plus overspill, as described by the Agent. If there are no local concerns about the risk of on-street parking occurring and its consequences, then I am reasonably satisfied that local benefits of the scheme outweigh on-street parking issues, bearing in mind the times and expected frequency of large functions and local road conditions. However, from an amenity point of view, you may wish to consider whether or not it would be wiser to seek an extension to the car park so that numbers discussed by the Agent could be made available.

NCC Rights of Way – no footpaths would be affected.

Nottm. Wildlife Trust – requested bat survey. Following receipt of bat survey raise no objection. Any approval should be linked to the mitigation measures.

Representations have been received from 3 local residents/interested parties which are summarised as follows:

- The application will dramatically alter its operation and cause considerable inconvenience and nuisance to residents of High Street;
- Brewing on this scale to service the public house and other outlets is an industrial process which will require the delivery of raw material, the process of brewing, filling of casks, the removal and transportation of these products and the removal of waste materials, this would create noise, fumes, vapour and hazards from transport;
- It is intended the brewery would be treated as a small visitor attraction, which would lead to pedestrians congregating at the front causing potential problems for traffic entering and leaving Bryn House and Jasmine Cottage;
- The proposal to alter the access to the residential part of the pub and create a roof terrace would remove privacy enjoyed by residents of Bryn House and Jasmine Cottage which is unacceptable as access to the pub at that point is currently a door at ground level, there would be overlooking to the rear including the bathroom and bedroom causing harm to amenities;
- Hedges would be removed which form the boundary between Bryn House and the pub which has always been a buffer and a haven for nesting birds;
- When events take place such as a wedding there is insufficient parking and there is a large overspill onto the street which has led to drives being blocked;
- The proposal does not fit with the location of the pub or the needs of the village and there are several other possible locations for the brewery in existing buildings which would cause less nuisance;
- No objection in principle to the micro-brewery but not in its current location as there is room around the back of the property away from neighbours;

- The encroachment and visual impact of the current proposal on the adjacent properties is totally unacceptable;
- The information provided is poor and insufficient for a fair assessment of the application and does not take into consideration the impact on neighbouring properties;
- Servicing the microbrewery in this location will provide further problems with access for both deliveries and dispatch of products to other outlets. The beer cellar is currently serviced from the existing car park quite adequately;
- The noise created by empty beer barrels being loaded and unloaded would have a major impact on the current local peaceful ambience of the village never mind the neighbours, noise from the manufacturing equipment and air conditioning equipment would be a constant intrusion to the neighbouring properties;
- The pub was well supported prior to the current owners taking over. The pub is now marketed as a restaurant as against a pub and locals have been driven away by this concept with little to attract local trade, the real reason for the application for the microbrewery in this location is to provide a separate access to the flat and a sun balcony for the owners and to use this piece of land which is currently a garden for them to brew their own beer for selling at the other outlets.

Comments of the Business Manager/ Appraisal

Principle of Development

The proposal relates to the erection of extensions and alterations to the pub to create a microbrewery and enhanced function suite. The application site is located within the settlement of Harby which is defined as an 'other 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 which states new development will be considered against five criteria relating to location, scale, need, impact and character.

In support of the application, and in light of consultations received, the Agent has stated the following:

- The planned brewing is 720 litres every two weeks, the brewing vessels are not noisy and produce very little in the way of fumes, raw materials are delivered in transit sized vehicles and the traffic generated would be limited, once per fortnight;
- It is intended the beer produced will be for the pub and two other outlets in the same ownership, the beers produced would be transferred into casks for storage and movement and a maximum of 40 casks would be in the chilled storage and transferred in a transit van once a week;
- The roof terrace is for the sole use of occupants and the manager of the pub and the access is provided only as the internal staircase would be removed as part of the works;
- The microbrewery would generate limited visitors;

- There are currently in excess of 30 parking spaces which is rarely full even when there is a wedding party, there is a grassed area to the rear which can occasionally be used for additional parking, the function room can accommodate 80 people and the extension is intended to enhance the facilities rather than increase capacity;
- With regards to the position of the proposed microbrewery, alternative locations were considered but decided that on balance the site at the front was more appropriate. The private courtyard at the front is not used other than by the occupiers of the flat above the Pub, the landlord/owner. It is therefore a wasted opportunity. At the rear of the site there is a grassed area beyond the car park which is an overflow car parking area, and to the rear of that is a further grassed area which for the future is proposed as a beer garden/children's area. The outbuildings at the rear which might otherwise have been considered are used as an office for the management team, and storage of equipment, garden furniture, and additional chairs/tables. There are no other suitable locations for a microbrewery on the site.

The proposed microbrewery and extension to the function suite are designed to upgrade the pub and to make the operation more sustainable. In support of the application the Agent has stated the location of the microbrewery has been chosen to allow passers by the opportunity to see the operations in process and that the function suite has lacked some refinement and the extension would allow for a larger venue with enhanced ambience and layout.

The pub is an important community facility serving the village and wider locality and therefore the principle of the development is supported. The location and need of the development are considered acceptable in principle. The appraisal below further considers the remaining criteria of SP3 relating to scale, impact and character of the development. Overall, Policies SP3 and CP6 seek to promote the rural economy and community, subject to other criteria being met below.

Impact on Visual Amenity

The NPPF states that good design is a key aspect of sustainable development and Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Policy CP9 requires new development to achieve a high standard of design, appropriate to its context.

The proposed microbrewery would be located in the extension to the side of the pub. The area is currently underused with a fence running adjacent to the façade. The extension would be single storey and set flush with the front elevation, there would be a pitched roof over the front element. In terms of size and scale the extension would clearly be a subordinate element to the main building and the façade would not challenge the primacy of the main pub in design terms. The front elevation would have an open aspect with mainly a glazed façade. Although there would be a flat roof element for the rear half of the extension this would be partially offset by the balustrading and would be obscured from the front elevation by the pitched roof. Glimpses of the flat roof would be possible from the public realm; however the visual impact would not be unduly harmful to the building or street scene and the extension would not be atypical on a pub.

The function suite extension would be on hardstanding adjacent to the single storey rear projection. Although it would alter the linear form of the rear part of the building it would be in line with the existing detached office building, would be of a subordinate size and scale and would be set well into the site. From the public realm the side elevation would be visible but would be read as part of the group of outbuildings within the site.

No objection is raised on visual grounds to the proposals which are considered to comply with Policies SP3 and DM5 of the DPD.

Impact on Residential Amenity

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

The pub is an established operation within the village with dwellings surrounding the site. The proposals are likely to lead to an intensified use of the site with more customers, deliveries and traffic generation increased. The microbrewery would be relatively small scale and ancillary to the pub. The extension to the function suite would maintain the use of that part of the operation but on a larger scale. It is not considered the potential use of the extensions would have an undue adverse impact on the amenities of occupiers of neighbouring properties through any undue noise or disturbance over and above the existing operation. Environmental Health raise no objections and are content the microbrewery, at the scale proposed, would not have an undue adverse impact on the amenities of neighbouring properties.

The microbrewery element would be set towards the front of the site and to the west and north-west of the neighbouring properties, Jasmine Cottage and Bryn House. Although the built development would be closer to the dwellings sufficient space would remain to ensure there would be no overbearing/overshadowing impact. The microbrewery would be sited adjacent to the side elevation of Bryn House and would have a limited impact. The extension would be to the foreground of Jasmine Cottage but would be set a significant distance from the façade and in conjunction with the limited size of extension, would not result in an undue adverse impact.

Access would be provided at first floor level to the residential part of the pub via the flat roof above the proposed microbrewery. The Agent has agreed to a condition requiring access to be restricted on the flat roof by railings (or similar) adjacent to the access door, that the flat roof be suitably screened to protect amenity and the flat roof be used only for access and not as a roof terrace.

The extension to the function suite would be set well off the boundaries of the site and would not have an overbearing/overshadowing impact.

On balance it is not considered the proposals would have an unacceptable relationship with the neighbouring properties through noise, disturbance or any physical impact and the proposal complies with Policies SP3 and DM5 of the DPD.

Impact on Highways Safety

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

The proposal is likely to generate additional traffic through customers, staff and deliveries. However, given the relatively limited scale of the proposals it is not considered the amount of

additional traffic would be unduly significant nor have an unacceptable impact on the local highway network.

The extension to create the microbrewery is unlikely to generate a substantial level of traffic either as a result of the operation or through visitors to the brewery. The site is already a commercial operation and this extension is considered a modest increase on that activity.

The proposed extension to the function suite would increase the footprint of that facility. However, the intention of the extension is not just to increase the size but to enhance the facility to make it more attractive to potential customers. Although this could lead to an increase in traffic and parking demand this must be compared to the current operation. The Highway Authority has raised concerns over the potential demand for parking spilling beyond the site however they are reasonably satisfied that the local benefits of the scheme outweigh any potential on-street parking issues, bearing in mind the times and expected frequency of large functions and local road conditions.

Indeed, the pub can hold events using the current accommodation and it is not considered the modest extension would lead to a significant increase in the number of visitors or off-site parking demand. In any case the impact of off-site parking needs to be balanced against the benefit of maintaining the community facility. It is considered any negative impacts from potential off-site parking on limited occasions would be outweighed by the benefit of maintaining the pub as a community facility.

Furthermore, no parking would be lost as a result of the development, there is adequate off street parking to cater for the requirements of the pub for the majority of the time and off-site parking would remain limited. It is however recommended a condition be imposed to establish further details of the overspill car park and to ensure this is always available for use. The proposal is therefore considered acceptable in terms of highway safety and complies with Policies SP7 and DM5 of the DPD.

Impact on Protected Species

Core Policy 12 of the Core Strategy and Policy DM7 of the DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. An Ecology Survey (Feb 2015) has been submitted with the application. This confirms that no evidence of bats was found and the building offers low potential for roosting bats. As such, the proposed development would not have an adverse impact upon protected species in accordance with the Core Policy 12 and Policy DM7 of the DPD.

Conclusion

Notwithstanding the comments received it is not considered the proposal could reasonably be resisted. The impact on residential amenity is unlikely to be significant and Environmental Health are content the proposals would not be harmful to amenity. The impact of the microbrewery is not expected to be harmful and the terrace is for access for occupants of the pub only; a condition requiring screening and to limit the flat roof area for access only can also be imposed to further protect amenity. A condition can be imposed regarding boundary treatment behind the brewery and to formalise the parking provision.

The proposal is considered to benefit the community facility without undue harm to visual and residential amenity and is acceptable in highway safety terms. The proposal complies with local and national policies and is recommended for approval.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

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:

- 2571/07 Site Layout;
- 2571/05A Elevations of Function Suite Extension;
- 2571/03 Elevations of Microbrewery;
- 2571/04 Function Suite Layout;
- 2571/06 Site Layout;
- 1:1250 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

The development hereby permitted shall be constructed entirely of the material stipulated within the planning application to match the existing external materials.

Reason: In the interests of visual amenity.

04

Before development commences details of the overspill car park, to include details of the number of spaces available and any method of marking out the spaces, shall be submitted to and approved in writing by the Local Planning Authority. This parking shall be available for use prior to the first

use of the function room extension and shall thereafter be so maintained for parking purposes only.

Reason: To maximise the on-site parking facilities in the interests of highway safety.

05

Before development commences the following details shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be provided on site prior to the first use of the extensions approved or to a timetable agreed by the Local Planning Authority. The agreed details shall then be so maintained:

a) details of screening and the balustrading/railings for the flat roof area;

b) details of the boundary treatment to the eastern and southern boundaries of the microbrewery.

Reason: In the interests of visual and residential amenity and to limit access on the flat roof.

06

The flat roof area above the micro-brewery shall be for access to the first floor flat only and shall at no time be used as a roof terrace.

Reason: In the interests of residential amenity and for the avoidance of doubt.

07

The development hereby permitted shall be undertaken in full accordance with the Bat Survey (by EMEC Ecology February 2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

Notes to Applicant

01

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

02

As part of the developer's considerations of inclusive access for everyone, with particular reference to access and facilities for disabled people, attention is drawn to Approved Document M of the Building Regulations. BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' contains further useful information in this regard.

Extensions are treated in the same manner as a new building, as regards their own compliance with Part M. Under requirement M2, there must suitable access to an extension. The concept of access encompasses access from the boundary of the site and car parking, where provision for disabled motorists should be made. Under Requirement M3, carefully laid out accessible sanitary convenience provision should be provided. Any new and altered facilities are required to meet

Part M requirements. It is recommended that the developer makes a separate enquiry regarding Building Regulations requirements. It is further recommended that the developer be mindful of the requirements of the Equality Act.

03

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

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

BACKGROUND PAPERS

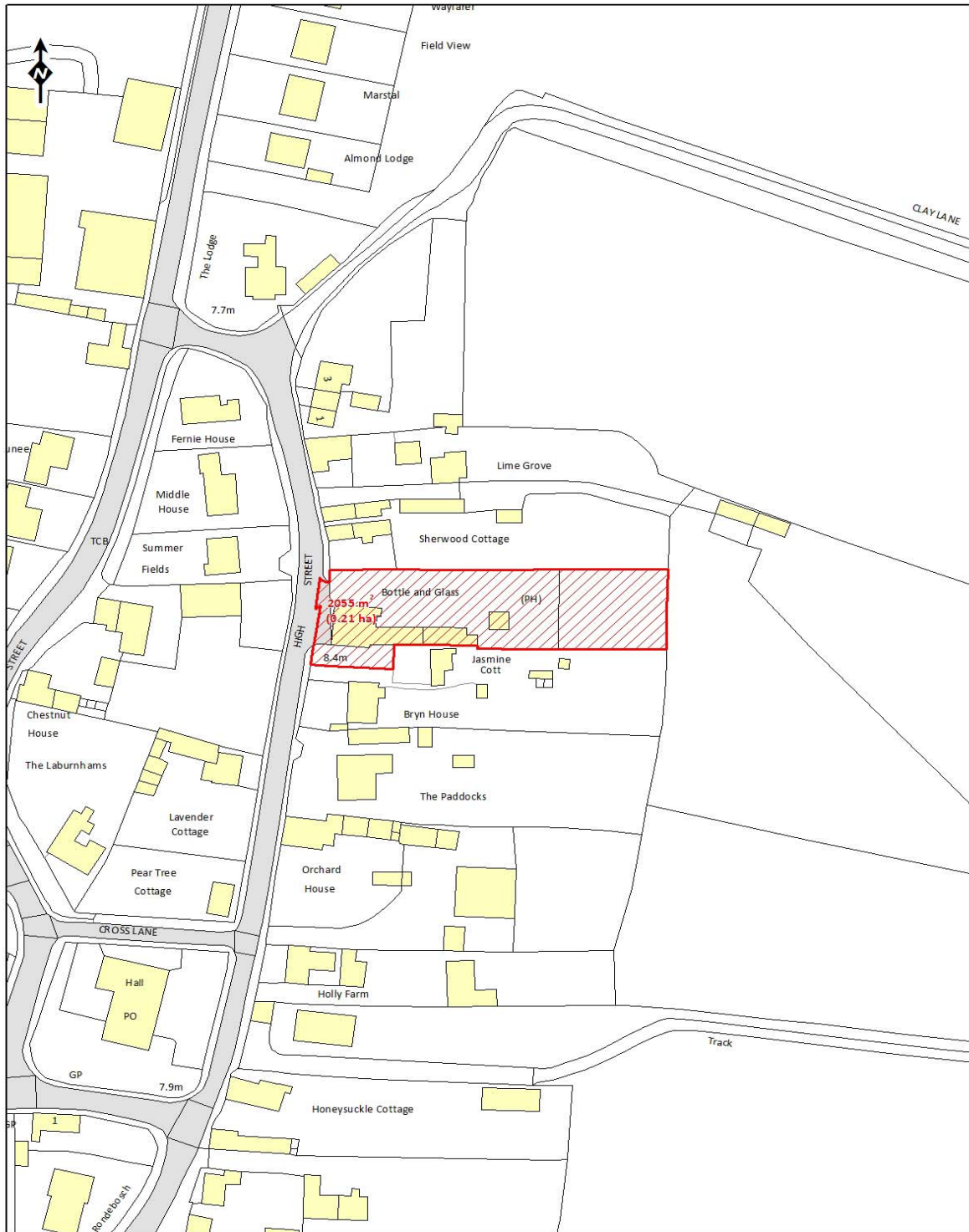
Application case file.

For further information, please contact Joe Mitson on ext 5793.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 14/02218/FUL



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Application No:	14/02186/FUL	
Proposal:	Demolition of existing timber single storey residence. Construction of 7 No. new houses in two phases; Houses 1 to 4 to be constructed first.	
Location:	70 Bullpit Road, Balderton, Newark On Trent, Nottinghamshire	
Applicant:	Mr Jason Booth	
Registered:	18/12/15	Target Date: 12/02/15

The Site

The proposal site is host to an existing timber residential property set within a large garden of approx. 0.2h. The site is rectangular in shape with a site frontage width of approximately 40m and a length of approximately 61m. The existing dwelling is set back by approximately 18m metres from Bullpit Road. The dwelling is currently unoccupied and is in a dilapidated state.

The site boundaries comprise a mixture of fencing and hedgerows. The site frontage with Bullpit Road comprises an established hedgerow, a number of trees and wooden gates which provide access.

The site lies within the main built up area of Balderton which is part of the Newark Urban Area so is within the sub regional centre defined by the Newark and Sherwood Core Strategy. There is a mix of housing types fronting both sides of Bullpit Road including single and two-storey dwellings. Immediately to the south of the site there is a two storey dwelling followed by the side road Clipsham Close which leads to a modern development comprising bungalows and two-storey dwellings together with a small on-site equipped playground set around a cul-de-sac. This development wraps around both the south and east boundary of the proposal site.

There is one two storey property on the opposite side of the road to the north west of the site and the rest of the properties on the opposite side of the road facing the proposal site are bungalows. A railway line is directly adjacent to the northern boundary of the site and there is a level crossing for Bullpit Road at the north westerly corner of the site. There is open land to the north and north east of the site after the railway line.

Relevant Planning History

None

The Proposal

This proposal seeks full planning permission for the demolition of the existing timber single storey residence and construction of 7 No. new houses in two phases; Houses 1 to 4 to be constructed first.

The proposed layout would place 4 semi-detached properties (Plots 1-4) along the line of Bullpit Road which will have direct access from the road. The two southern most of these four properties (Plots 3&4) will be two storey with accommodation provided in the roof void meaning that they will all be 4 bedroom properties with front dormers and rear roof lights. The other two properties fronting Bullpit road (plot 1&2) will be two storey 3 bedroom properties with accommodation over ground and first floor only with slightly lower roof ridges in comparison.

Another 2 semi-detached properties (plot 5&6) are proposed to the rear of dwellings 1&2. The final dwelling will be a dormer bungalow (Plot 7). This dwelling will be located to the rear of plot number 4. These properties (Plots 5-7) would be accessed via a revised access provided to the south boundary of the site adjacent to the side boundary of the existing dwelling 1 Clipsham Close. Dwelling 5&6 will be similar to dwelling 1&2 with accommodation over ground and first floor only.

All of the dwellings would benefit from 2 off street parking spaces and private amenity space to the rear. All of the dwelling will face north west.

Departure/Public Advertisement Procedure

Occupiers of twelve properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD

DM1: Development within Settlements Central to Delivering the Spatial Strategy
DM3: Developer Contributions and Planning Obligations
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
- SPD: Developer Contributions and Planning Obligations, December 2013

Consultations

Balderton Parish Council – Object to the proposal

09/01/15 – “Members consider the site to be over intensive and concerns were expressed about the impact upon the existing drainage/sewerage system which is problematic with well documented issues.

It is also considered that the application should be deferred until the plans for the level (adjacent to the site) closure are known. Network rail is scheduled to hold meetings and consultations later this month.”

Following amended plans:

01/03/15 – “Members have reviewed the amended plans for the above proposal and consider that there is nothing that changes their original opinion to the comments expressed on 08/01/2015. Members also consider that the possible use of the site by Network Rail for a bridge or under pass, as being presently debated, would be for the greater good of the village.”

NCC Highways Authority – No objection

“Further to my comments dated 27th February 2015, I am now in receipt of a letter from David Dakin Design dated 3rd March 2015 and drawing L(08)10 A which address the points I made previously.

As pointed out earlier, future maintenance of the private access should be protected and it may be appropriate to secure some form of maintenance agreement.

I now have no objections to the scheme subject to the following conditions:

No part of the development hereby approved shall be occupied unless or until works within the public highway fronting the site have been completed to the satisfaction of the Local Planning Authority in liaison with the Highway Authority. Works include the provision of a new 2m wide footway between Clipsham Close and the level crossing, reinstatement of redundant dropped kerb accesses, modifications to street lighting and relocation of a sign, as shown for indicative purposes only on drawing L(08)10 A.

Reason: In the interests of highway safety and to promote sustainable travel. “

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 david.albans@nottsc.gov.uk for details and/or refer to Part 6 of www.leics.gov.uk/6csdg

Nottinghamshire Wildlife Trust – No objection and suggested informative regarding species protection and suggested requirement for landscaping plan.

N&SDC Environmental Health – No objection but require a noise report to identify the prevailing

noise climate.

Network Rail – No objection following revised scheme.

Most recent comment states:

12/03/15 - "In relation to the amended planning application, showing a revised layout for the residential development, we note that the applicant has taken on board our comments with respect of the proximity of the development access to the level crossing (Original comments attached). Should the level crossing remain this layout would be acceptable to us, given the increased distance of the principal access from the crossing. However should funding be made available for the elimination of the crossing and its replacement with a footbridge and ramps the development as planned would prejudice the ability of NR to close the crossing. Given there is no firm funding commitment to close the crossing (in so far as the overall scheme for level crossing closures on the ECML has yet to be approved) we appreciate that an objection cannot be sustained on these grounds."

Representations have been received from 2 local residents which can be summarised as follows:

Observations only:

- Concerns raised regarding the site being cleared of trees and outbuildings prior to submission of planning application.
- The planting of some new trees & the incorporation of bat boxes within the development would be welcomed

Objection:

- The site is the only open land adjacent to the railway
- The crossing is proposed to be closed by Network Rail which in reality means it will be closed and this site represents the only opportunity to bridge across the railway.
- The land must be earmarked for a bridge or the communities and businesses the other side of the railway will be cut off forever; the alternative route is not suitable.
- The development is over intense and will result in the loss of green space.

Comments of the Business Manager

Principle of development

Balderton is within the Newark Urban area and as such is designated as being in the Sub Regional Centre within the Settlement Hierarchy set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 2 of the Core Strategy sets out that 70% of overall housing growth within the district will be focused in the Sub-Regional Centre.

The principle of new housing development on land within the settlement boundary of an urban area is considered broadly appropriate in principle (and would be considered as a windfall site) subject to any proposals meeting the wider local and national planning policy considerations. I

have no objection in principal to the demolition of the existing property within the site considering its limited architectural merit.

Development Phasing

I have noted the intention to phase the development as indicated by the submitted site plan demonstrating that houses 1-4 will be built in the first phase and houses 5-7 in the second phase in order to allow the applicant to finance the development over a longer period. The Design and Access Statement assures that the rear of the site will be made safe and secure as necessary during all construction works. I find the principal of this to be acceptable subject to appropriate conditions. It is considered that the location of the first phase of development is preferential in that it will allow the development to become established within the street scene.

Housing Density and Mix

I note the consultation comments received regarding the over intensive use of the site and am mindful of Core Policy 3 which requires all housing developments to have a density of no lower than 30 dwellings per hectare net. The proposed 7 dwellings on the 0.19h site would yield 37 dwellings per hectare. Subject to the proposal providing good quality housing in line with Core Policy 9, this density is considered acceptable.

The main housing need for the district as identified in Core Policy 3 is for family housing (3 bed or more), 2 bedroom houses (or less) and bungalows. The scheme proposes the following housing mix:

Plot/house number	House type	Bedrooms	Parking spaces
1	2 storey semi detached	3	2
2	2 storey semi detached	3	2
3	2.5 storey semi detached	4	2
4	2.5 storey semi detached	4	2
5	2 storey semi detached	2*	2
6	2 storey semi detached	2*	2
7	1.5 storey "dormer" bungalow	3	2

* Note a third 1st floor room is proposed as a study, I note that this room could provide a bedroom

House 1-4 provide an adequate mix of family sized housing offering 3 and above bedrooms. House 5-6 do offer the option of being two bedroom properties but it is clear that the room size of the "study" would allow use as a bedroom. In any case all properties have two off street parking spaces so offer adequate provision in this regard. The dormer bungalow would provide accommodation within the roof as well as on the ground floor. Given that full accommodation is provided on the ground floor (living space, kitchen, bathroom and bedroom) it is considered that this house meets the requirements of being suitable for the elderly and disabled. Considering the proposed housing mix I find the scheme accords with Core Policy 3.

Design and Layout

Policy DM5 of the Allocations and Development Management Policies DPD advises that development proposals should take account of the distinctive character of the districts built form in terms of scale, form, mass, layout, design and materials.

Dwellings 3 & 4 would front Bullpit Road and would be staggered forward of the existing dwelling 1&3 Clipsham Close. These dwellings would still be set back from the highway providing driveways allowing for off street parking. This set back would match that of properties along Bullpit Road including the bungalows directly opposite and would therefore compliment the street scene in this regard. Dwelling 1 & 2 would be set further forward than house 3 & 4 but would still be set back from the highway by virtue of a grass verge, boundary fence and small private lawned area. Although not set back as far as house 3 & 4 this position allows for the off street parking for these dwellings to be positioned to the rear of their plots. This benefits the site by reducing vehicular activity close to the existing railway crossing and also providing a more green landscaped approach to the countryside on the other side of the railway.

Dwellings 3 & 4 would all be approx. 9.8m in height. Although set back from the highway, the scale of these dwellings will still be prominent in the street scene, particularly as the existing dwellings opposite are bungalows. Some existing larger scale buildings are present in the form of two pairs of two story dwellings. These are 1-3 Clipsham Close directly to the south of dwelling 1 (which is set back from the proposed dwellings) and 71 & 73 Bullpit Road on the opposite side of the Road to the north west of the site. Although the proposed dwellings would be of similar height to these existing two storey properties, Bullpit Road meets open countryside at the northern boundary of the site. It is therefore important to consider how the proposed dwellings will affect the transition from urban form to open countryside.

It is therefore welcomed that house 1 & 2 are lower in height than house 3 & 4 reducing the scale and massing of the properties thus providing a less impactful transition.

The design of the dwellings is considered to be acceptable overall and policy DM5 is satisfied.

Neighbouring Amenity

In relation to the existing properties on the opposite side of Bullpit Road it is considered that the minimum separation distance of approx. 23m that would exist between the frontages of houses 1-4 and the existing properties will be more than adequate to maintain privacy and create no overbearing or loss of light.

A similar minimum separation distance would exist between the rear elevations of houses 5-7 and the properties to the east on Clipsham Close, again no amenity issues would arise.

House number 5 would be erected close to existing built form so the impact of this property must be considered further. House number 5 would lie approx. 8m to the north east of 1 Clipsham Close, Both properties face the west so the south (side elevation) of house number 5 and the rear (east) elevation of number 1 Clipsham Way must relate well. Given that house number 5 would be a dormer bungalow it is not considered that the property will create an overbearing impact due to its 1.5 storey nature coupled with the south elevation proposing no window openings. This will also maintain the privacy of number 1 Clipsham Close. Given the orientation of both properties it is not considered that a loss of light would occur either.

New development should provide private garden space for future occupiers to enjoy. All of the proposed dwelling provided rear amenity space that is enclosed by either closed panel wood fencing or brick wall (house 4). Overall I assess the impact of the proposal on amenity to be neutral and therefore it satisfies policy DM5 & DM6.

Trees and Biodiversity

Core Policy 12 of the Core Strategy seeks to secure development that maximizes the opportunities to conserve, enhance and restore biodiversity. I note the consultation comments regarding this matter and have taken specialist advice consulting the Nottinghamshire Wildlife Trust. Following the trusts comments and through pre application discussions a number of trees and sections of landscaping have been proposed as part of the scheme. The tree species specified accord with the Trust guidance being fruit and seed bearing as well as being common trees suitable for the built environment. This is welcome in biodiversity terms. The trust have also considered the submitted protected species Survey and suggest a sensitive lighting scheme be incorporated. This will be secured via condition.

There are trees subject to preservation orders in close proximity to the site, notably a large horse chestnut tree in the front garden of the neighbouring property of 1 Clipsham Close. It is proposed that the area immediately adjacent to this shared boundary would be hard surfaced. Having assessed the canopy spread of this specimen I am confident that the development could proceed without a detrimental impact to the longevity of this tree. Nevertheless it is considered reasonable to attach a condition requesting further details of measures of protection.

Highways safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems in the interests of highway safety. Policy DM5 of the Allocations and Development Management DPD requires the provision of safe access to new development and appropriate parking provision. Vehicular access to the properties on Bullpit Road will be provided directly from the existing highway. Access to house 5-7 would be provided through the sites new access and an adequate number of off-street parking spaces are proposed (2 per dwelling). Following consultation with Nottinghamshire County Highways the proposed scheme has been found to be acceptable in highways terms subject to conditions. The maintenance of the private road was also commented upon suggesting that the future maintenance of the private access should be protected and that it may be appropriate to secure some form of maintenance agreement. Having considered this matter further I consider that it would be disproportionate to seek such an agreement in the context of the current proposal. I am conscious that the access road will serve 5 dwellings (with houses 3 and 4 being directly accessed from Bullpit Road). The 6Cs Design Guide used by County Council Highways Colleagues specifically states at paragraph 3.5 that developments for five or less dwellings will not normally be adopted. Given that the access road will not be adopted, its maintenance will form a private legal matter for consideration by the owners of the site.

Impact on Drainage

I note the consultation comments regarding this matter and am mindful of Core Policy 9 which requires new development proposals to pro-actively manage surface water. The application proposes the disposal of foul sewage and surface water by mains sewer and connection to the existing drainage system, however no specific details have been provided at this stage. As such, it

is recommended that a condition be imposed requiring the submission and approval of drainage plans for the disposal of surface water and foul sewage in accordance with the requirements of Severn Trent Water. This would ensure that the development is provided with a satisfactory means of drainage in accordance with the aims of the NPPF and Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Other matters

Developer Contributions

The size and location of the proposal would not result in any affordable housing or developer contribution triggers being met.

Community Infrastructure Levy (CIL)

New residential development in the District is liable to the Community Infrastructure Levy (CIL). For Balderton/Newark, this is currently at a rate of £45 per square metre of new residential floorspace and the resultant CIL charge is detailed below in the suggested conditions.

Noise

The councils environmental health team have suggested that the prevailing noise on site should be assessed given the proximity to the existing railway. This is considered reasonable given the potential impact on the amenity of future occupiers. No noise report has been submitted as part of the application so a pre commencement condition requiring a noise report and the implementation of any recommended mitigation will be imposed.

The adjacent railway crossing

I note the consultation comments received regarding this matter and refer to the latest consultation comment submitted by network rail included earlier in this report. Network rail initially objected to the scheme citing safety issues in relation to the proximity of the new access road to the existing level crossing. Through discussions with the applicant a revised layout has been submitted and the new access has been moved to improve safety in relation to the existing crossing. Network Rail have confirmed that they no longer object on these grounds and go on to express no other objection.

Conclusion

The proposal presents the opportunity to contribute towards the district housing supply as a windfall site in addition to the allocated sites of the development plan. Through negotiations during the life of the development the proposal is deemed to represent an acceptable design and layout which would not be detrimental to the character of the area nor the amenity of existing neighbouring occupiers. I note the conflict in relation to the proximity of the railway crossing and the uncertainty as the future use of this crossing, but as the latest comments of Network Rail point out, it would be unreasonable to resist the application purely on this basis. The application is therefore recommended for approval subject to the following conditions.

Recommendation

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

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 1:1250

2014/126 L(08) 10 Revision A - OPTION 13 PLANS SHEET 1 OF 3

2014/126 L(08) 11 - OPTION 13 ELEVATIONS SHEET 2 OF 3

2014/126 L(08)12 - OPTION 13 ELEVATIONS SHEET 3 OF 3

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 approved shall be implemented in accordance with the Phasing Scheme (shown on plan reference 2014/126 L(08) 10 Revision A) unless otherwise agreed in writing by the Local Planning Authority.

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

04

The development hereby permitted shall be undertaken in full accordance with the Discussion and Recommendations set out in Sections 5 of the Protected Species Survey dated December 2014 (prepared by Andrew Chick) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation of protected species

05

No development shall be commenced on any Phase pursuant to Condition 3 until details of any

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

Reason: In the interests of visual and residential amenity.

06

No development shall take place until the prevailing noise levels on site have been assessed by a suitably qualified individual and a noise report has been submitted and approved in writing by the local planning authority. Details of any mitigation scheme recommended in the report should also be submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied. The scheme as approved shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

07

Notwithstanding the submitted details, no development shall be commenced on any Phase pursuant to Condition 3 until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials
Bricks
Roofing materials
Render
Cladding
Walls

Reason: In the interests of visual amenity.

08

No development on any Phase pursuant to Condition 3 shall be occupied until the boundary treatments shown on the approved plans 2014/126 L(08) 10 Revision A - OPTION 13 PLANS SHEET 1 OF 3 for the associated Phase of development have been 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.

09

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

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

10

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

11

No part of the development hereby approved shall be occupied unless or until works within the public highway fronting the site have been completed to the satisfaction of the Local Planning Authority in liaison with the Highway Authority. Works include the provision of a new 2m wide footway between Clipsham Close and the level crossing, reinstatement of redundant dropped kerb accesses, modifications to street lighting and relocation of a sign, as shown for indicative purposes only on drawing L(08)10 A.

Reason: In the interests of highway safety and to promote sustainable travel.

12

Before development is commenced, details of methods to protect trees adjacent to the development, specifically the trees subject to a tree preservation order along the southern boundary of the site, in accordance with BS5837:2012 as well as a proposed timetable for these measures to be retained shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the agreed protection measures shall be put in place prior to commencement of development and shall be retained in accordance with the agreed timetable.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in accordance with the aims of Core Policy 12.

13

The approved landscaping shown on plan reference L(08)10 A shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

Notes to Applicant

01

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

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

			A	B	C	
Dev Types	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
Residential (C3)	830.46	0	830.46	£45	252	42,806.43
Industrial (B1b, B1c,						

B2, B8)						
Retail						
Totals	830.46	0	830.46	45	252	42,806.43

Notes:

As a Reasonable Authority we calculated this CIL liability figure utilising the following formula which is set out in Regulation 40 of the CIL Regulations

$$\text{CIL Rate (B)} \times \frac{\text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)}}{220 \text{ (BCIS Tender Price Index at Date of Charging Schedule)}}$$

CIL payments are indexed in line with the "All-in Tender Price Index of Construction costs" produced by the Building Cost Information Service which is a measure of building costs inflation. The figure for (C) in the above calculation is based on the figure for 1st November of the preceding year. Therefore an application granted in 2013 would use that for 1st November 2012. Where the BCIS information says that the level of indexation is a forecast the District Council refer to the most upto date confirmed figure.

As a Reasonable Authority the Council have calculated the amount of CIL payable based on the information about the level of new floorspace to be created contained within the planning application form that was submitted to the District Council

Your attention is drawn to the attached **CIL Liability Notice** which confirms the amount of CIL payable. It should be noted that it is the responsibility of the person(s) who will pay the charge to serve an 'Assumption of Liability Notice' on the Council prior to the commencement of development. If this does not occur under Regulation 80, the Council may impose a £50 surcharge on each person liable to pay CIL.

You may request a review of the chargeable amount set out within the Liability Notice however this must be done within 28 days from the date of which it is issued.

$$\text{CIL Rate (B)} \times \frac{\text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)}}{220 \text{ (BCIS Tender Price Index at Date of Charging Schedule)}}$$

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

All bat species are statutorily protected from reckless killing, injuring and disturbance, and damage and obstruction to roost sites by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010 (as amended). Note that even if bats are not present, their roosts are protected all year round. The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

You have a legal obligation to stop work if bats are encountered during construction. We request

that any roof work should be carried out carefully by hand. Roof tiles (especially where the roofs are underlined) should be lifted vertically from their seats and not allowed to slide and any lead flashing and the soffits should be removed with care to avoid harming bats. Should any bat/s be found under any aperture, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on 0845 1300228 for further advice.

04

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details and/or refer to Part 6 of www.leics.gov.uk/6csdg

BACKGROUND PAPERS

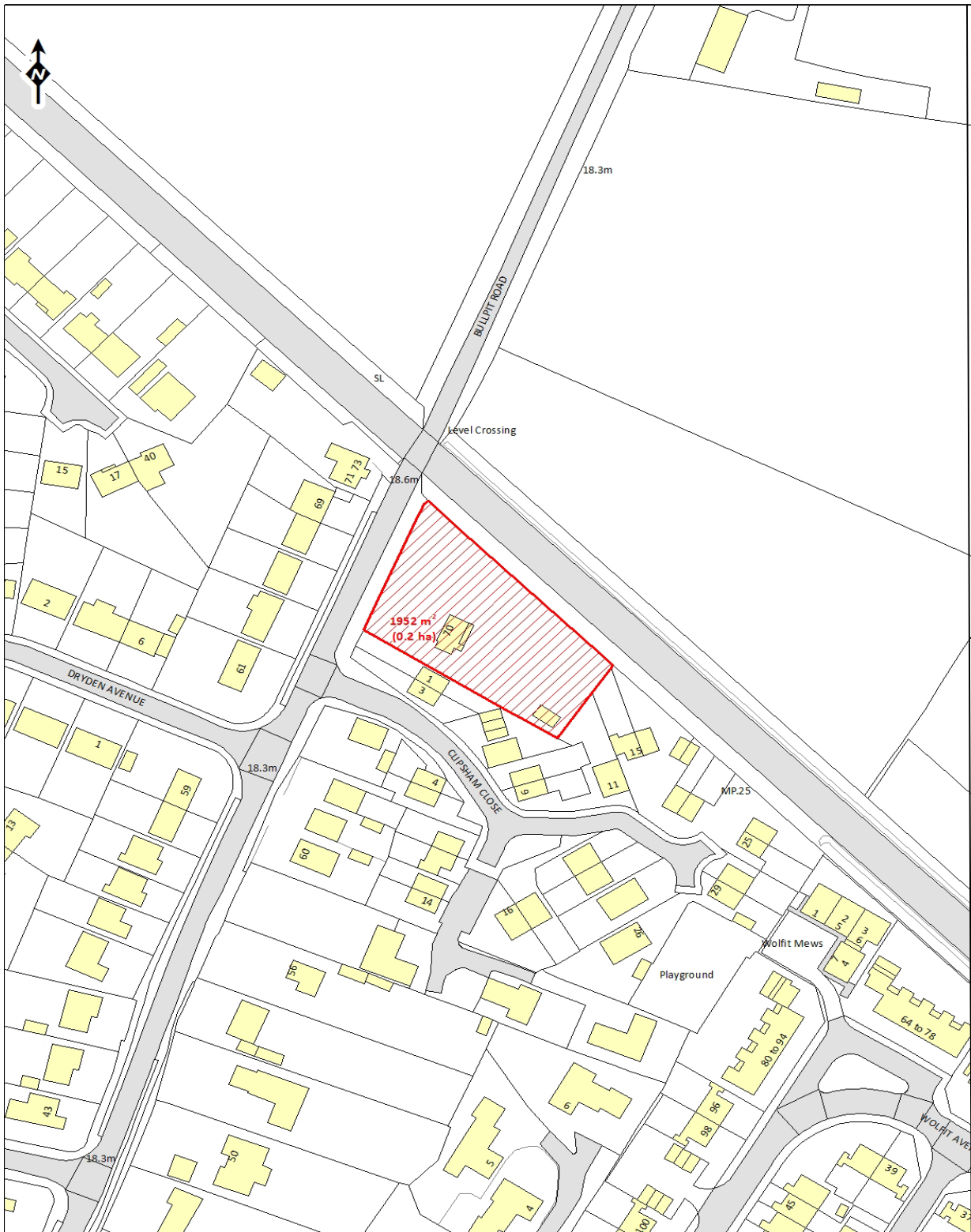
Application case file.

For further information, please contact Mr Sukh Chohan on ext 5828.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 14/02186/FUL



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

The Site

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

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

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

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

Relevant Planning History

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

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

The Proposal

Outline planning permission is sought for the erection of 2no. dwellings with associated garaging. Approval is being sought for the proposed means of access; with matters relating to appearance, landscaping, layout and scale reserved for subsequent approval. The agent has however indicated that the proposed dwellings would only be of single storey construction.

An indicative layout has been submitted showing 2no. L-shaped properties with detached garaging. Since the initial application submission in 2013 discussions with the Environment Agency regarding the flood classification of the site have been on-going. It is now accepted by the Environment Agency that the proposed development would be sited in Flood Zone 2.

The initial application submission detailed that disused agricultural buildings would be demolished as part of the application to accommodate the proposed dwellings. However, in the 17 months since the application was initially submitted these buildings have been cleared from the site.

Vegetation including a section of the front hedgerow and 4no. trees to the front of the site would be removed to facilitate provision of the new access. The existing access drive on the western boundary would be closed off. The application forms indicate that red brick would be used to elevations with pantile roofs.

The proposed layout would result in the two dwellings being situated either side of the new driveway with a set back from the roadside of approximately 35m. The agent has confirmed by email that the ground floor level of the properties would be set by the topographical survey submitted and Flood Risk Assessment recommendations.

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

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

Public Advertisement Procedure

Site notice posted 02.12.2013

Newspaper advertisement published 21.12.2013

Earliest Decision Date 24.12.2014

Consultations

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

Caythorpe Parish Council – March 2015 comments. In general support the scheme. There was 1 objection and 4 no objections to the whole scheme. Concerns were raised regarding the greenbelt, the access and removal of existing trees.

Environment Agency

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

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

Reasons

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

Overcoming our objection

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

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

Reasons

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

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

NCC Highways – This proposal is an outline application for 2 detached dwellings including a new access with all matters reserved except for access.

There is a very wide highway verge fronting the site, and the position of the access point, as shown on the layout plan, is acceptable to the Highway Authority. As such, subject to satisfactory parking/turning facilities there are no highway objections to this type of development. Conditions should be imposed requiring the access to be constructed and surfaced in a bound material and that no part of the development shall be brought into use until the existing site access that would be made redundant being permanently closed and the access crossing reinstated as verge. A note should also be attached to any consent drawing the applicant's attention to the fact that the works to provide and close off vehicular crossings over the verge would need to be carried out to the satisfaction and consent of the Highway Authority.

NSDC Environmental Health – Contaminated Land Condition

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

Radon Advice

Furthermore the proposed development is in a Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above the Environmental Health Officer advises that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at:
<http://www.newark-sherwooddc.gov.uk/radon>

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

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

Nottinghamshire Wildlife Trust – The Trust welcome the provision of the Phase 1 Habitat Survey and Ecological Appraisal (CJ Barker 2013) as this allows the nature conservation value of the site to be assessed and protected species to be properly considered in the determination of the planning application. This is in line with Government Circular 06/2005 that states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Having studied the ecological reports the Trust find that they are satisfied with the methodology used to evaluate the existing habitats and the status of protected/notable species within the study area. The Trust therefore have no objection in principle to the application.

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

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

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

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

Severn Trent Water – No comments received.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy (Adopted March 2011)

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

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

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

Other Material Planning Considerations

National Planning Policy Framework Adopted (NPPF) March 2012

Technical Guidance to the National Planning Policy Framework 2012

Comments of the Business Manager Development

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

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

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

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is

clearly outweighed by other considerations. This approach is consistent with Spatial Policies 1 and 4B of the Core Strategy.

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

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

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

In terms of the siting of the units themselves I consider that the dwellings would be more prominent in the Green Belt setting than the simple agricultural buildings they would have replaced, set further forward towards the adjoining highway with associated shared driveway and the activity associated with two dwellings. Whilst the application site is located between two existing dwellings the proposals would reduce the spacing between dwellings on this side of Caythorpe Road which is characteristic of their Green Belt location.

The indicative layout for the dwellings shows 2no. dwellings each with a footprint of 117m² and attached garage of 38.5m² (total external footprint of dwellings and garages equates to approximately 311m²). Whilst the agent has confirmed that the dwelling scale has been reduced from two storey to only single storey I still consider that their siting on land which is currently free of built form would result in a loss of openness to the detriment of their Green Belt location.

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

Impact on Visual Amenity

The NPPF and Development Management Policy DM5 states that good design is a key aspect of sustainable development and new development should be visually attractive and reflect local distinctiveness. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment and can include replacing poor design with better design and widening the choice of high quality homes. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved.

In considering the impact on the visual amenity of the area, I have given regard to the traditional character of buildings in the locality, the positioning of properties either side of the site, spacing between properties, and existing landscaping. The proposed dwellings would be set behind a substantial lawned area with front elevations closely aligned with the rear elevations of adjoining properties. The application forms indicate that traditional materials would be used and the agent has confirmed that the properties would be restricted to single storey in their design. The proposed new access would require removal of existing trees and hedgerow to the centre of the site which would open up some views towards the dwellings, although I am mindful of a substantial Leylandii hedge forward of the proposed dwellings (outside the application site but within land in the applicant's control) which if retained would reduce the possibility of open views from the main public realm.

Whilst the scale and appearance of the proposal are reserved matters, I am satisfied that the dwellings could be designed to reflect local vernacular. Concern was raised with the agent regarding the proposed scale of the dwellings, with the original submission detailing dwellings with a ridge of approximately 14m in height. This has now been revised so that the dwellings will only be single storey in their construction. However, given their location occupying an existing gap between dwellings and that existing hedgerow and trees would need to be removed to facilitate access I consider that the proposed dwellings would have the potential to have a significant visual impact when compared with the existing soft landscaped nature of the site. This visual impact would be compounded were the existing Leylandii hedge in the applicant's control removed at a future date. I consider a condition to retain the hedge purely to screen the proposed development would be flawed and if there was subsequent pressure to remove the hedge due to the proximity to the proposed dwellings, it would be difficult to resist given the hedge in itself is not of significant merit in arboricultural terms.

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

Impact on Residential Amenity

The NPPF and Development Management Policy DM5 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings whilst protecting the amenities of neighbouring occupiers. The size of the site and layout of properties does not raise issues in respect of the amenities of future occupiers. I am also satisfied that given the orientation of the properties and distances between existing neighbours shown on the indicative layout, the

dwelling including positioning of windows could be designed to preclude any undue overlooking, overbearing or overshadowing impacts.

Impact on Highway Safety

It is not considered that proposed movements to and from the proposed dwellings would be so significant so as to result in any highway implications. There is ample space for cars to park and manoeuvre within the site enabling entry and exit to the highway in a forward gear. As such, the proposed development would not result in any adverse impact upon highway safety and I note the Highway Authority has raised no objections to the proposals subject to conditions and a note being attached should planning permission be granted.

Flood Zone

The proposed development as originally submitted was considered to be located within Flood Zones 2&3. In the 17 months since the original applications submission the Environment Agency have come to the agreement that the site layout is defined as being located within Flood Zone 2. Sites located within Flood Zone 2 are defined as having a medium probability of flooding and a probability of between 1 in 100 and 1 in 1,000 of river flooding. The Technical Guidance to the National Planning Policy Framework advises that water compatible (e.g. flood control infrastructure etc.), less vulnerable (e.g. police, ambulance and fire stations which are not required to be operational during flooding) and more vulnerable uses (e.g. hospitals) and that highly vulnerable uses (e.g. police stations that are required to be operational during flood) are only appropriate if the exception test is passed. Both the sequential test and exceptions test therefore need to be passed, in line with NPPF guidance, paragraphs 100 to 102. This guidance is reflected in Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

The aim of the Sequential Approach is to ensure that sites at little or no risk of flooding (Flood Zone 1) are developed in preference to areas at higher risk (Flood Zone 2 and 3). The Applicant has submitted a Sequential Test with the application, however this has only been applied at site level (which lies within flood zones 2 and 3) and does not consider alternative sites within the village or District. It is the responsibility of the developer to assemble the evidence for their application to allow the LPA to carry out the Sequential Test.

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

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

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

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

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

Ecology

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

Conclusion

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

RECOMMENDATION

That outline planning permission is refused.

1. In the opinion of the District Council the proposed dwellings would constitute inappropriate development in the Green Belt and would result in harm to the openness of the Green Belt. The proposal would not constitute a sustainable form of development and its scale, design and layout would adversely impact on the rural character of the surrounding area. There are no other considerations that would constitute very special circumstances weighing in favour of the proposal. The proposed development would therefore be contrary to Spatial Policy 4b and Core Policy 9 of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012).
2. The site is located in Flood Zone 2 and is therefore at medium risk of flooding. It has not been demonstrated that there are no other reasonably available sequentially preferable sites, which are at a lower risk of flooding, where the development proposed could be located. As such, the application fails the Sequential Test contrary to the National Planning Policy Framework, Core Policy 10 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

Note to Applicant

01

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

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

Other Material Planning Considerations

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

BACKGROUND PAPERS

Application case file.

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

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 13/01189/OUT



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Application No:	15/00061/FULM	
Proposal:	6 No one bedroom and 4 No 2 bedroom flats associated car parking and external works	
Location:	Land at Lilac Close, Newark on Trent, Notts	
Applicant:	Newark and Sherwood Homes	
Registered:	11 February 2015	Target Date: 13 May 2015

This application is presented to the Planning Committee for determination in line with the Council’s Constitution as the Council has an interest in the development as it owns the land in question.

The Site

The application site comprises a 0.12 hectare site that is roughly rectangular in shape and is predominantly hard surfaced. The site is currently used for parking and is situated at the eastern end of Lilac Close, which is the sole vehicular access to the site. The site is also served by a pedestrian access which joins it at its south-eastern corner and which runs between the two storey houses fronting Trinity Road and Cherry Holt.

The southern and eastern boundaries of the site are adjoined by the rear gardens of Trinity Road and Cherry Holt, the western boundary adjoins the side boundaries of Nos 1 & 2 and 35 & 36 Lilac Close and with blank gable ends facing into the site and the northern boundary adjoins the playing field serving Bowbridge Primary School. There appears to be two garages within the rear gardens of properties fronting Cherry Holt that use the site as a vehicular access to their garages.

The site is within the Newark Urban Area as defined by the adopted Allocations and Development Management DPD and the area is predominantly residential in nature.

Relevant Planning History

There is no relevant planning history on this site.

The Proposal

Full planning permission is sought for the erection of 2 No two-storey blocks accommodating a total of 10 flats on the site with associated car parking and amenity spaces. The proposed flats would be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

The northern block comprises a rectangular building, measuring approximately 20.5 metres wide by 9 metres deep. It accommodates 6 one-bedroom units, with the building split into three with a flat at ground and first floor levels. A projecting porch serves each pair of upper and lower level flats. The building has a gable sided roof with heights of approximately 5.2 metres to the eaves

and 8.2 metres to the ridge. Its front elevation faces south into the site.

There are 7 car parking spaces serving these flats that are situated in a row at the front of the block, and on the northern side of the turning head/shared private drive that is extended along the existing line of the adopted road serving Lilac Close.

The southern block also comprises a rectangular building, measuring approximately 15.8 metres wide by 9.5 metres deep. It accommodates 4 two-bedroom units, with the building split into two with a flat at ground and first floor levels. A projecting porch serves each pair upper and lower level flats. The building has a gable sided roof with heights of approximately 5 metres to eaves level and 8.2 metres to ridge level. Its front elevation faces west and its side (northern) elevation is approximately 13.5m from the main front elevation of the proposed block to the north.

There are 2 tandem car parking spaces adjacent to the western boundary of the site and one adjacent to the southern boundary, served by the proposed shared drive that links the spaces with Lilac Close.

The remaining spaces to the front and rear of the buildings are laid out as paths with some soft landscaping. Space for bins are shown within the amenity areas of the flats. A 1.8m close boarded timber fence is proposed to all boundaries.

The application has been submitted with the following supporting information:

- Design and Access Statement;
- Topographical Survey;
- Drainage Statement and Flood Risk Information;
- Ecological Survey; and
- Geotechnical & Geo-Environmental Investigation Report.

Departure/Public Advertisement Procedure

Occupiers of 64 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.

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 and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted July 2013)

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

Policy DM3 – Developer Contributions

Policy DM5 – Design

Policy DM7 – Diversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations (December 2013)

Consultations

Newark Town Council – No objection.

NCC Highways Authority – I refer to drawing ‘Site Plan (Alternative Option 3)’.

The submitted scheme appears to address the issues previously raised and may be approved subject to the following conditions, ***providing the LPA are content that the red line boundary does not include part of the new turning head, and are aware that part of this turning head lies outside of the public highway boundary outside 35/36 Lilac Close.***

Suggested conditions:

- No part of the development hereby permitted shall be occupied until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the proposed highway boundary. For the sake of clarity the proposed highway boundary is the rear edge of the footway and service/maintenance margin which forms part of the ‘adopted highway turning head’. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

- No part of the development hereby permitted shall be occupied until the proposed adopted highway turning head has been laid out in accordance with the approved drawing and constructed in accordance with details to be first submitted and agreed in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of highway safety and to allow for future maintenance.

- No part of the development hereby permitted shall be occupied until the access driveway / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway / parking / turning areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

- No part of the development hereby permitted shall be occupied until the parking/turning/servicing areas are provided in accordance with the approved plan. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

Environment Agency – Low risk, no further comments.

Natural England – No comments to make.

Notts Wildlife Trust – No Objection. We are satisfied with the approach to the survey and the conclusions drawn. It is apparent from the report and from looking at aerial imagery that the site is predominantly comprised of hardstanding and has limited ecological value. We are supportive of the habitat enhancement recommendations made within the report. In brief, this includes: shrub planting and under-planting with herbs; creation of a herb garden; and erection of bat and bird boxes. We would encourage these measures to be taken up such that the development results in a net gain for biodiversity.

NCC, Education - No contribution required. With regard to the above application I can confirm that a development of 10 dwellings is projected to yield an additional 2 primary and 2 secondary places. Based on current pupil projections, the additional 2 primary and 2 secondary places can be accommodated in existing schools. We would therefore not be seeking an education contribution on this proposed development.

NSDC, Environmental Health Services – No Objection, standard condition recommended. With reference to the above development, I have received a combined Phase I and II Geotechnical & Geo-Environmental Investigation Report submitted by BSP Consulting on behalf of the developer. This includes an environmental screening report, an assessment of offsite contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Subsequent sampling and analysis reveals some considerable elevated PAH results, particularly in the made ground. The report then goes on to state that this should be remediated by removing the made ground from site, however no consideration has been given to how this will be validated. Furthermore, the report then suggests that clean and inert topsoil should be imported into garden areas. Any material imported onto site will require approval by Environmental Health for chemical composition prior to placement. Until the above issues are addressed, I would recommend the use of our standard phased contamination condition.

NSDC, Access and Equalities Officer - Comments that, as part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10.

External pedestrian pathways should be carefully considered and designed to accepted standards to ensure that they provide suitable access to and around the development. Any danger to pedestrians, particularly children, elderly or visual Impaired people, being required to walk along roadways or vehicular access routes should be avoided by providing a traffic free network of separated pavements and footpaths throughout of adequate width together with tactile warnings and dropped kerbs at road crossing points as appropriate.

Representations have been received - 4 letters from 5 local residents/interested parties which can be summarised as follows:

- I agree with the Design and Access Statement and support redevelopment of the former garage site. This is in line with local planning policy;
- Concerns that the development will over-look the young children’s playground of the school;
- It will result in problems for existing residents accessing their existing garages and confirmation is sought that their right of access with or without vehicles to the rear of their property/garage from Lilac Close will not be affected;
- Parking provision is inadequate, most households have two cars, and there are no visitor spaces - this will result in parking outside the defined spaces and cause access problems to existing residents (we have been advised that this would then become a private civil matter and the Council would have no part to play in proceedings between offending parties – and this is being stated and acknowledged as evidence for any future proceedings); and
- Look forward to something being done to prevent scrap wagons sorting out scrap, partying at night time, fly tipping and vandalism on certain garage doors.

Comments of the Business Manager

Principle of Development

The site is located within the built up area of Newark, within the defined Urban Area as set out in the adopted Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, the Newark Urban Area is identified as being the main location for new housing and employment and is considered to be a sustainable location for new development. The principle of development in this location is therefore acceptable, subject to it not resulting in any undue impact upon the character of the area, residential amenity of neighbouring properties, ecology or highway safety. Section 106 contributions also need to be considered.

Affordable Housing

The submitted Design and Access Statement in support of the application states that the dwellings will initially remain in the ownership of Newark and Sherwood District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing. I consider that this will be of benefit in terms of providing additional affordable housing stock within the District and given the level of control afforded through Newark and Sherwood District Council owning the site, there is no requirement for this 100% affordable provision to be secured via a S106 agreement or condition. In any event a scheme of this size would not trigger an affordable housing contribution.

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 of the Core Strategy DPD 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 Allocations and Development Management 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 of predominantly two storey dwellings on the adjacent Lilac Close and fronting Trinity Road and Cherry Holt. The northern block is set back approximately 3m further north from the front elevation of the existing flats in Lilac Close to allow for off-street parking and amenity space to the front of the proposed building. Whilst this would represent a setting back from the existing building line in Lilac Close, the design of the proposed building with gable sided roof and similar height to these neighbouring dwellings would help assimilate the proposal into the streetscene.

The southern block sits at right angles to existing flats in Lilac Close, but this is essential if the existing access rights from occupiers in Cherry Holt are to be maintained. Whilst not ideal, this layout does provide for a strong frontage when accessing the site from Lilac Close. The block is positioned approximately 13.5 metres from the side elevations of the existing flats fronting Lilac Close to the west and allows vehicular access between the two. Again, the design and scale of the proposed southern block would help assimilate the block into the area.

A condition requiring details of materials will also ensure that the final appearance of the buildings do not detract from the character of the area. Overall, I am satisfied that the design of the proposal is acceptable and will sit adequately within the context of the adjoining dwellings and the wider residential setting. The proposal therefore complies with the aims of Core Policy 9 and Policy DM5.

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 Allocations and Development Management 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 front elevation of the northern block is situated approximately 3m further north from the front elevation of the existing flats in Lilac Close and approximately 4m further north from the rear elevation. However, there is a distance of approximately 5.5m between the side elevations of the existing and proposed. Whilst the two-storey gable of the proposed block will have some overbearing impact on the rear garden, I am satisfied that this relationship does not result in any unacceptable impact on the actual living accommodation. The over shadowing impact to existing residents to the rear of their flats, which is likely to occur only first thing in the morning, would be reduced by the 5.5m separation distance between existing and proposed buildings and is not considered sufficient to warrant a reason for refusal.

The eastern two storey gable end of the northern block, although situated only approximately 2m

from the common boundary, is approximately 21m from the main rear elevation of the house to the east. I am satisfied that a single bathroom window controlled by condition would protect the privacy of existing residents and given the distance between, there would be no overbearing impact on the living accommodation. The two-storey gable may result in some over-shadowing of the end of the garden at the end of the day, but it is not considered to be so detrimental to warrant refusal of planning permission on this basis.

The window openings in the side elevations of the proposed northern block serve bathrooms and can therefore be conditioned to protect privacy.

The southern block is positioned a minimum of 4 metres away from the common boundary to the east and 22 metres from the rear elevations of houses to the east. The side gables are approximately 13.5 metres from the proposed northern block, approximately 7.5 metres from the common boundary to the south and approximately 21.5 metres from the rear elevations of the houses to the south. It is situated approximately 10 metres off the common boundary to the west and 13.5 metres from the side elevation of the flats in Lilac Close. I am satisfied that the distances between this proposed southern block and common boundaries with houses to the east and south and their rear elevations (at least 21.5 metres away) that there would be no detrimental impact of over-bearing impact or overshadowing. However, it is acknowledged that habitable room windows at first floor level will result in a degree of direct overlooking, but which would be more readily felt towards the ends of the rear gardens. In relation to impacts on living environments, the rear elevations and main habitable room openings of existing houses would be approximately 21.5 metres away and it is accepted that this back to back relationship can be commonly found in developed urban areas. On balance, therefore, it is considered that the proposal is acceptable in terms of impacts on privacy for both existing and proposed occupiers.

The most significant impact on residential amenity is likely to be experienced by residents occupying the flats on the southern side of Lilac Close, as the main front elevation of the proposed southern block is positioned 10 metres off the common boundary and 13.5 metres from their end gable. I am satisfied that given the distance of the proposed block from the common boundary, that there is unlikely to be any detrimental effect on over-bearing impact or overshadowing.

I did have concern in relation to first floor habitable room windows proposed in the southern-most section overlooking the rear elevation and immediate rear garden areas serving these existing flats given the distances involved. Through negotiation, the first floor kitchen window has been moved to the side (south) elevation to reduce the impact on residents to the west of the site. I am satisfied that given the distances involved that this amendment would not result in an unacceptable loss of privacy to neighbours to the south. This could be controlled in perpetuity as flats do not possess permitted development rights to insert new windows without planning permission.

Taking these considerations into account, I am satisfied that on balance, the proposed development will not unduly impact on neighbouring amenity and therefore meets the aims of Policy DM5.

Ecology

There are presently no trees or shrubs on the site and the majority of the ground is hard surfaced. No objections have been raised by Natural England or Notts Wildlife Trust to the proposal and I note the comments in relation to habitat enhancement and recommend that a condition be

imposed requiring bat and bird boxes to be installed as a positive enhancement to biodiversity. This accords with the ecology report submitted and the aims of Core Policy 12 of the Core Strategy and Policy DM7 of the Allocations and Development Management DPD which seek to ensure proposals conserve and enhance the biodiversity of the District.

Highways Issues

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, no materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received during consultation in respect of lack of parking provision for visitors, however, the Highway Authority has considered that scheme and has concluded that one parking space per flat is sufficient in this location to serve the development and therefore complies with Policy DM5. The Highway Authority has also raised no concerns with regards to access from Lilac Close and turning and servicing facilities on site.

In relation to continued rear vehicular access for existing residents of Cherry Holt, the Highway Authority have carefully assessed the impact the development would have on this and following the submission of a number of amended plans, both they and myself considered that the proposal will now continue to allow adequate access to the rear of these properties. I also consider it reasonable to attach the conditions suggested by the Highway Authority.

On balance, given that on-site parking is being provided for the development and the existing access across the site is being retained for existing residents to access the rear of their properties, I am satisfied that the proposal will not result in any detrimental impact on highway safety and accords with Spatial Policy 7 and Policy DM5.

S106 contributions

Development of this scale will usually attract planning contributions in relation to community facilities, amenity space (where it is not fully provided on site), education and libraries under Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD, as set out in the Developer Contributions and Planning Obligations SPD.

The proposal is to provide a wholly affordable housing scheme and therefore the proposal goes beyond any normal policy requirement. The provision of 10 affordable units as opposed to the required 0 represents a significant material planning consideration. The provision of affordable housing is also the most significant contribution in terms of monetary cost and value (£192,000 would be required to provide the 6 units above a 30% requirement on another site), compared to the other remaining S106 contributions – see the table below.

S106 Policy Requirement	Level of Contribution to be paid (in lieu, minus indexation)	
Affordable housing (100% - 30% = 70%)	£192,000	
Community Facilities		£11,810

Open Space (provision)		£6,368
Open Space (Maintenance)		£6,772
Totals	£192,000	£24,950

On this basis, it is considered that the 100% affordable provision outweighs the other S106 requirements of community facilities and open space, in this case. Moreover, there is existing open space within a short distance from the site to the rear of Philip Road and Mercia Road to the west.

In relation to education, Notts County Council has confirmed there is no requirement for an education contribution as there is existing capacity in existing schools and a response is still awaited in relation to library contributions.

On balance, it is considered that the provision of 100% affordable units outweighs the other S106 contributions requirements in this case.

Other Matters

In terms of potential for flooding, I note that the site is within Flood Zone 1 and at low risk of flooding. The development will also remove the existing impermeable surface and will include areas of permeable soft landscaping. No objection has been raised by the Environment Agency and a condition has been proposed to require details of surface water and foul sewage disposal.

Given the existing use of the site and bearing in mind the comments of the Environmental Health Officer, I also consider it would be reasonable to attach the standard condition to address any land contamination on the site and make it safe for its new residential use.

The fact that some of the proposed flats would over-look the school field is considered to be acceptable in planning terms and is little different to the existing flats on the northern side of Lilac Close that have the same relationship.

The concerns of existing residents not being able to access the rear of their properties in vehicles if illegal parking occurs has been noted and this has been taken into account by the Highway Authority in their comments. However, the Planning Authority is not able to control or police parking once development has been approved and this would then become a civil matter between parties.

Conclusion

Taking all the above considerations into account, I conclude that the proposal accords with the Development Plan and there are no other considerations that would outweigh this instance in this case and it is therefore recommended that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Proposed Location and Block Plan – Drawing No: 1826/3/P01B
- Proposed Site Plan – Drawing No: 1826/3/P04 D
- Proposed Floor Plans and Elevations (1B2P Plans) – Drawing No: 1826/3/P06
- Proposed Floor Plans and Elevations (2B3P) – Drawing No: 1826/3/P05B
- Proposed Streetscene – Drawing No: 1826/3/P07

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

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; and
- Hard surfacing materials.

All hard landscape works shall be carried out in accordance with the approved details and before any part of the development is occupied.

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 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.

07

No part of the development hereby permitted shall be occupied until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the proposed highway boundary. For the sake of clarity the proposed highway boundary is the rear edge of the footway and service/maintenance margin which forms part of the 'adopted highway turning head'. 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).

08

No part of the development hereby permitted shall be occupied until the proposed adopted highway turning head has been laid out in accordance with the approved drawing and constructed

in accordance with details to be first submitted and agreed in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of highway safety and to allow for future maintenance.

09

No part of the development hereby permitted shall be occupied until the access driveway / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking/turning areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

010

No part of the development hereby permitted shall be occupied until the parking/turning/servicing areas are provided in accordance with the approved plan. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles. The parking spaces shall be clearly delineated with spaces allocated 1 no. space per flat and retained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

011

Any windows serving the side elevation of the east and west facing elevations of the northernmost building and any windows serving the side elevation of the north facing elevation of the southernmost building hereby approved including those on the approved plans shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

012

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.

013

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

Reason: In the interests of maintain and enhancing biodiversity.

014

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

Part A: Site Contamination

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Groundwaters and surface waters;
 - Ecological systems; and
 - 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, CR11.'

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9.

Notes to Applicant

01

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

The proposed development has been assessed and it is the council's understanding that CIL may not be payable on the development hereby approved as the development is made up entirely of Social Housing provided by local authority housing, 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 Council's 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

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.

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.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to david.albans@nottscc.gov.uk

BACKGROUND PAPERS

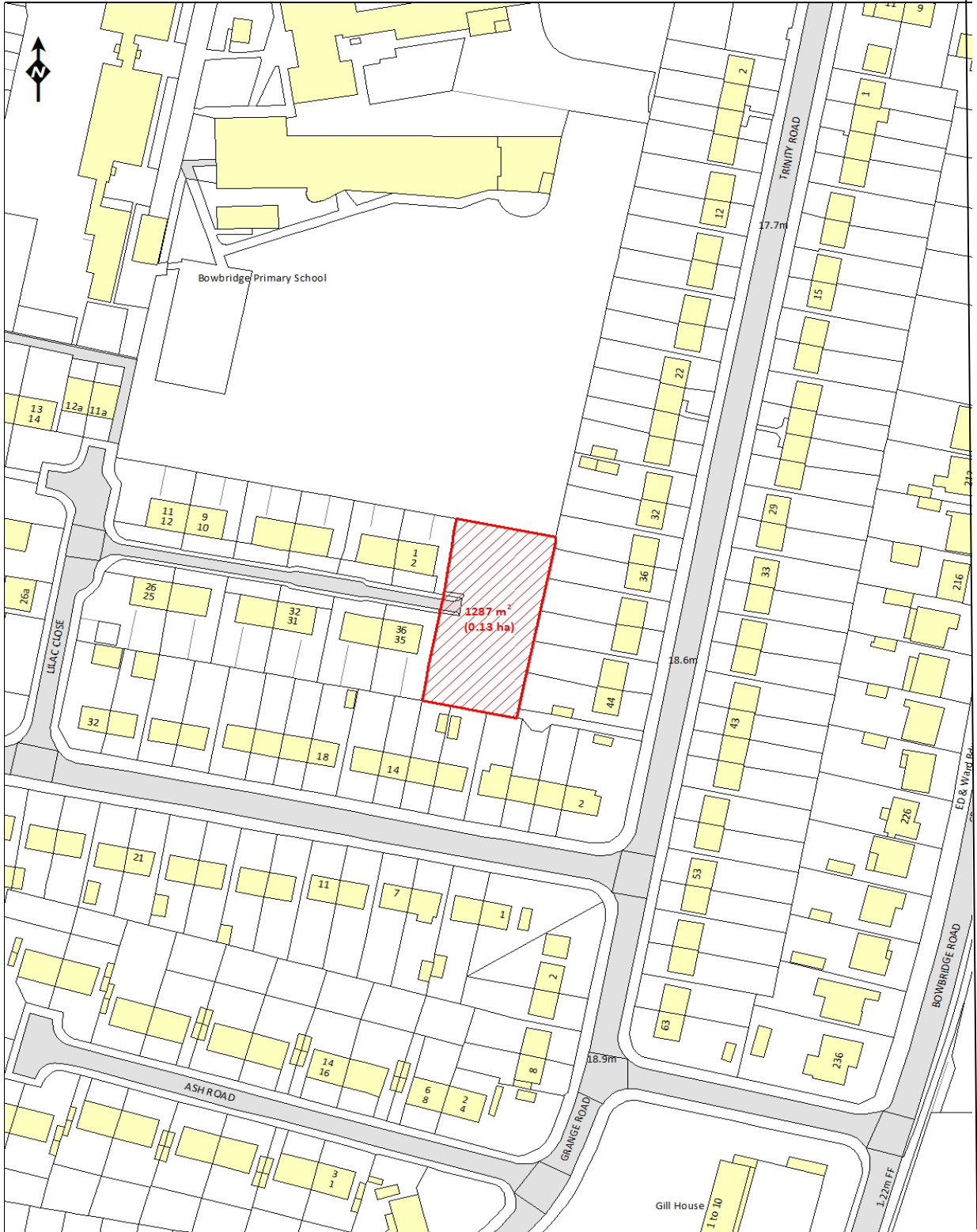
Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00061/FUL



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Application No:	15/00092/FUL	
Proposal:	Change of use with minor alterations from Class A1-A2	
Location:	4 Middle Gate Newark	
Applicant:	Mr S Schofield	
Registered:	22 January 2015	Target Date: 19th March 2015

The Site

This application relates to a 3 storey mid terrace building located at close to the junction of Middle Gate and Kirk Gate within Newark Town Centre and the Primary Shopping Frontage. The property is a Grade II Listed Building and falls within the Newark Conservation Area. There is a ground floor retail unit, previously trading as a sweet shop which is currently vacant.

The site is immediately adjoined by a betting shop and furniture retailer.

Relevant Planning History

A Listed Building Consent application has been submitted in conjunction with the planning application to which this report relates seeking consent for proposed signage and a change of use of the ground floor retail unit from A1 (shop) to A2 (Estate Agency) - application refs:- 15/00093/LBC.

An advertisement consent application has also been deposited seeking consent for the erection of signage associated with the proposed change of use application to which this report relates refs - 15/00096/ADV

The Proposal

Full planning permission is sought for the change of use of the property from A1 (Retail) to A2 (Financial and professional Services). Some minor internal changes are proposed which are considered under the Listed Building application submitted in conjunction with this planning application.

Departure/Public Advertisement Procedure

Occupiers of 11 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.

Development Plan Policies and other Material Policy Considerations

Planning Policy Framework Development Plan Policy

NSDC Core Strategy Adopted 2011

Core Policy 8 – Retail Hierarchy

Core Policy 9 - Sustainable Design.

Core Policy 14 – Historic Environment

NSDC Allocations and Development Management DPD Adopted July 2013

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM11 - Retail and Town Centre Uses

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Civic Trust - Support the proposal

Newark Town Council – No objections are raised

NSDC Conservation – No objections are raised to the principal of the change of use. The external glazed brick stallriser is to remain unpainted and unchanged, which is acceptable.

Access and Equalities – It is recommended that the developer be advised to consider inclusive access and facilities for all, including disabled people as part of the proposal and consider practical measures where all members of the public and staff members are able to equally access the building and its services.

Comments of the Business Manager

The main planning considerations in the determination of this application are the impact of the loss of an existing retail unit within a primary shopping frontage within the Town Centre boundary, the impact of the proposed use on neighbouring amenity, the impact of the proposed external and internal alterations on the Listed Building and Conservation Area and whether it raises any highway safety issues.

The loss of an existing retail unit within a primary shopping frontage within the Town Centre boundary

Core Policy 8 of the Core Strategy outlines that in terms of the role and function of the town centre the principle focus is on the enhancement of retail and other town centre activity. Policy DM11 of the Allocations and Development Management DPD Adopted July 2013 reflects this and

states that proposals for non-retail uses at street level within Primary Shopping frontages will not be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre. The sub text of this policy outlines that the retention of primary shopping frontages within Newark are key to maintaining their vitality and viability and consequently will require substantial justification of the benefits of development in order to support non retail uses.

I am mindful that the proposed change of use would result in the loss of an A1 (Retail) unit within both the Newark Town Centre and the primary shopping frontage. This would be contrary to policies contained within the Core Strategy and the Allocations and Development Management DPD.

I note that additional information has been deposited in support of the application. This includes a chronology of the occupation of the site which has experienced a high turnover of businesses. Specifically the applicant has provided details (most recent first) of the American Candy store, a childrens clothes unit (Sanchez), adult clothing, ladies ware unit and clothes design shop. The applicant has equally pointed out that the square footage of the unit is small (25 sq m) and that the proposed use is a commitment with a deposit paid upfront for a 10 year lease. It is argued that such circumstances, coupled with the fact that the building is listed should be given significant weight.

I have some sympathy with the arguments presented. However, having discussed this information with a policy officer and considered the detail, I do not considered that this sufficiently addresses the sub text of Policy DM11 which clearly states that non retail units at street level within a primary shopping frontage will not be supported unless there is a **substantial** justification for the benefits of the proposal.

In this case it is true that there is a vacant Listed Building, albeit this vacancy is relatively recent. Whilst a relatively high turnover of previous businesses is a material consideration so too is the need to protect retail provision on primary shopping frontages. Ultimately a balance must be struck. The Council has previously allowed the change of use to another site on a Primary Shopping frontage. This was to a listed unit, also in a primary shopping frontage which had been vacant for 12 months. In that case the length of time of vacancy was compelling. Whilst there are no hard and fast rules I am concerned that to justify a non-A1 use for any vacant Listed Building without detailed targeted marketing for A1 is akin to writing off such units as being able to provide a retail use. This is clearly unsustainable.

Whilst I have no doubt that the proposed use would contribute to the local economy, offer local employment and secure the use of a Listed Building, I have concluded, on balance, that such benefits are not of such weight to warrant a change from policy stance, particularly given the lack of evidence of targeted marketing and interest from A1 users.

Taking the above into account I am of the opinion that insufficient evidence, as required by policy DM11 has not been submitted in this instance to demonstrate that the proposal would have such substantial benefits to support a non-retail use to justify the granting of permission in this instance

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. 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 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 site falls within Newark Conservation Area and the building is Grade II Listed. I note the comments of the Conservation Officer and am satisfied that the proposed development will not result in any adverse impacts upon the historic fabric or setting of the building nor the character of the surrounding conservation area.

Impact on Amenity

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on amenity or surrounding land uses and should not cause unacceptable loss of amenity. Given the Town centre setting of the site within the primary retail frontage I am satisfied that the proposal would not result in any undue impact upon the amenity of the occupiers or users of nearby units.

Highways

Given the scale of the development and the location of the site within the town centre and within the primary shopping frontage I am satisfied that the proposal would not result in any highway issues.

Conclusion

On balance taking the above considerations into account I would recommend that planning permission be refused by virtue of the proposal seeking to introduce a retail use without the substantial justification that is required to depart from the above policy and in the absence of any other material considerations would be contrary to both policies CP8 and DM11 and would therefore have a detrimental impact upon the vitality and viability of the Town Centre.

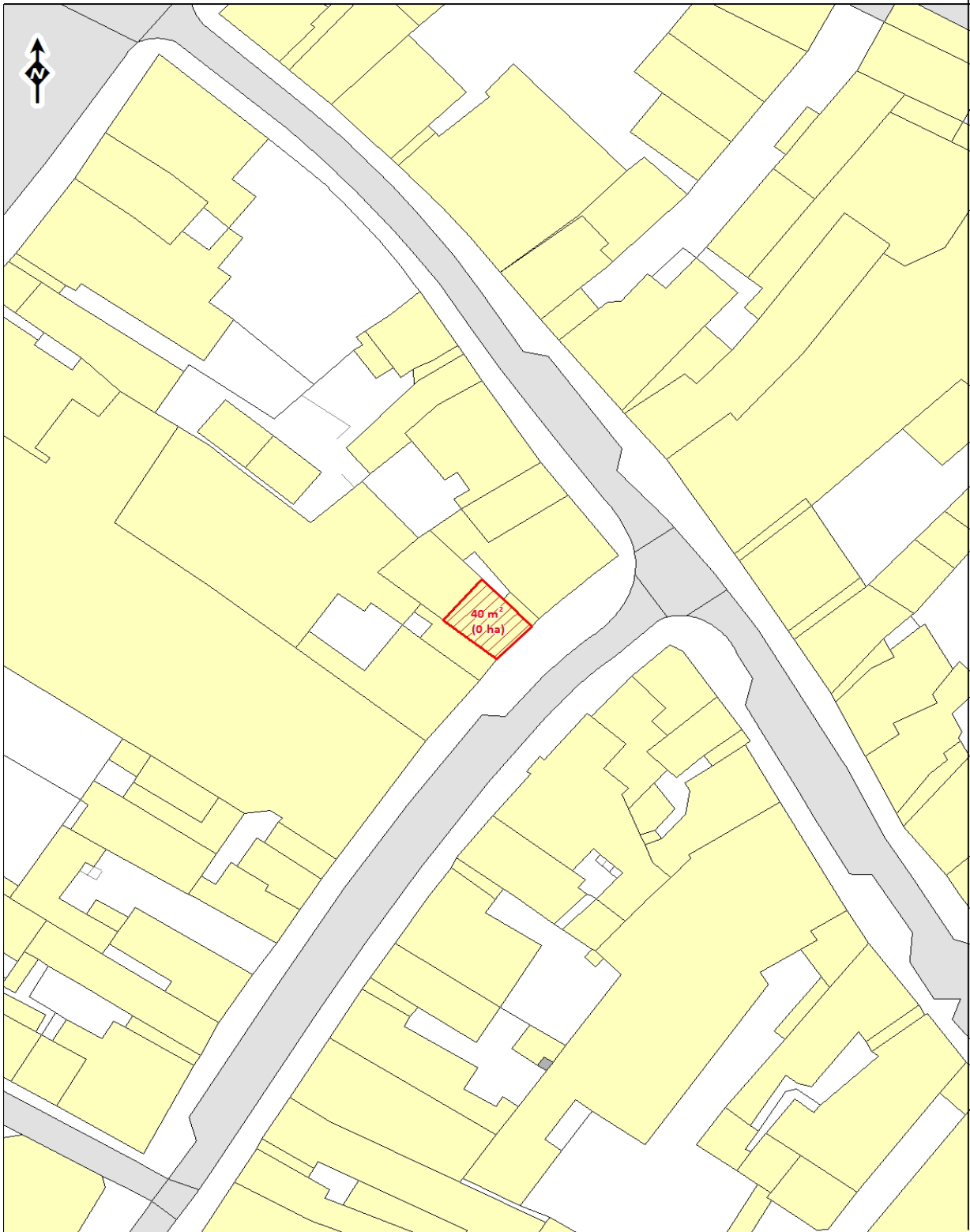
RECOMMENDATION

That full planning permission be refused reason shown below.

01

The application site lies within a Primary Shopping Frontage in Newark Town Centre, as defined through the Newark and Sherwood Core Strategy and Allocations and Development Management DPD. Policy DM11 strictly controls non-retail uses in Primary Frontages the interests of the vitality and viability of the Town Centre. The proposal seeks to introduce a non-retail use without the substantial justification that is required to depart from the above policy and in the absence of any other material considerations would be contrary to both policies CP8 and DM11 and would therefore have a detrimental impact upon the vitality and viability of the Town Centre.

Committee Plan - 15/0092/FUL



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Application No:	15/00180/FUL	
Proposal:	4 No. 1 Bedroom Flats and associated external works and parking	
Location:	Former Garage Site, Wolfit Avenue, Balderton, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	05.02.2015	Target Date: 02.04.2015

This application is presented to the Planning Committee for determination in line with the Council’s Constitution as the Council has an interest in the development in that it owns the land in question.

The Site

The application site relates to an existing garage court on Wolfit Avenue, Balderton. The site is adjoined by two-storey residential properties at no.54 and no.56 Wolfit Avenue. To the rear the site is adjoined by the East Coast Main Line. The neighbouring properties on Wolfit Avenue have no windows in the side gables facing the application site. The site is situated within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD.

Relevant Planning History

There is no relevant planning history for the site.

The Proposal

Full planning permission is sought to demolish the garages on site and erect 4no. one bedroomed flats with associated car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

Revised plans have been submitted following discussions between the case officer and the agent. The plans under consideration propose the following:

The flats would be accommodated as a pair of semi detached buildings, each accommodating a flat at ground floor and a flat at first floor level. The resultant development would include a staggered front elevation with maximum dimensions of 14.2m width x 8.8m depth. The roof of the flats would be hipped to either side and gabled to the centre with maximum heights of 5.1m to the eaves and 7.8m to the ridge. The proposal would be set back in relation to the front and rear elevations of the neighbouring dwelling at no.54 Wolfit Avenue and the portion of the building closest to the neighbouring dwelling at no. 56 Wolfit Avenue would sit on a similar alignment to this dwelling.

The car parking spaces serving the flats would front the pavement on Wolfit Avenue and 4no. spaces are proposed in total meaning a ratio of 1 space per flat.

The remaining space to the front and rear of the building would be soft landscaped with paths to the perimeter of the building. Space for bins is shown to the rear gardens and 1.8m close boarded fencing is proposed to all boundaries with a heavy duty fence proposed to the rear boundary with the railway lines.

A Design and Access Statement, Drainage Statement, topographical survey, Ecological Survey and Geotechnical and Geo-Environmental Investigation report have also been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of 4 neighbouring properties have been individually notified by letter.

Earliest decision date 24.03.2015

Planning Policy Framework

The Development Plan

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

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

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

- | | |
|---------------|---|
| • Policy DM1 | Development within Settlements Central to Delivering the Spatial Strategy |
| • Policy DM3 | Developer Contributions |
| • Policy DM5 | Design |
| • Policy DM7 | Biodiversity and Green Infrastructure |
| • Policy DM12 | Presumption in Favour of Sustainable Development |

Other Material Planning Considerations

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

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

Consultations

Balderton Parish Council – Support the proposal.

Nottinghamshire County Council (Highways) – The proposed development provides one space per dwelling, which given the scale of development appears to be sufficient. It is suggested that each space is allocated to a single residential unit to avoid neighbourhood disputes.

The Highway Authority have no objections to this application subject to the following conditions being attached to any consent requiring the parking spaces to be hard surfaced, a dropped vehicular footway crossing being installed and the parking spaces being constructed with provision to prevent surface water discharging onto the highway.

Further to the above comments the Highway Authority note that the plans show a resiting of a lamp column into the pathway of a neighbouring driveway. The Highway Authority have reassured a neighbour that the column will not be moved there. Although this matter will be dealt with by NCC at the time of highway alterations, the Highway Authority have suggested it might be worth requesting an amended drawing from the applicant. Notwithstanding any planning approval, the Highway Authority's street lighting engineers may wish to review lighting levels on Wolfit Avenue resulting from the relocation. In the worst case, an additional street light may be sought.

NSDC (Strategic Housing) – Supports the proposed development of 4 flats at Wolfit Avenue, Balderton and provides the following evidence regarding housing need in the area:-

The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Balderton is part of the Newark sub area (1) and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 266 flats, the highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for the highest level of need. 234 households require 1 bedroom and 458 require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Balderton: 1,123 households preferred Balderton for their future location preference. This is highest level of demand after Newark
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.

The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need. The Council therefore considers that in developing new affordable housing will deliver council priorities in terms of housing needs there is a breadth of evidence to support

NSDC (Environmental Services) – With reference to the above development, Environmental Health have received a combined Phase I and II Geotechnical & Geo-Environmental Investigation Report submitted by BSP Consulting on behalf of the developer.

This includes an environmental screening report, an assessment of offsite contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Subsequent sampling and analysis reveals that analytical results were all below their relevant screening criteria for the proposed use of this site.

Environmental Health have no adverse comments in relation to the report but would agree with the recommendation that any topsoil imported onto site should be confirmed as 'clean and inert' prior to placement at the site.

NSDC (Environmental Health) – Notes the proposal to reduce noise for occupiers which seem acceptable. Would recommend a condition asking for details of the boundary fence with the railway, double glazing and ventilators to be approved by the LPA.

NSDC (Access and Equalities Officer) – As part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10.

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

Severn Trent Water Authority – No comments received.

Police Architectural Liaison Officer – No comments received.

Natural England – No objection with regards to any statutory nature conservation sites as the proposal is unlikely to affect them.

Natural England have not assessed the application for impacts on protected species and refer to their standing advice.

Natural England request that consideration be given as to proximity to local sites (e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)) and that consideration be given as to whether there are opportunities for Biodiversity and/or landscape enhancements.

Nottinghamshire Wildlife Trust – No comments received.

Network Rail – With reference to the protection of the railway, Network Rail has no objection in principle to the development, but have provided a list of requirements which must be met, especially with the close proximity to the development of an electrified railway. In summary the requirements are as follows:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. Network Rail expects that the preparation and implementation of a surface water drainage strategy will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Although the existing Network Rail fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that Network Rail's fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining their boundary fence as they are obliged to do so in law. A trespass proof fence adjacent to

Network Rail's boundary is recommended and Network Rail note that the proposals include the use of a 1.8m close boarded heavy duty fence and which would satisfy their requirements in this matter.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement.

Vibro-impact machinery

Details of any vibro-impact machinery to be used in construction should be prior agreed through submission of a method statement.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. The current layout shows the building to be at least 4.5m from Network Rail's boundary and they confirm this is acceptable.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of

foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. In a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

Network Rail have provided a lists of trees that are permitted and those that are not permitted

Network Rail advise that in particular the drainage, boundary fencing, soundproofing and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

Neighbours/interested parties - Local residents have been notified of the proposals.

2no. written representations have been received objecting to the proposals and raising the following concerns:

Highway issues

- The site is on a bend on a busy road. Visitors and neighbours currently utilise the garage site for parking.
- Insufficient off street parking which will lead to parking and access difficulties on the road. The road will need widening.

Impact on amenity

- Potential overlooking impacts.
- Loss of light.

Impact on the Character of the Area

- The proposal for flats is of a design out of keeping with the area.

- The design of the proposal is detrimental to the character and quality of the area and does not comply with government guidance.
- Bungalows would be more appropriate.

Other issues

- The site floods in heavy rainfall and the on-site pump cannot cope resulting in water up to a foot deep on neighbouring land. With new housing there will be less surface area. Who pays if the development makes the situation worse?
- The existing streetlight is to be relocated adjacent to a neighbouring drive which would cause difficulties for the neighbour in accessing their driveway. If planning permission were to be granted, could the lamppost be located elsewhere?
- The proposal will impact on emergency access to the railway line.
- Loss of value to neighbouring properties.
- Reference to the Human Rights Act, Protocol 1, Article 1 whereby a person has the right to peaceful enjoyment of all their possessions, including their home and land.

Comments of the Business Manager, Development

Principle of Development

The site is located within the built up area of Balderton and therefore within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, the Newark Urban Area is identified as being the main location for new housing and employment and is considered to be a sustainable location for new development. The principle of development is therefore acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety.

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 of predominantly two storey dwellings with gable sided roofs. Properties on Wolfit Avenue have varying set backs distances from the public highway and either side of the application site semi-detached dwellings exist and are of a similar layout and orientation. The proposed development would be set back approximately 4.0m from the front elevation of no.54 Wolfit Avenue of neighbouring dwellings to allow for off-street parking and amenity space to the front of the proposed building. Whilst this would represent a significant setback in relation to the neighbouring property, I am satisfied that it would reflect the existing layouts within the streetscene with properties staggered in relation to each other on this side of Wolfit Avenue.

Revised plans have been submitted to address the impact on neighbouring amenity and this is considered in more detail below, however one of the amendments incorporated is the inclusion of a hip to either end of the proposed building. Whilst I am mindful that neighbouring properties have side gables, I do not consider that the character of the area is so distinctive to inhibit the design of a stand-alone development in this instance nor to necessitate a roof form which imitates those on neighbouring properties. The design of the proposal would still be of a scale and form respectful of neighbouring dwellings and in my view would make a positive contribution to the appearance of the area. A condition requiring precise details of materials will also ensure that the final appearance of the building respects materials used on neighbouring properties and the final building does not detract from the character of the area.

Overall, I am satisfied that the design of the proposal is acceptable and will sit well within the context of the adjoining dwellings and the wider residential setting. The proposal therefore complies with the aims of Core Policy 9 and Policy DM5.

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 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 considering the proposed plans, I have been particularly mindful of the setback proposed in relation to the neighbouring property at no.54 Wolfit Avenue and the impact this might have on windows serving the rear elevation and the rear garden serving this neighbouring property. Originally the proposal was completely set back in relation to this neighbour and would have extended 9.6m past the rear elevation of no.54. Following discussions with the agent, revised plans have been submitted reducing this setback to 6.9m, furthermore, the roof has been altered from a side gable to a hip to further reduce the bulk of the proposal in close proximity to this neighbouring boundary. I am also mindful that a gap of 2.95m would be retained between the side elevations of these neighbouring properties and windows on the rear elevation of no.54 are set in a further from the boundary by roughly 1.0m. I am satisfied that on balance the alterations undertaken will ensure that any impact on the amenity of this neighbouring property is not so significant so as to warrant a reason for refusal in this instance.

With regards to the amenity of the neighbouring property at no.56 Wolfit Avenue, I am satisfied that the position of the proposed building in relation to this neighbour is such that the proposal will not unduly impact on the amenity of this neighbour by reason of any undue overbearing, overshadowing (loss of light) or overlooking impacts.

I note the comment received in respect of the potential impact on privacy. Windows facing down rear gardens would not be dissimilar to those afforded by windows serving existing neighbours and a condition could be attached required any side windows to be obscure glazed and fixed below 1.7m in height.

I note the proposed amenity space to the rear of the proposed building is a maximum of 7.9m. I note gardens serving neighbouring properties are of a similar depth and I am satisfied that an adequate amount of amenity space has been afforded to the proposed flats in this instance.

I note the proximity of the proposal to the railway and the potential for future occupiers to be subject to noise from passing trains. I consider it would be reasonable to attach a condition in line with the Environmental Health Officers advice to ensure that the proposed sealed double glazed units and wall mounted acoustic adjustable ventilators referred to in the Design and Access Statement are provided.

Taking these considerations into account I am satisfied that on balance the proposed development will not unduly impact on neighbouring amenity and therefore meets the aims of Policy DM5.

Highway Issues

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received during the consultation in respect of the potential impact on on-street parking and highway safety. I note that the proposal is for 4no. one bedroomed flats and the level of off-street parking proposed is considered appropriate by the Highway Authority and would therefore comply with Policy DM5. The Highway Authority have also raised no concerns with regards to vehicular access issues on Wolfit Avenue. On this basis, vehicular traffic generated by the development itself will not have a significant impact on existing on street parking problems or other traffic problems and would comply with Spatial Policy 7.

I have considered the issue of cars currently using the garage court needing to be parked elsewhere, potentially on the highway. Parking on Wolfit Avenue is not restricted by any Traffic Regulation Order. Even if the garages and hard surfacing were retained there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street.

I note that the Highway Authority have suggested that the parking spaces should be allocated per flat to avoid disputes. I consider this would be reasonable and would also allow for control by condition that the respective resident (or their landlord) is responsible for maintenance of the space. I also consider it reasonable to attach the other conditions suggested by the Highway Authority.

On balance, given on-site parking is being provided for the development and the continued use of the site for garage courts cannot be controlled, I am satisfied that the proposal will not result in such a significant change in circumstances so as to warrant a refusal of consent in this instance.

Affordable Housing

I note the comments of Strategic Housing which include evidence on the need for this type of accommodation in the area.

The proposal does not require the provision of affordable housing as it does not meet the thresholds outlined in national and local policies. However, the Design and Access statement deposited with the application states that the dwellings will initially remain in the ownership of

the District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing. I consider that this would be of benefit in terms of providing additional affordable housing stock within the District. Given that usually a development of this size would not necessitate an affordable housing contribution and that the principle of residential development in this location is acceptable, I do not consider that any conditions or Legal Agreements are required to secure affordable housing on the site in perpetuity.

Ecology

I note the comments received from Natural England with regards to consideration of biodiversity and landscape enhancements. At the time of writing this report the comments of Nottinghamshire Wildlife Trust are still awaited however the ecological survey undertaken indicates no evidence of bats in the current garages but that inspection by a qualified ecologist on the morning of demolition is recommended. The submitted details also refer to nesting boxes and bat roosting boxes within the development as well as native and locally appropriate species in the landscaping scheme. I am mindful of the comments of Nottinghamshire Wildlife Trust on similar applications submitted by Newark and Sherwood Homes and consider the suggested condition on these similar developments requiring a bat activity survey to be undertaken would be appropriate in this instance. A condition requiring details of the nesting/bat roosting boxes to be incorporated would also meet the aims of Core Policy 12 and the guidance within the NPPF which requires that Local Authorities explore opportunities to incorporate biodiversity in and around developments.

Subject to the suggested conditions, I consider that the proposal accords with the aims of Core Policy 12, Policy DM7 and the guidance within the NPPF.

Other Matters

With regards to the comments made by Network Rail, I attach the standard drainage condition requiring details to be submitted in respect of surface water and foul sewage. Network Rail can be consulted on any details submitted.

A note drawing attention to the full comments of Network rail can be attached to any consent to cover safety requirements during construction and security of the mutual boundary. Any future encroachment after completion of the development would be a private legal matter although again attention can be drawn to Network Rail's comments through the informative note attached.

A condition can be attached requiring precise details of the boundary treatments to be submitted and approved to include details of the heavy duty fence proposed to the boundary with Network Rail land. A condition can also be attached requiring details of any earthworks on land adjacent to this boundary as well as a condition requiring details of any vibro-impact machinery.

With regards to Network Rail's comments in respect of details of buildings to be demolished and those to be erected, I note that the nearest buildings to be erected are a minimum of 6.0m from the boundary and those to be demolished further still. I therefore do not anticipate that any encroachment or danger to the safe operation of the railway should arise although reference to consideration of this aspect can again be made in an informative note drawing attention to Network Rail's comments.

The informative note can also draw attention to Network Rail's comments regarding appropriate landscaping adjacent to the shared boundary and that those comments should inform details submitted to discharge the landscaping condition attached.

The devaluation of properties is not a material consideration in the determination of planning applications. The Human Rights Act is legislation which is controlled separately outside the Planning system.

In terms of potential for flooding, I note that the development will remove the existing impermeable surface and will include areas of permeable soft landscaping. A condition can also be attached to any consent requiring drainage details for the site.

I also consider it would be reasonable to attach the condition suggested by the Environmental Health Officer in respect of any topsoil imported to the site.

With regards to the relocation of the lamp post, I note the comments of the Highway Authority and the agent has provided a revised layout plan which indicates the lamp post will be relocated in consultation with the Highway Authority.

Network rail have raised no concerns with regards to emergency access to the railway.

Conclusion

On balance taking the above considerations into account I would recommend that planning permission be granted.

Recommendation

Approve, subject to the following conditions

Conditions

01

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

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

02

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

- Proposed Block Plan – drawing no. 1826/2/P01B
- Proposed Site Plan – drawing no. 1826/2/PO4G
- Proposed Floor Plans – drawing no. 1826/2/P05E
- Proposed Elevations – drawing no. 1826/2/P06B

- Proposed Streetscene - drawing no. 1826/2/P07B

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] 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
- Cladding
- 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. This shall include details of the heavy duty fence to be installed to the rear boundary adjacent to Network Rail land. The approved scheme shall be implemented prior to the occupation of the proposed flats 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

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.

07

No part of the development hereby permitted shall be occupied until all parking spaces shown on Drawing no.1826/2/PO4G are surfaced in a hard bound material and clearly delineated with spaces allocated 1no. per flat. The parking spaces shall thereafter be clearly delineated, allocated 1no. space per flat and maintained in such hard bound for the life of the development and retained for the parking of vehicles at all times.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to ensure appropriate parking is provided to serve the development in the interests of highway safety.

08

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing(s) 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.

09

No part of the development hereby permitted shall be occupied until the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the spaces to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

10

Prior to placement at the site, details of any topsoil imported should be confirmed as 'clean and inert' with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policy CP9.

011

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

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

012

No development shall be commenced until a bat activity survey has been carried out and the results, together with any appropriate mitigation strategy and timetable for implementation has been submitted to and been approved in writing by the Local Planning Authority. Any required mitigation shall be implemented in accordance with the approved strategy and implementation timetable.

Reason: In order to afford bats that may be utilising the site adequate protection and in line with the recommendations of the Nottinghamshire Wildlife Trust.

013

Prior to commencement of works, full details of excavations and earthworks to be carried out or temporary compounds to be erected near the railway undertaker's boundary fence as well as details of any vibro-impact machinery to be used during construction should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in interference with the integrity of Network Rail's property and structures.

014

The windows serving the side elevation of the south east facing elevation of the building hereby approved shall be shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

015

Before development is commenced precise details of nesting boxes and bat roosting boxes to be incorporated into the development shall be submitted to and approved by the Local Planning Authority. Once approved the nesting and bat roosting boxes shall be provided before the development is first occupied.

Reason: In order to enhance biodiversity on the site in accordance with the aims of Core Policy 12 and the guidance at Paragraph 118 of the National Planning Policy Framework (2012).

016

Before development is commenced precise details of the sealed double glazed units and wall mounted acoustic adjustable ventilators to be installed to the rear elevation of the proposed flats shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the glazed units and ventilators shall be installed in accordance with the approved details before the flats are first occupied.

Reason: In the interests of ensuring a suitable level of amenity is provided for occupiers of the proposed development in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD 2013.

Informatives

01

The development makes it necessary to construct / alter a vehicular crossing(s) 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 the County Council's danielle.deakin@nottscc.gov.uk tel.0115 99 32609 to arrange for these works to be carried out.

02

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

The proposed development has been assessed and it is the Council's understanding that CIL may not be 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 Council's website.

03

Your attention is drawn to the attached comments of Network Rail dated 2nd March 2015 which should be used to inform details submitted to discharge conditions relating to landscaping and drainage of the site. You are also advised to give particular regard to the advice given in respect to safety during construction, security of the mutual boundary and any encroachment of the boundary during and post construction.

04

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

BACKGROUND PAPERS

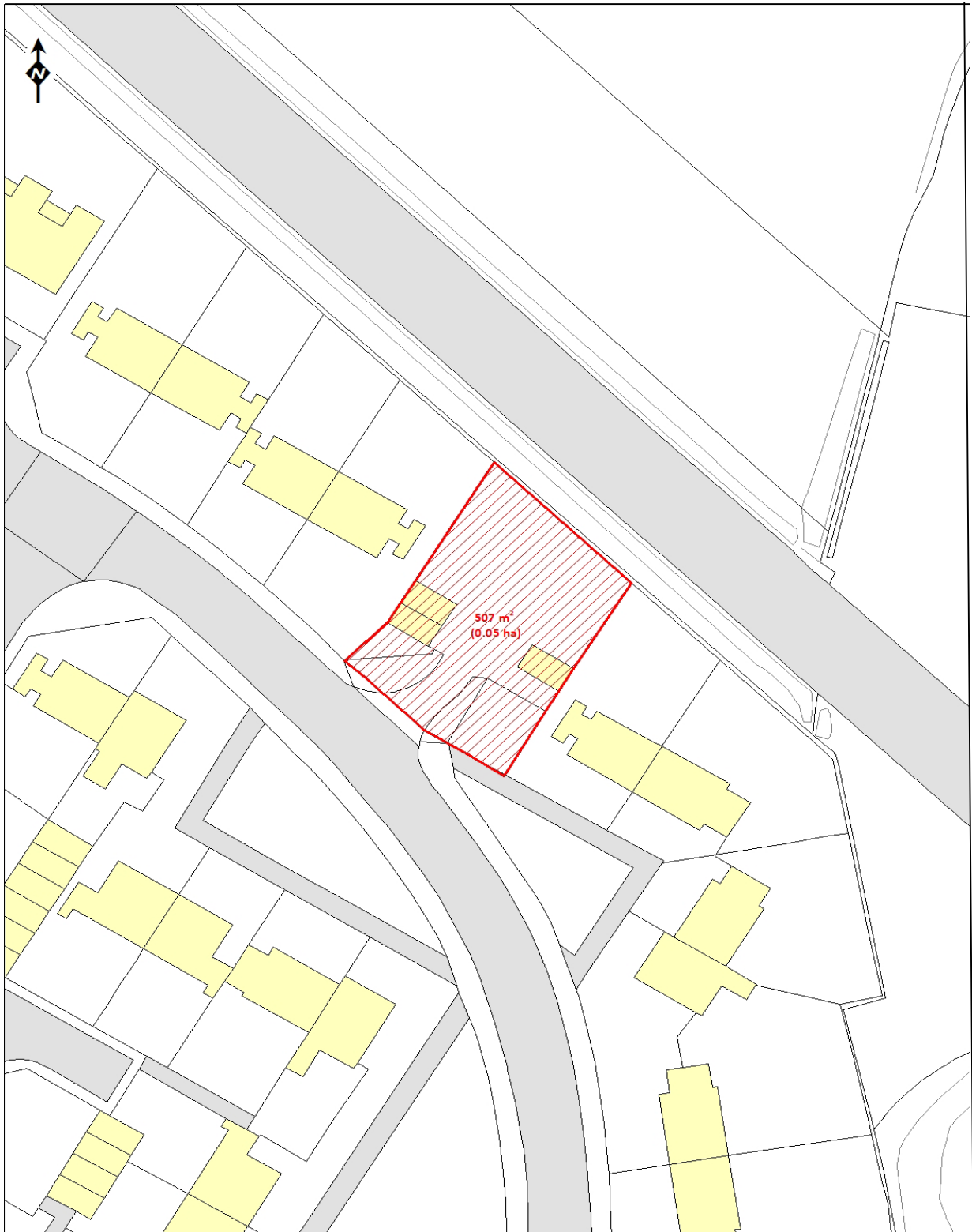
Application case file.
Housing Market and Needs Assessment 2014

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00180/FUL



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Application No:	15/00209/FUL		
Proposal:	4 No. two bedroom and 2 No. one bedroom flats with associated external works.		
Location:	Garages At Coronation Street, Balderton		
Applicant:	Newark and Sherwood Homes		
Registered:	09.02.2015	Target Date:	06.04.2015

This application was deferred by the Planning Committee on 25th March 2015 in order for the Case Officer to request additional information from the applicant with regards to current occupancy details of the garage court. Given the timescales for meeting the agenda deadline for the subsequent Planning Committee, this information will be provided on the late items sheet.

This application is presented to the Planning Committee for determination in line with the Council's Constitution as the Council has an interest in the development in that it owns the land in question. The Parish Council's objection also necessitates the application to be determined by the Planning Committee.

The Site

The application site relates to an existing garage court on Coronation Street, Balderton. The site is adjoined by two-storey residential properties at no.2 and no.8 Coronation Street. To the rear the site is adjoined by gardens serving a bungalow at no.2 Laburnam Close and two storey terraced properties on London Road. The neighbouring properties on Coronation Street each have a window facing the application site at first floor level. The site is situated within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD.

Relevant Planning History

There is no relevant planning history for the site.

15/00260/FUL - A separate planning application for redevelopment of another garage site for 2no. one bedroomed flats on Grove View Road is currently being considered by the Council. The site is situated almost opposite, to the north east, of the garage court subject to this planning application. This application is likely to be presented to the Planning Committee for determination in due course.

The Proposal

Full planning permission is sought to demolish the garages on site and erect 4no. two bedroomed and 2no. one bedroomed flats with associated car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

The flats would be accommodated within a rectangular building with maximum dimensions of 22.3m width x 9.7m depth. The building would be split in to three sections with a flat at ground floor and a flat at first floor with a porch serving each section. The one bed roomed flats would be situated within the central section with two bed roomed flats in the section either side. The building would have a gable sided roof with maximum heights of 5.45m to the eaves and 8.55m to the ridge.

The car parking spaces serving the flats would front the pavement on Coronation Street and 6no. spaces are proposed in total meaning a ratio of 1 space per flat.

The remaining space to the front and rear of the building would be soft landscaped with paths to the perimeter of the building. Space for bins is shown adjacent to the eastern and western boundaries of the site. 1.8m close boarded fencing is proposed to all boundaries.

A Design and Access Statement, topographical survey, Ecological Survey, Gas Monitoring Report and Geotechnical and Geo-Environmental Investigation report have also been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of 25 neighbouring properties have been individually notified by letter.

Earliest decision date 10.03.2015

Planning Policy Framework

The Development Plan

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

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

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

- | | |
|---------------|---|
| • Policy DM1 | Development within Settlements Central to Delivering the Spatial Strategy |
| • Policy DM3 | Developer Contributions |
| • Policy DM5 | Design |
| • Policy DM7 | Biodiversity and Green Infrastructure |
| • Policy DM12 | Presumption in Favour of Sustainable Development |

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- National Planning Policy Framework 2012
- Planning Policy Guidance (on line resource)

Consultations

Balderton Parish Council – Object to the proposals on the following grounds:

- Vehicular parking on Coronation Street is already inadequate and the loss of garages would have an adverse impact on the situation.
- Delivery vehicles already have difficulty accessing the road and the situation will be made worse.
- Users of the garages state that the garages are large enough and are used to house vehicles.
- Vehicles already park on the pavement and block driveways. Pedestrians and pushchair users often have to walk on the road.
- Surface water drainage on Coronation Street is problematic and there are concerns that additional properties will create further run-off.
- The village centre is located at the bottom of Coronation Street and this is a venue for events or when the sports pitches are in use when the car park is very busy and some vehicles are left on Coronation Street further adding to the problem.
- The Parish Council has not objected to similar developments on other sites but feel this location is totally inappropriate.

Nottinghamshire County Council (Highways) – Whilst it is regrettable to lose off-street parking provision, the Highway Authority understands that this is not something that Council can control. (The Highway Authority subsequently clarified that they were referring to the County Council not having control of the existing garage court).

The proposed development provides one space per dwelling, which given the scale of development appears to be sufficient. It is suggested that each space is allocated to a single residential unit to avoid neighbourhood disputes.

The carriageway and footway widths are sufficient to allow the turning of vehicles in/out of the proposed spaces even when parking occurs on the north side of the street.

Therefore, the Highway Authority raises no objections to this application subject to the conditions being attached to any consent requiring all parking spaces are surfaced and maintained in a hard bound material, a dropped vehicular footway crossing(s) being made available and that the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the spaces to the public highway. The Highway Authority has also requested that a note be attached to any consent bring it to the developer's attention that the development makes it necessary to construct / alter a vehicular crossing(s) over at footway of the public highway and that these works shall be constructed to the satisfaction of the Highway Authority.

NSDC (Strategic Housing) – No comments received.

NSDC (Environmental Health) – With reference to the above development, Environmental Health have received a combined Phase I and II Geotechnical & Geo-Environmental Investigation Report submitted by BSP Consulting on behalf of the developer. This includes an environmental screening report, an assessment of offsite contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

Subsequent sampling and analysis reveals some considerable elevated PAH results, particularly in the made ground. The report then goes on to state that this should be remediated by removing the made ground, where less than 0.6 metres is present from garden and landscaping areas and reinstating with clean inert subsoil and topsoil. All Nottinghamshire Local Authorities require the top metre in garden areas to be free from contamination. Any material imported onto site will require approval by Environmental Health for chemical composition prior to placement. Furthermore, no details were submitted on how the remedial measures will be validated. In addition to the above, gas monitoring has been carried out. Whilst the gas screening value is currently calculated as zero, Environmental Health shall await the results from the final two gas monitoring exercises prior to agreeing that no gas protection measures are needed.

Until the above issues are addressed, Environmental Health would recommend the use of the Council's standard phased contamination condition.

NSDC (Access and Equalities Officer) – As part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10.

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

Severn Trent Water Authority – No comments received.

Police Architectural Liaison Officer – No comments received.

Natural England – No comments to make regarding this application.

Nottinghamshire Wildlife Trust – Pleased to see that an ecological survey has been carried out (Curious Ecologists, 2014) which included carrying out a Phase-1 habitat survey and a Code for Sustainable Homes ecology assessment.

The Trust are satisfied with the approach to the survey and the conclusions drawn. It is apparent from the report and from looking at aerial imagery that the site is predominantly comprised of hardstanding with garages and has limited ecological value. As such, the Trust have no objections to the proposals.

The ecological recommendations made within the report should be followed, as set out briefly below (see the ecology report for full details).

- **Birds.** No removal of trees / shrubs or building demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests

and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (as amended).

- **Bats.** Ideally, demolition works should take place over winter following the precautionary approach set out within the ecology report. If demolition works are delayed beyond April 2015, then bat activity surveys should be carried out.

The Trust are supportive of the habitat enhancement recommendations made within the report. In brief, this includes: shrub planting and under-planting with herbs; creation of a herb garden; and erection of bat and bird boxes. The Trust would encourage these measures to be taken up such that the development results in a net gain for biodiversity.

Neighbours/interested parties - Local residents have been notified of the proposals.

15no. written representations have been received objecting to the proposals and raising the following concerns:

Highway issues

- Parking is already at a premium, additional housing will only exacerbate this issue.
- Will existing garage tenants be offered an alternative?
- The dustbin lorry has trouble getting down Coronation Street, and emergency vehicles experience similar problems. More cars will lead to poor parking making this situation worse.
- Double parking from other streets already occurs, where will people park?
- The Garage space is currently used as overspill in addition to parking on Grove View. 6 spaces is not enough provision and there will be further overspill on to Coronation Street.
- Residents from London Road also park on Coronation Street.
- Parking is a particular issue on peak periods at the weekend with activities on the sports fields and the Balderton Village Centre (Community Centre). Parking currently exists in front of the garages but this will be gone.
- Congestion currently causes issues for pedestrians with prams or on scooters due to vehicles parking on the path.
- A resident on London Road has advised they currently use the garages and their closure would mean they would park on London Road causing disruption and maybe a hazard.
- The few people that do have off road parking on Coronation Street may find it impossible to get off their drives due to inconsiderate parking.
- There is a planning application in for flats on Grove View Road with the frontage being on to Coronation Street which will increase parking issues.

Impact on amenity

- The proposals will overlook the front elevation of a neighbouring properties impacting on privacy.
- The proposal will block the sun out.
- Impact on the privacy of houses on Laburnam Close.

Impact on the Character of the Area

- Loss of the open feel of the existing garage area and open views.
- The proposal is not in line with other buildings and will spoil the street view.
- The statement that the proposal will “contribute to the surrounding neighbourhood” is a

matter of opinion without substantial backing of evidence.

Other issues

- With a yearly revenue of around £9000 surely the garages are an asset to the Council.
- The South East Corner of the site is part of 2 Laburnam Close, there has been no purchase of this land from Newark and Sherwood Homes and therefore the proposal cannot go ahead.
- Losing garages will make the cars of those concerned a target for vandals.
- Social Housing will add to anti social behaviour in the area.
- Loss of a garage for existing tenants will result in insurance premiums going up. Will NSDC pay for this or provide a garage elsewhere?
- The letter to residents states comments should relate to “planning matters”. This is contradictory as the Council can make fleeting statements yet a resident’s comments will be overlooked. Matters such as loss of view, decrease in property values should hold value in the decision making process.
- There are alternative sites and areas in Newark and surrounding areas that are derelict and in need of regeneration.
- Noise, traffic and untidiness from the construction.
- The street is in need of repair with potholes and flashflooding. Construction vehicles and machinery are likely to cause further damage.
- Construction vehicles could also cause damage to surrounding property or parked cars.
- If the development is approved collaboration and negotiation with existing residents would be appreciated to ensure road safety, emergency service access and car parking is sustained or improved.
- Flooding will only get worse with additional housing.
- Safety for children during the construction period when the site is not manned.
- Supporting documentation states the proposal will eliminate flytipping yet a local resident cannot recall a single instance of flytipping.

Comments of the Business Manager, Development

Principle of Development

The site is located within the built up area of Balderton and therefore within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, the Newark Urban Area is identified as being the main location for new housing and employment and is considered to be a sustainable location for new development. The principle of development is therefore acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety.

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 of predominantly two storey dwellings and properties on Coronation Street have front elevations aligned with similar setback distances from the public highway. The proposed development would be set back approximately 6.25m from the front elevations of neighbouring dwellings to allow for off-street parking and amenity space to the front of the proposed building. Whilst this would represent a break from the existing building line, I note that the rear elevation of the proposed building would sit on a similar alignment to the properties at nos.2 and 8 Coronation Street and the design of the building with gable sided roof and similar height to these neighbouring dwellings would also help to assimilate the proposal into the street scene. A condition requiring precise details of materials will also ensure that the final appearance of the building does not detract from the character of the area.

Overall, I am satisfied that the design of the proposal is acceptable and will sit well within the context of the adjoining dwellings and the wider residential setting. The proposal therefore complies with the aims of Core Policy 9 and Policy DM5.

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 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.

Given the design and layout of adjoining properties at nos. 2 and 8, the position of the proposal in respect to main habitable windows and amenity space on these neighbouring properties I am satisfied that the development would not result in any significant overbearing, overshadowing (loss of light) or overlooking impacts. The first floor side windows on these properties facing the application site are not main habitable windows and in any case are aligned close to the front elevation of the proposed building which will reduce any impact on these windows.

I note the proposed amenity space to the rear of the proposed building is a maximum of 8.231m. In considering whether the depth of this rear amenity space would allow for a suitable relationship with properties to the rear on London Road and 2 Laburnam Close, I am mindful of the distance and acute angle between windows serving the proposal and main windows on the rear elevations serving these neighbouring. I also note the considerable length of gardens serving properties on London Road. I am satisfied that given the position of the dwelling at no.2 Laburnam Close set away from the boundary with the application site, the orientation and distance from the immediate amenity space to the rear of this property is sufficient to ensure any impact on amenity is not so undue so as to warrant a reason for refusal in this instance.

I note the comments received relating to properties opposite the site being overlooked. I am mindful that the front elevations of properties are already in the public realm and the road on Coronation Street sits between the application site. The proposed building is also set back into the site meaning a separation distance of 22.0m between elevations which I am satisfied is acceptable and that there would be no significant overlooking impact.

Taking these considerations into account I am satisfied that on balance the proposed development will not unduly impact on neighbouring amenity and therefore meets the aims of Policy DM5.

Highway Issues

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, no materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received during the consultation in respect of the potential impact on on-street parking and the problems already experienced in the area from local residents and the Parish Council. I note that the proposal is for 4no. two bedroomed flats and 2no. one bedroomed flats and the level of off-street parking proposed is considered appropriate by the Highway Authority and would therefore comply with Policy DM5. The Highway Authority have also raised no concerns with regards to vehicular access issues on Coronation Street. On this basis, vehicular traffic generated by the development itself will not have a significant impact on existing on street parking problems or other traffic problems and would comply with Spatial Policy 7.

I have considered the issue of cars currently using the garage court needing to be parked elsewhere, potentially on the highway, and the loss of on street spaces to the front of the garage court. I have also clarified with the Highway Authority the point about parking on the Highway being out of the control of the Council. The Highway Authority have confirmed that this was in reference to the County Council as the garage court is not in their ownership and could be closed at any time without their permission. Similarly the garage court is outside of the control of the Local Planning Authority albeit it is acknowledged that the land is owned by the District Council. The road is also outside the application site and is therefore not in the control of the applicant. Parking on Coronation Street is not restricted by any Traffic Regulation Order. Even if the garages were retained, local residents are not under an obligation to use them and therefore there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Whilst some on street parking spaces would be lost to the front of the garage court, in the context of on street parking in the immediate area this would represent a small proportion of on street parking available.

I note that the Highway Authority have suggested that the parking spaces should be allocated per flat to avoid disputes. I consider this would be reasonable and would also allow for control by condition that the respective resident (or their landlord) is responsible for maintenance of the space. In the event that a resident does not own a car, there is the possibility that a space would be left underutilised, however given the availability of parking in the area highlighted in this report it is likely that a 'deal' between residents would soon be arranged. I also consider it reasonable to attach the other conditions suggested by the Highway Authority.

On balance, given on-site parking is being provided for the development and the continued use of the site for garage courts cannot be controlled, I am satisfied that the proposal will not result in such a significant change in circumstances so as to warrant a refusal of consent in this instance.

Affordable Housing

The proposal does not require the provision of affordable housing as it does not meet the thresholds outlined in national and local policies. However, the Design and Access statement deposited with the application states that the dwellings will initially remain in the ownership of

the District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing. I consider that this would be of benefit in terms of providing additional affordable housing stock within the District. Given that usually a development of this size would not necessitate an affordable housing contribution and that the principle of residential development in this location is acceptable, I do not consider that any conditions or Legal Agreements are required to secure affordable housing on the site in perpetuity.

Ecology

The Nottinghamshire Wildlife trust have raised no objections to the proposal. I note the comments in respect of bird nests and potential for bats on the site. There are presently no trees or shrubs on the site and therefore the only habitat potential would be within the garages. Upon external inspection, the garages appear to offer limited opportunity for bird nesting and bat roosts and this is confirmed in the supporting Ecology Survey. I am mindful that nesting birds and bats are protected by separate legislation and whilst it appears unlikely that any nesting birds or bat roosts will be found during demolition, I consider it would be reasonable to attach a note to applicant to make the applicant aware of their advice. As the development is likely to progress after April 2015, I consider that a condition to require a bat activity survey will be necessary in line with NWT advice.

Subject to a condition and the note to applicant, I consider that the proposal accords with the aims of Core Policy 12 and Policy DM7 which seek to ensure proposals conserve and enhance the biodiversity of the District.

Other Matters

I note the comments raised with regards to the loss of the garages on the site, potential for alternative accommodation and that those renting the garages were not consulted on this. As part of the planning application letters have been sent to those properties adjoining and facing the site and a number of other properties. NSDC are the owners of the site and the applicant (NASH) has served notice on the Council. These provisions are in line with the statutory requirements for the consideration of the planning application. Consultation between the Council and garage tenants with regards to alternative accommodation is a separate matter and not a requirement for consideration under the planning application.

With regards to the reference to the separate planning application on Grove View Road, this application will need to be considered on its own merits and will be reported to a future meeting of the Planning Committee. However, without prejudice to the recommendation on this separate application, I am mindful that that application relates to 2no. one bedroomed flats with dedicated off street parking for two vehicles.

Issues such as loss of view and devaluation of properties are not a material consideration in the determination of planning applications. Any impact on insurance premiums is a private matter for those concerned.

I note the comment querying statements in the supporting information relating to the proposals suitability for the area. To clarify, these are comments made by the applicant and not those of the Council. The Officer recommendation on the proposal's acceptability are outlined in this report.

With regards to the concern raised that part of the site was not within the Council's ownership and therefore the development could not be built as proposed, I have sought clarification on this point and my legal colleagues have confirmed the application site as proposed falls within the same ownership.

Potential for vandalism and anti-social behaviour are a Police matter and am I satisfied that the design and layout of the proposal would not in itself result in the potential for an increase in crime levels.

The site is located in the Newark Urban Area where the principle for residential development is acceptable subject to the considerations set out in this report. There is therefore no policy requirement for the applicant to consider alternative sites.

Management of the construction site including site safety, noise and untidiness are controlled by separate Environmental Health and Building Control legislation.

In terms of potential for flooding, I note the site is not in the flood zone nor a critical drainage area declared by the Environment Agency. The development will also remove the existing impermeable surface and will include areas of permeable soft landscaping. A condition can also be attached to any consent requiring drainage details for the site.

Given the existing use of the site and bearing in mind the comments of the Environmental Health Officer, I also consider it would be reasonable to attach the standard condition to address any contamination on the site.

Conclusion

On balance taking the above considerations into account I would recommend that planning permission be granted.

Recommendation

Approve, subject to the following conditions

Conditions

01

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

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

02

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

- Proposed Block Plan – drawing no. 1826/5/P01
- Proposed Site Plan – drawing no. 1826/5/PO4E

- Proposed Floor Plans – drawing no. 1826/5/P05C
- Proposed Elevations – drawing no. 1826/5/P06
- Proposed Streetscene - drawing no. 1826/1/P07

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] 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
- Cladding
- 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 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.

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

No part of the development hereby permitted shall be occupied until all parking spaces shown on Drawing no.1826/5/PO4E are surfaced in a hard bound material and clearly delineated with spaces allocated 1no. per flat. The parking spaces shall thereafter be clearly delineated, allocated 1no. space per flat and maintained in such hard bound for the life of the development and retained for the parking of vehicles at all times.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to ensure appropriate parking is provided to serve the development in the interests of highway safety.

08

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing(s) 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.

09

No part of the development hereby permitted shall be occupied until the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the spaces to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

10

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until

Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Contamination

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

011

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

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

012

No development shall be commenced until a bat activity survey has been carried out and the results, together with any appropriate mitigation strategy and timetable for implementation has been submitted to and been approved in writing by the Local Planning Authority. Any required mitigation shall be implemented in accordance with the approved strategy and implementation timetable.

Reason: In order to afford bats that may be utilising the site adequate protection and in line with the recommendations of the Nottinghamshire Wildlife Trust.

Informatives

01

The development makes it necessary to construct / alter a vehicular crossing(s) 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 the County Council's danielle.deakin@nottsc.gov.uk tel.0115 99 32609 to arrange for these works to be carried out.

02

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

The proposed development has been assessed and it is the Council's understanding that CIL may not be 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 Council's website.

03

Your attention is drawn to the attached comments of Nottinghamshire Wildlife Trust dated 18th February 2015.

04

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).

BACKGROUND PAPERS

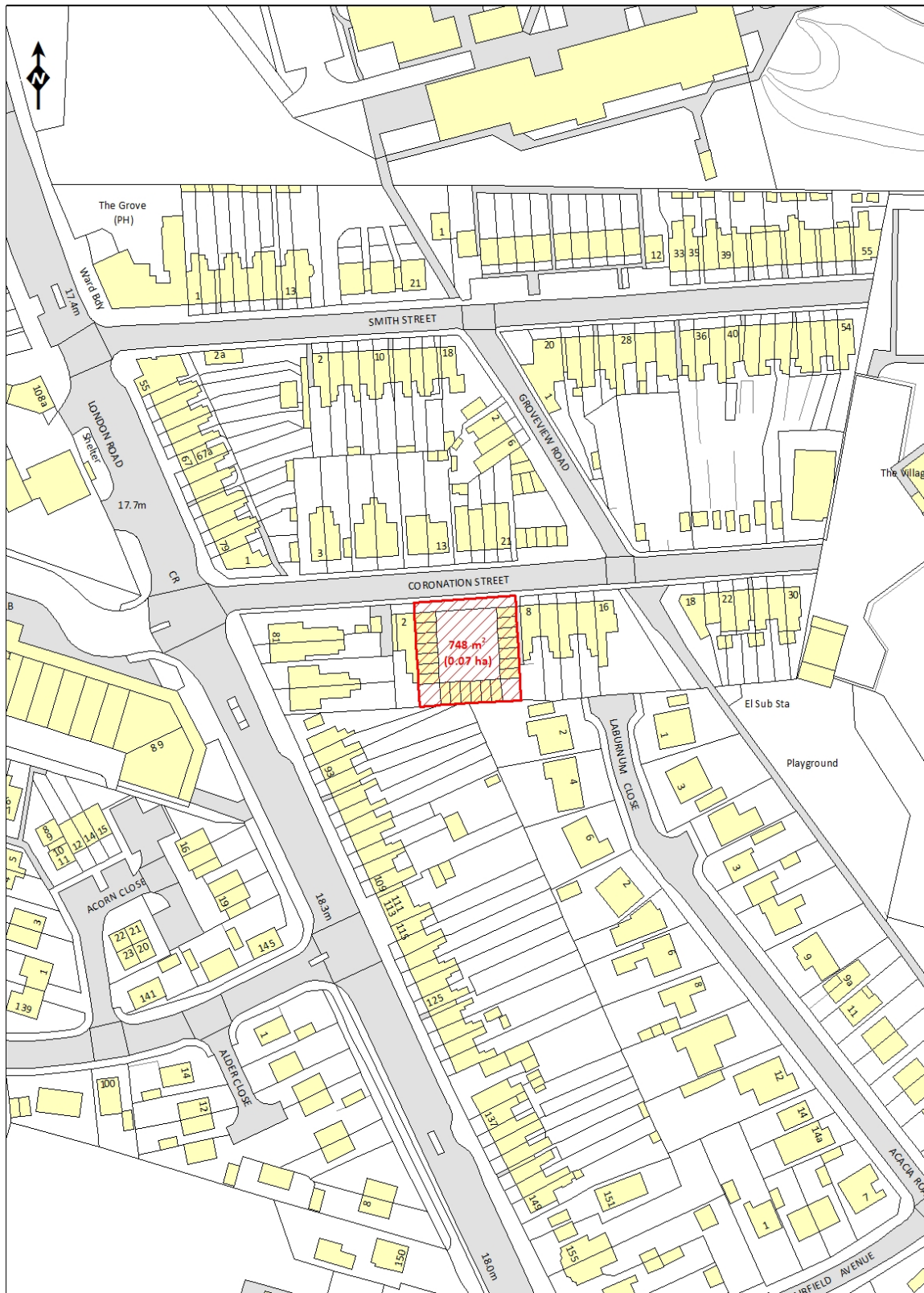
Application case file.
Housing Market and Needs Assessment 2014

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00209/FUL



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Application No:	15/00260/FUL	
Proposal:	Two no. 1 bed flats and associated external works	
Location:	Land at Grove View Road Balderton Nottinghamshire NG24 3BB	
Applicant:	Newark and Sherwood Homes	
Registered:	17 February 2015	Target Date: 14 April 2015

This application is presented to the Planning Committee for determination in line with the Council’s Constitution as the Council has an interest in the development in that it owns the land in question. The Parish Council’s objection also necessitates the application to be determined by the Planning Committee.

The Site

This application relates to an existing garage forecourt located on the northern side of Coronation Street at its junction with Grove View Road within a residential area of Balderton. The site is currently occupied by 9 no. garages of varying states of repair, some of which are still in use, with hardstanding to the forecourt. The land is bounded to the side boundary with no. 21 Grove View Road by 1.8m high close boarded fencing and brick wall.

The immediately adjoining dwellings, no. 21 Coronation Street and no. 6 Grove View Road are end of terrace 2 storey dwellings. No. 21 Coronation Street to the west has a two storey rear flat roof extension. There are ground and first floor windows and a door to its side gable wall facing the application site. To the north, no. 6 Grove View Road is set at an angle to and has a blank gable wall facing the application site.

The site is situated within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD.

Relevant Planning History

There is no relevant planning history at this site.

A separate application for the redevelopment of a nearby site on Coronation Road, almost opposite to the application site, which seeks permission for the erection of 2 no. one bedroom flats with associated car parking was presented to Planning Committee on the 25th March 2015– 15/00209/FUL.

The Proposal

The proposal is for the erection of 2 no. 1 bedroom flats with associated parking and external works which will be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

The building has maximum dimensions of 10.6m width and 7m depth. It has a pitched roof with a maximum height of 8m. The entrances to each of the flats has a canopy over the threshold and are positioned to the rear of the building facing the vehicular access to the site and the parking spaces.

3 no. off street parking spaces will be provided to the rear of the building accessed from Grove View Road.

Land to the front sides and rear of the building will be soft landscaped with paths to the parking spaces and shared access drive, providing each flat with garden space and space for bins. 1m high railings are proposed to the Coronation Street and Grove View Road frontages with soft planting immediately behind. 2 no. trees are also shown to the front corners of the site. The garden areas will be divided by 1m high timber hit which will also separate the plots from the access drive and parking area. 1.8m high close boarded fencing is proposed to the boundary with no. 21 Coronation Street.

A Design and Access Statement, topographical survey, Ecological Survey, Gas Monitoring Report and Geotechnical and Geo-Environmental Investigation report and the development enquiry comments from Severn Trent Water have also been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of 16 properties have been individually notified by letter and a site notice has been posted.

Planning Policy Framework

The Development Plan

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

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

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

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

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- National Planning Policy Framework 2012
- Planning Policy Guidance (on line resource)

Consultations

Balderton Parish Council – Object to the proposal on the following grounds:-

- Vehicular parking on Coronation Street is already inadequate and the loss of garages would have an adverse impact on the situation.
- Users of the garages state that the garages are used to house vehicles and are adequately large for modern vehicles
- When the village centre on Coronation Street is being used vehicles park on the roads in the vicinity creating further problems
- A public house located at the corner of London Road and Smith Street creates further parking issues when customers park on the roadside;
- London Road residents and visitors to Lakeside shopping centre also park on these roads;
- The Parish Council has not objected to similar applications of Wolfit Avenue but feels that the location in this instance is totally inappropriate.

NCC Highways Authority – Whilst it is regrettable to lose off-street parking provision, it is understood that this is not something that the Highway Authority can control. The proposed development provides one space per dwelling, plus a visitor space, which given the scale of development appears to be sufficient. It is suggested that one space is allocated to a single residential unit to avoid neighbourhood disputes.

The proposal will require works within the public highway to reinstate redundant vehicle crossings and make a new one. During construction, the position of the new access may need slight alteration to avoid the CTV junction box falling within the works associated with the new crossing and account of this should be taken.

Therefore, the Highway Authority raises no objections to this application subject to conditions being attached to any consent requiring that prior to occupation all parking spaces are surfaced and maintained in a hard bound material, the access is constructed with the provision to prevent unregulated discharge of surface water onto the public highway and no part of the development is brought into use until the existing site accesses that have been made redundant are permanently closed and the access crossings reinstated as footway in accordance with details to be approved.

The Highway Authority has also requested that a note be attached to any consent bring it to the developer's attention that the development makes it necessary to construct / alter a vehicular

crossing(s) over at footway of the public highway and that these works shall be constructed to the satisfaction of the Highway Authority.

NSDC Environmental Health Contaminated Land – It is noted that a combined Phase I and II Geotechnical & Geo-Environmental Investigation Report submitted by BSP Consulting on behalf of the developer. This includes an environmental screening report, an assessment of offsite contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Subsequent sampling and analysis reveals some considerable elevated PAH results, and the presence of asbestos within the made ground. The report then goes on to state that this should be remediated by removing the made ground, from garden and landscaping areas and reinstating with clean inert subsoil and topsoil. All Nottinghamshire Local Authorities require the top metre in garden areas to be free from contamination. Any material imported onto site will require approval by Environmental Health for chemical composition prior to placement.

Furthermore, no details were submitted on how the remedial measures will be validated. In addition to the above, gas monitoring has been carried out. Whilst the gas screening value is currently calculated as zero, I shall await the results from the final two gas monitoring exercises prior to agreeing that no gas protection measures are needed. Until the above issues are addressed, the use of our standard phased contamination condition is therefore recommended.

Nottinghamshire Wildlife Trust – The Ecological Assessment is welcomed and no objections are raised to the principle of development provided that the following conditions are attached to any decision should permission be granted:-

Clearance and demolition works should be undertaken outside of the bird breeding season. If this is unavoidable, then a suitably qualified ecologist will need to be on site to survey for nesting birds, with a copy of the survey undertaken at the site to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development at the site.

Demolition works should be undertaken in winter (November to March inclusive), as the buildings were considered to have no potential for hibernating bats. However if any bats are found during demolition works, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. It is advised that failure to comply with this under wildlife legislation.

NSDC Access and Equalities - As part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10. It is recommended that the developer make separate enquiry regarding Building Regulations.

Notts Ramblers – No objections are raised.

Severn Trent Water Authority – No comments received at the time of writing this report

NSDC Strategic Housing - The District Council supports the proposed development of 2 flats at Grove View Road, Balderton and provides the following evidence regarding housing need in the area:-

The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Balderton is part of the Newark sub area (1) and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 266 flats, the highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for the highest level of need. 234 households require 1 bedroom and 458 require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Balderton: 1,123 households preferred Balderton for their future location preference. This is highest level of demand after Newark
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need Council therefore considers that in developing new affordable housing will deliver council priorities in terms of housing needs there is a breadth of evidence to support

The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.

Representations have been received from 3 local residents/interested parties (2 of which are from the same respondent who has requested that comment raised in regard to application 15/00209/FUL relating to the redevelopment of a garage court of Coronation Street which was due to be considered at planning committee on the 25th March 2105) which can be summarised as follows:

- Loss of off street parking – the area is characterised by high density housing none of which was designed to have off street parking provision. There are a variety of occupiers of properties in the area. Each house averages 2 no. cars and it is already a problem to park on the public highway. The garages on the site have helped alleviate on street parking issues. The plans show 1 parking space per property which does not benefit local residents and is therefore detrimental by virtue of the resulting additional on street parking levels which will exacerbate existing highway conditions and result in highway and pedestrian safety issues and disturbance and annoyance to existing residents;
- There will be a cumulative impact as a result of the application for residential development on the garage court on Coronation Street (application 15/00209/FUL);
- The existing side boundary wall with the neighbouring property is in poor condition and the removal of the garages could cause further damage and create a risk. If the wall is retained then it would be out of keeping with the new development;
- The proposed mix of boundary treatments would result in a lack of security and raise safety issues for future occupiers of the new flats and existing residents;

- There is a trellised vision gap to the side boundary wall of the site. Should this be removed or become damaged during construction this would result in loss of privacy and raise security and safety issues;
- Asbestos has been detected on the site. Its removal from the site would mean that it may become present in the air, putting residents at risk. Should the contaminated land be disturbed this would also raise health and safety issues for local residents.
- The statement that the proposal will “contribute to the surrounding neighbourhood” is a matter of opinion without substantial backing of evidence.
- The letter to residents states comments should relate to “planning matters”. This is contradictory as the Council can make fleeting statements yet a resident’s comments will be overlooked. Matters such as loss of view, decrease in property values should hold value in the decision making process.
- Supporting documentation states the proposal will eliminate fly tipping yet a local resident cannot recall a single instance of fly tipping.
- It is suggested in the application that people on housing waiting lists would prefer to live in Balderton. It seems unfair that these areas are pinpointed because of this preference when the preferences of local residents are being overlooked. There are a number of sites within Newark and the surrounding area in need of regeneration;
- Matters of devaluation of property, loss of view and overshadowing should be of value in determining applications;
- There will be noise, traffic and untidiness during contraction which will case nuisance;
- The street is in need of repair with potholes and flash flooding. Construction vehicles and machinery are likely to cause further damage.
- Additional housing will exacerbate existing street flooding problems;
- If the development is approved collaboration and negotiation with existing residents would be appreciated to ensure residential amenity, road safety, emergency service access and car parking is sustained or improved.

Comments of the Business Manager

Principle of Development

The site is located within the built up area of Balderton and therefore within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, the Newark Urban Area is identified as being the main location for new housing and employment and is considered to be a sustainable location for new development. The principle of development is therefore acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety.

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 of predominantly two storey dwellings and the properties along Coronation Street and Grove View Road have similar eaves and ridge heights to the proposed building. The layout of the development has also been designed such that the building is aligned with the front elevations of the immediately adjacent terrace of dwellings on Coronation Street and has similar set back from the public highway to existing properties on both Coronation Street and Grove View Road.

A condition requiring precise details of materials will also ensure that the final appearance of the building does not detract from the character of the area.

I note the comments received with regards to the different nature of the proposed boundary treatments and the impact on the character of the area. I am satisfied that the open design of the railings would allow views into the site and the areas of soft landscaping which would soften the appearance of the development within the streetscene. Furthermore I consider that the proposed boundary treatments between no. 21 Coronation Street and the application site would not have such a significant visual impact to adversely affect the character and appearance of the area to justify refusal on these grounds.

Taking these factors into account I am of the view that 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 the aims of Core Policy 9 and Policy DM5.

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 the comments raised with regards to the existing boundary treatments between the application site and no. 21 Coronation Street.

Given the design and layout of adjoining properties at no. 21 Coronation Street and no. 6 Grove View Road, the position of the proposal in respect to main habitable windows and the amenity space on these neighbouring properties I am satisfied that the development would not result in any significant overbearing, overshadowing (loss of light) or overlooking impacts.

I am mindful that there are ground and first floor side windows to no. 21 Coronation Street facing the application site. Taking account of the existing and proposed boundary treatments, the separation between the two properties, the nature of the rooms served by these windows and that the first floor window is secondary, together with the alignment of the two dwellings I do not consider that the impact of the proposal would be such to justify refusal on these grounds.

Similarly I am satisfied that the distance between the proposed flats and the property to the northwest (no. 6 Grove View Road) is sufficient to ensure any impact on amenity is not so undue so as to warrant a reason for refusal in this instance.

Taking these considerations into account I am satisfied that on balance the proposed development will not unduly impact on neighbouring amenity and therefore meets the aims of Policy DM5.

Highway Issues

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received during the consultation in respect of the potential impact on on-street parking and the problems already experienced in the area from local residents and the Parish Council. The proposal is for 2 no. 1 bedroom flats with 3 no. off street parking spaces provided which is considered appropriate by the Highway Authority and would therefore comply with Policy DM5. The Highway Authority has also raised no concerns with regards to the proposed development. On this basis, vehicular traffic generated by the development itself will not have a significant impact on existing on street parking problems or other traffic problems and would comply with Spatial Policy 7.

I have taken into consideration that the loss of the garages and forecourt to enable the proposed development may lead to cars currently using the garages being parked elsewhere, potentially on the highway. However I am mindful that parking on the public highway would not be within the control of the District Council nor the Highway Authority. Furthermore I am also mindful that the leases for the garages could be revoked and garage court could be closed at any time without the permission of the District or County Council. Even should the garages be retained, there is not a guarantee that local residents would be obliged to use them.

The Highway Authority has raised no objections to the proposed scheme subject to the attachment, should permission be granted, to pre-occupation conditions. I consider it reasonable that such conditions be attached to an approval.

Taking the above into account given that on-site parking is to be provided to serve the development and the continued use of the garages cannot be controlled, I am satisfied that, on balance, the proposal would not result in such a significant change of highway circumstances to justify refusal on these grounds.

Affordable Housing

Paragraph 50 of the NPPF identifies that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community and should identify the size, type, tenure and range of housing required in particular locations to reflect local demand. CP3 of the Core Strategy reflects this advice stating, inter alia, that the 'District Council will seek to secure new housing development which adequately addresses the housing need for the District, namely, smaller houses of 2 bedrooms or less .

The proposal does not require the provision of affordable housing as it does not meet the thresholds outlined in national and local policies. However, the Design and Access statement deposited with the application states that the dwellings will initially remain in the ownership of the District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing.

I note the comments received from Strategic Housing with regards to the housing need identified in the 2014 Housing Needs Assessment and consider that the proposal would make a small yet positive and valuable contribution towards the housing sectors which have the highest need and demand. Given that usually a development of this size would not necessitate an affordable housing contribution and that the principle of residential development in this location is acceptable, I do not consider that any conditions or Legal Agreements are required to secure affordable housing on the site in perpetuity.

Ecology

The Nottinghamshire Wildlife Trust has raised no objections to the proposal. I note the comments in respect of bird nests and potential for bats on the site. There are presently no trees or shrubs on the site and therefore the only habitat potential would be within the garages. Upon external inspection, the garages appear to offer limited opportunity for bird nesting and bat roosts and this is confirmed in the supporting Ecology Survey. I am mindful that nesting birds and bats are protected by separate legislation and whilst it appears unlikely that any nesting birds or bat roost will be found during demolition, I consider it would be reasonable to attach a precautionary condition, as suggested, to require that should demolition or clearance take place within the bird breeding season, that an ecologist be present on-site to conduct a careful check and that if any bats are found during demolition works, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. It is advised that failure to comply with this under wildlife legislation.

This is in accordance with the recommendations of the ecology report and the aims of Core Policy 12 and Policy DM7 which seek to ensure proposals conserve and enhance the biodiversity of the District.

Other Matters

With regards to the reference to the separate planning application on Coronation Street, this application will need to be considered on its own merits and will be reported to a meeting of the

Planning Committee. However, without prejudice to the recommendation on this separate application, I am mindful that that application to which this report relates proposes 2no. one bedroom flats with dedicated off street parking for three vehicles.

Issues such as loss of view and devaluation of properties are not a material consideration and as such would carry very limited weight in the determination of planning applications. However, issues of overshadowing are material planning matters and form part of the considerations in relation to impact on amenity.

I note the comment querying statements in the supporting information relating to the proposals suitability for the area. To clarify, these are comments made by the applicant and not those of the Council. The Officer recommendations on the proposal's acceptability are outlined in this report.

Management of the construction site including site safety, noise and untidiness are controlled by separate Environmental Health and Building Control legislation.

I also note the comments received with regards to security and safety. The proposed boundary treatments will allow views into and out of the application site and the access drive and parking areas to the rear would be well surveilled from the windows to the rear elevation of the proposed flats. I am therefore of the view that this level of surveillance is greater than currently exists and as such would help to discourage anti-social behavior in this locality.

Concerns raised with regards to potential damage to property not in the ownership of the applicant would be a private matter to be resolved between the interested parties. Similarly the request for negotiations should permission be granted would be a private matter between the applicant and neighbouring residents.

With regards to issues of flooding, I note the applicant has been in discussions with Severn Trent Water prior to the submission of the application that subsequently Severn Trent Water has not raised any comments following consultation on the application at the time of writing this report. I am also mindful that the application site does not fall within a designated flood zone. Furthermore the development would remove existing impermeable surfaces and will include permeable areas of soft landscaping. Notwithstanding this I am of the view that it would be reasonable to attach a condition, should permission be granted, requiring the submission and written approval of any revisions to the drainage details for the disposal of surface water and foul sewage to that shown on the drainage layout plan deposited with this application (drg. no. 14358-2-240).

Given the existing use of the site and bearing in mind the comments of the Environmental Health Officer, I also consider it would be reasonable to attach the standard condition to address any contamination on the site.

Conclusion

On balance taking the above considerations into account I would recommend that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Proposed Block Plan - drawing no. 1826/6/P01BProposed
- Site Plan - drawing no. 1826/6/P04C
- Proposed Floor Plans - drawing no. 1826/6/P05A
- Proposed Elevations - drawing no. 1826/6/P06A
- Proposed Streetscene - drawing no. 1826/6/P07B
- Drainage Layout Plan - drawing no. 14358-2-240

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] 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

The approved boundary treatments as shown on the Proposed Site Plan - drawing no. 1826/6/P04C shall be implemented prior to the occupation of each of the dwellings it is intended to serve and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority 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; and
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

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.

07

No part of the development hereby permitted shall be occupied until the vehicle access is surfaced in a hard bound material and thereafter 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 occupied until a dropped vehicular footway crossing(s) 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.

09

No part of the development hereby permitted shall be occupied until all parking spaces shown on Drawing no.1826/6/P04C are surfaced in a hard bound material and clearly delineated with spaces allocated 1no. per flat. The parking spaces shall thereafter be clearly delineated, allocated 1no.

space per flat and maintained in such hard bound for the life of the development and retained for the parking of vehicles at all times.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to ensure appropriate parking is provided to serve the development

010

No part of the development hereby permitted shall be occupied until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details 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 dangers to road users.

011

No part of the development hereby permitted shall be brought into use until the existing site accesses that have been made redundant as a consequence of this consent are permanently closed and the access crossings reinstated as footway 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 and to protect the structural integrity of the highway

012

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

Part A: Site Contamination

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines
 - and pipes,
 - adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policy CP9.

013

Any revisions to the drainage plans for the disposal of surface water and foul sewage (drawing no. 14358-2-240) shall be submitted to and approved in writing 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.

Note to Applicant

01

The development makes it necessary to construct / alter a vehicular crossing(s) 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 the County Council's danielle.deakin@nottsc.gov.uk tel.0115 99 32609 to arrange for these works to be carried out.

02

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

The proposed development has been assessed and it is the Council's understanding that CIL may not be 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 Council's website.

03

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).

BACKGROUND PAPERS

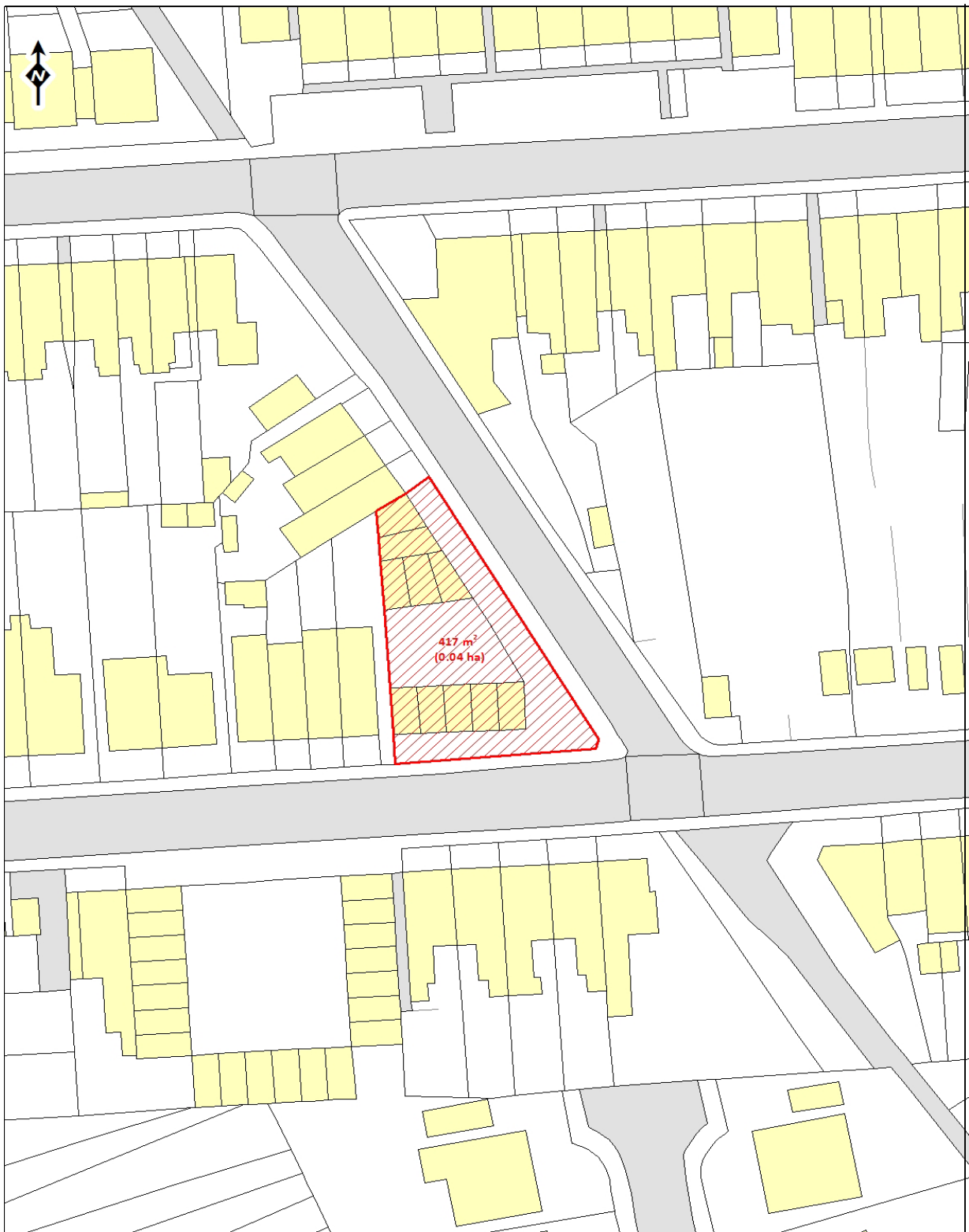
Application case file.
Housing Market and Needs Assessment 2014

For further information, please contact Bev Pearson on 01636 655840.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00260/FUL



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Application No:	15/00069/FUL		
Proposal:	6 No. one bedroom flats with associated car parking and external works.		
Location:	Land At Second Avenue, Edwinstowe		
Applicant:	Newark and Sherwood Homes		
Registered:	03.02.2015	Target Date:	31.03.2015

This application is presented to the Planning Committee for determination in line with the Council’s Constitution as the Council has an interest in the development in that it owns the land in question.

Description of Site and Surrounding Area

The application site relates to an existing garage court on Second Avenue, Edwinstowe. The site is adjoined by two-storey residential properties at no.43 and no.49 Second Avenue and two storey dwellings also exist to the rear of the site on Fourth Avenue. The neighbouring properties on Second Avenue have windows facing the application site at ground and first floor level. The site currently affords vehicular access to the rear of neighbouring properties on Second Avenue and Fourth Avenue. The site is situated within the village boundary of Edwinstowe as identified in the Core Strategy.

Description of Proposal

Full planning permission is sought to demolish the garages on site and erect 6no. one bedroomed flats with associated car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

Revised plans have been submitted to address issues raised by the Highway Authority in respect of access and vehicle manoeuvring and by the case officer relating to the relationship with neighbouring properties. The revised plans propose the following.

The flats would be accommodated within a rectangular building with maximum dimensions of 17.0m width x 10.0m depth. The building would be split in to three sections with a flat at ground floor and a flat at first floor with a porch serving each section. The building would have a gable sided roof with maximum heights of 4.9m to the eaves and 8.25m to the ridge.

A shared private drive is proposed adjacent to the western boundary of the site with no.49 Second Avenue. 6no. parking spaces are shown facing the rear boundary with space for 3no. further spaces reserved to form part of the parking provision for the separate planning application ref.15/00358/FUL for 4no. flats on land to the south west of the site.

The remaining space to the front and rear of the building would be soft landscaped with paths to the front, east and south of the building. Space for bins is also reserved within the rear shared amenity space as well as a bin collection point close to the front of the site. 1.8m close boarded

fencing is proposed to all boundaries as well as retention of the existing brick wall to the boundary with no.43 Second Avenue.

Relevant Planning History

There is no relevant planning history for the site. A separate planning application is currently being considered for 4no. one bedroomed flats on land abutting and to the south west of the application site (planning ref.15/00358)

Departure/Public Advertisement Procedure

Occupiers of 18 neighbouring properties have been individually notified by letter.

Earliest decision date 27.03.2015

Planning Policy Framework

The Development Plan

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

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

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

- | | |
|---------------|---|
| • Policy DM1 | Development within Settlements Central to Delivering the Spatial Strategy |
| • Policy DM3 | Developer Contributions |
| • Policy DM5 | Design |
| • Policy DM7 | Biodiversity and Green Infrastructure |
| • Policy DM12 | Presumption in Favour of Sustainable Development |

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- National Planning Policy Framework 2012
- Planning Policy Guidance (on line resource)

Consultations

Edwinstowe Parish Council – Make the following comments in support of points that have been raised by residents:

- The planning application gives the impression that the garages are not fit for purpose. This is not the case as residents are currently using them. NSDC has sent the residents notice of rent rises for the garages for next year.
- Residents have reported that there are bats in the area. They say that during testing/investigations no one asked the residents to open their garages to check for bats.
- Concerns about parking. Some residents use their garages to park their cars. If the garages are demolished they will need to find alternative parking space and the occupiers of the new flats may own cars and will also need car parking space. Residents are concerned the garages may contain Asbestos and that this doesn't appear to have been addressed.

NSDC (Strategic Housing) – Supports the proposed development of 6 no one bedroom flats with associated external works at Second Avenue, Edwinstowe, Mansfield, Notts and provides the following evidence regarding housing need in the area:-

The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Edwinstowe is part of the Sherwood Sub area and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 197 semi-detached houses, the highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for the highest level of need. 136 households require 1 bedroom and 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Edwinstowe: 668 households currently living in the Sherwood area preferred Edwinstowe for their future location preference. This is highest level of demand in the sub area.
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need Council therefore considers that in developing new affordable housing will deliver council priorities in terms of housing needs there is a breadth of evidence to support this.

NSDC (Environmental Health) – With reference to the above development, I have received a combined Phase I and II Geotechnical & Geo-Environmental Investigation Report submitted by BSP Consulting on behalf of the developer. This includes an environmental screening report, an assessment of offsite contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Subsequent sampling and analysis reveals some considerable elevated PAH results, particularly in the made ground. The report then goes on to state that this should be remediated by removing the made ground, where less than 0.6 metres is present from garden and landscaping areas and reinstating with clean inert subsoil and topsoil. All Nottinghamshire Local Authorities require the top metre in garden areas to be free from contamination. Any material imported onto site will require approval by Environmental Health for

chemical composition prior to placement. Furthermore, no details were submitted on how the remedial measures will be validated. Until the above issues are addressed, I would recommend the use of our standard phased contamination condition.

NSDC (Access and Equalities Officer) – As part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10.

External pedestrian pathways should be carefully considered and designed to accepted standards to ensure that they provide suitable access to and around the development. Any danger to pedestrians, particularly children, elderly or visual impaired people, being required to walk along roadways or vehicular access routes should be avoided by providing a traffic free network of separated pavements and footpaths throughout of adequate width together with tactile warnings and dropped kerbs at road crossing points as appropriate and be linked to the existing pedestrian pavement network.

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

Nottinghamshire County Council (Highways) – Originally commented that the submission could not be supported as the shared private drive was not wide enough to allow easy manoeuvring in/out of the car park spaces associated with this site and the 3 spaces associated with the adjacent development, that there was no vehicular turning facility within the site and that inadequate consideration had been given to the existing gated accesses to the rear gardens on the south eastern and south western boundaries of the site in terms of manoeuvring.

Following the receipt of revised plans the Highway Authority the issues pointed out in their original response have now been addressed and they noted that a wheelie bin collection area had been included within the site.

As such, there are no highway objections subject to conditions being attached to any consent requiring the access to the site being designed to have a minimum width of 4.8m for a minimum distance of 5m from the back edge of footway prior to the development being first brought into use and that the parking/turning areas are provided in accordance with the approved plan.

Severn Trent Water Authority – No comments received.

Police Architectural Liaison Officer – No comments received.

Natural England – Raise no objection in respect of the relationship with statutory nature conservation sites. This application is in close proximity to the Birklands & Bilhaugh and Birklands West & Ollerton Corner Sites of Special Scientific Interest (SSSI). These SSSI form part of the Birklands & Bilhaugh Special Area of Conservation (SAC). If the proposal is undertaken in strict accordance with the details submitted, it is not likely to have a significant effect on the interest features for which Birklands and Bilhaugh SAC has been classified. Therefore NSDC is not required to undertake an appropriate assessment to assess the implications of this proposal on the site's conservation objectives. In addition Natural England is satisfied that the proposed development as submitted will not damage or destroy the interest features for which the Birklands and Bilhaugh

and Birklands West & Ollerton Corner SSSI have been notified. These SSSI's do not therefore represent a constraint in determining this application.

Natural England have not assessed this application for impacts on protected species and their standing advice should be applied.

Natural England also request that regard be given to any local sites (e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)) and whether there are any opportunities for biodiversity and landscape enhancements. Natural England has also published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs) which can be used to consider whether a proposed development is likely to affect a SSSI.

Nottinghamshire Wildlife Trust – Pleased to see that an ecological survey has been carried out (Curious Ecologists, 2014) which included carrying out a Phase-1 habitat survey and a Code for Sustainable Homes ecology assessment.

The Trust are satisfied with the approach to the survey and the conclusions drawn. It is apparent from the report and from looking at aerial imagery that the site is predominantly comprised of hardstanding with garages and has limited ecological value. As such, the Trust have no objections to the proposals.

The ecological recommendations made within the report should be followed, as set out briefly below (see the ecology report for full details).

- **Birds.** No removal of trees / shrubs or building demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (as amended).
- **Bats.** Ideally, demolition works should take place over winter following the precautionary approach set out within the ecology report. If demolition works are delayed beyond April 2015, then bat activity surveys should be carried out.

The Trust are supportive of the habitat enhancement recommendations made within the report. In brief, this includes: shrub planting and under-planting with herbs; creation of a herb garden; and erection of bat and bird boxes. The Trust would encourage these measures to be taken up such that the development results in a net gain for biodiversity.

Neighbours/interested parties - Local residents have been notified of the proposals.

Four written representations have been received raising the following concerns:

Highway issues

- Parking problems already exist on Second Avenue. Some residents rent garages on the application site. The removal of garages will exacerbate the existing situation.
- Those renting the garages were not notified. When were they going to be told?
- Insufficient consideration has been given to the additional need for vehicle parking. Around

12 spaces could be required for the proposed flats in addition to those vehicles currently utilising the garages.

- The street is very narrow. The parking of additional vehicles on Second Avenue will cause major problems, and will restrict or possibly prevent access to many properties by the Emergency Services, in particular the Fire and Rescue Service, and EMAS.
- 7 of the garages are presently in use.
- The proposals on this site could result in up to 20 more cars (2 per household) .
- Construction traffic will add to the problems.

Impact of construction

- Concern that large lorries and equipment will pass close to existing houses.
- Dust and noise levels.
- Will there be a structural examination of the roadway and foundations?

Inaccuracies in the application

- Under drainage, the application forms state that Newark and Sherwood Homes own the sewer at no.43 Second Avenue. This is not the case.
- Plan no.1826/4/PO4C does not show that the boundary wall and wooden gates to no.43 Second Avenue is owned by no.43 and therefore the proposed boundary fence is on land owned by no.43.

Other issues

- Potential for damage to neighbouring properties, will a survey be carried out prior to planning permission?

Appraisal

Principle of Development

The site is located within the village envelope of Edwinstowe which is identified within the Core Strategy as a principal village under Spatial Policy 1. The village is considered to be a sustainable location for new housing. The principle of development is therefore acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety.

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 residential area of predominantly two storey dwellings and properties on Second Avenue have front elevations aligned with similar setback distances from the public highway. The revised plans show the principle elevation of the building to be closely aligned with the front elevation of no.49 Second Avenue.

I am also satisfied that the design of the proposed flats is acceptable and would sit well within the context of the adjoining dwellings and the wider residential setting. The ridge height of the building would sit at a similar level to no.43 Second Avenue and would be gabled reflecting the design of no.49 Second Avenue.

The proposal incorporates soft landscaping to the front and rear and I consider this will further aid the appearance of the scheme into the street scene.

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 streetscene or the wider area.

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 state 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 original plans submitted included a significant projection of approximately 7.5m past the rear elevation of the neighbouring dwelling at no.43 Second Avenue. Revised plans have been submitted reducing this projection to approximately 6.0m. A gap between the side elevation of the proposed building and the side of no.43 of approximately 3.0m would also be provided and I note the windows serving the rear elevation of no.43 span a fairly large proportion of the rear elevation of this neighbouring property. The windows to the side elevation of this property are small or secondary windows including the first floor window most closely aligned with the proposal which is a landing window. I am satisfied that on balance the alterations made to the proposal will ensure that there are no unacceptable overbearing or overshadowing (loss of light) impacts on this neighbouring dwelling or its private amenity space.

A first floor side elevation window serving a hallway is proposed facing no.43 and this would be roughly aligned with the rear elevation of this neighbouring property. I consider it would be reasonable to attach a condition requiring the window to be obscure glazed and non opening up to a height of 1.7m from internal floor level.

I am satisfied that the proposal will not result in any undue overbearing or overshadowing impact on no.49 Second Avenue given the alignment of the proposal and distance to the boundary with this neighbour. I note no.49 has existing clear ground and first floor windows facing the site and therefore consider it would also be reasonable to condition windows facing this neighbouring property as per the same restrictions as the other side elevation of the proposal.

Taking these considerations into account I am satisfied that on balance 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 the proposal would comply with Policy DM5.

Highway Issues

I am mindful of the comments received during consultation in respect of the potential impact on on-street parking and the problems already experienced in the area. I note that the proposal is for

6no. one bedroomed flats and 6no. off street parking spaces are provided with a shared private drive and turning area.

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, no materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received during the consultation in respect of the potential impact on on-street parking and highway safety. I note that the proposal is for 6no. one bedroomed flats and the level of off-street parking proposed is considered appropriate by the Highway Authority and would therefore comply with Policy DM5. The Highway Authority have also raised no concerns with regards to vehicular access issues on Second Avenue. On this basis, vehicular traffic generated by the development itself will not have a significant impact on existing on-street parking problems or other traffic problems and would comply with Spatial Policy 7.

I have considered the issue of cars currently using the garage court needing to be parked elsewhere, potentially on the highway. There is nothing in planning terms to compel a landowner to retain parking spaces. Furthermore parking on Second Avenue is not restricted by any Traffic Regulation Order. Even if the garages and hard surfacing were retained residents are not obliged to use it and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street.

I am mindful on similar applications currently under consideration, the Highway Authority have suggested that the parking spaces should be allocated per flat to avoid disputes. I consider this would be reasonable and would also allow for control by condition that the respective resident (or their landlord) is responsible for maintenance of the space. I also consider it reasonable to attach conditions similar to those suggested by the Highway Authority. In particular the condition requiring the access width to be 4.8m for the first 5.0m is reasonable given the submitted plan shows this width to be 4.3m and the additional 0.5m could be accommodated without any significant impact on the landscaping proposals.

On balance, given on-site parking is being provided for the development and the continued use of the site for garage courts cannot be controlled, I am satisfied that the proposal will not result in such a significant change in circumstances so as to warrant a refusal of consent in this instance.

Affordable Housing

I note the comments of Strategic Housing which include evidence on the need for this type of accommodation in the area.

The proposal does not require the provision of affordable housing as it does not meet the thresholds outlined in national and local policies. However, the Design and Access statement deposited with the application states that the dwellings will initially remain in the ownership of the District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing. I consider that this would be of benefit in terms of providing additional affordable housing stock within the District. Given that usually a development of this size would not necessitate an

affordable housing contribution and that the principle of residential development in this location is acceptable, I do not consider that any conditions or Legal Agreements are required to secure affordable housing on the site in perpetuity.

Ecology

I note that Nottinghamshire Wildlife Trust raise no objections. Having visited the site, I am aware that there are no trees or shrubs on the application site and therefore I consider it unlikely that nesting birds will be impacted on and do not propose to attach a condition in this respect. With regards to any demolition works on the garages being delayed beyond April 2015, given this application will be determined after this date and prior to any demolition taking place, I consider it reasonable to attach a condition requiring bat activity surveys should be carried out.

I note the comments received from Natural England with regards to consideration of biodiversity and landscape enhancements. The submitted details refer to nesting boxes and bat roosting boxes within the development as well as native and locally appropriate species in the landscaping scheme. A condition requiring details of the nesting/bat roosting boxes to be incorporated would meet the aims of Core Policy 12 and the guidance within the NPPF which requires that Local Authorities explore opportunities to incorporate biodiversity in and around developments.

Subject to the suggested conditions, I consider that the proposal accords with the aims of Core Policy 12, Policy DM7 and the guidance within the NPPF.

Other Matters

I note the comments raised with regards to the loss of the garages on the site and that those renting the garages were not consulted on this. As part of the planning application letters have been sent to those properties adjoining and facing the site and a number of other properties. NSDC are the owners of the site and the applicant (NASH) has served notice on the Council. These provisions are in line with the statutory requirements for the consideration of the planning application. Consultation between the Council and garage tenants with regards to alternative accommodation is a separate matter and not a requirement for consideration under the planning application.

With regards to drainage, ownership of sewers within neighbouring properties are a private legal matter, however, I note the Design and Access Statement submitted clarifies that in respect of foul water the proposal would be to connect to the existing adopted foul sewer running through the rear of nos. 29-43 Second Avenue.

I note the comment received with regards to the boundary of no.43 Second Avenue. The precise location and ownership of the boundary is a private legal matter. I am satisfied that the type of boundary treatment proposed is acceptable and reflects the residential character of the area. I also note that existing access to gates serving no.43 Second Avenue and properties on Fourth Avenue is shown to be retained on the submitted layout.

Given the existing use of the site and bearing in mind the comments of the Environmental Health Officer, I also consider it would be reasonable to attach the standard condition to address any contamination on the site.

With regards to the impact on neighbouring amenity from construction vehicles, noise and dust,

any excessive levels of disturbance to existing residents would be controlled under separate Environmental Health legislation. Any damage to neighbouring properties would be a private legal matter and any damage to the road would be a matter for the Highway Authority.

With regards to the possibility of asbestos being present in the garages to be demolished, the safe removal of any asbestos is controlled under separate Environmental Health legislation.

Recommendation

Approve, subject to the following conditions

Conditions

01

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

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

02

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

- Proposed Block Plan – drawing no. 1826/4/P01C
- Proposed Site Plan – drawing no. 1826/4/PO4F
- Proposed Floor Plans – drawing no. 1826/4/P05D
- Proposed Elevations – drawing no. 1826/4/P06B
- Proposed Streetscene - drawing no. 1826/4/P07B

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] 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

- Cladding
- 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 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.

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; and hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

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.

07

No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 4.8m for a minimum distance of 5m from the back

edge of footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway.

08

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with drawing no.1826/4/PO4F. The parking spaces shall be clearly delineated with spaces allocated 1no. per flat. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles and the parking spaces shall be clearly delineated and allocated 1no. space per flat thereafter.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

09

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.

010

No development shall be commenced until a bat activity survey has been carried out and the results, together with any appropriate mitigation strategy and timetable for implementation has been submitted to and been approved in writing by the Local Planning Authority. Any required mitigation shall be implemented in accordance with the approved strategy and implementation timetable.

Reason: In order to afford bats that may be utilising the site adequate protection and in line with the recommendations of the Nottinghamshire Wildlife Trust.

011

The windows serving the side elevations of the building facing no.43 or 49 Second Avenue shall be shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

012

Before development is commenced precise details of nesting boxes and bat roosting boxes to be incorporated into the development shall be submitted to and approved by the Local Planning Authority. Once approved the nesting and bat roosting boxes shall be provided before the development is first occupied.

Reason: In order to enhance biodiversity on the site in accordance with the aims of Core Policy 12 and the guidance at Paragraph 118 of the National Planning Policy Framework (2012).

013

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

Part A: Site Contamination

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

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

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

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure

that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policy CP9.

Informatives

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not be 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 Council's 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).

BACKGROUND PAPERS

Application case file.
Housing Market and Needs Assessment 2014

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00069/FUL



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

Member Update

You will recall that Members resolved to defer its decision regarding this application for three months at the Planning Committee held on the 3rd February 2015. Three months was initially allowed on the basis that the residents who have applied for planning permission would unlikely to be prejudiced by a delay and in order to allow the Parish Council and the Clipstone Allotment Association to progress with their own investigations regarding land ownership.

The applicants have requested that this issue is re-presented to the Planning Committee as a matter of urgency on the basis that land ownership is not a material planning consideration and therefore any delay in determination is unjustified.

As the applicants have made it clear that they are not willing to agree to a deferral of a decision on the matter, in agreement with the Deputy Chief Executive it has been decided to refer the matter back to Planning Committee and that it be made clear to Members that any decision must be made solely on planning grounds.

The report that follows is as it was presented to the February Planning Committee.

The Site

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

Relevant Site History

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

The Proposal

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

Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Core Policy 9: Sustainable Design
Core Policy 12: Biodiversity and Green Infrastructure

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

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

Other Material Planning Considerations

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

Consultations

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

Clipstone Parish Council – Object to the proposal as they regard this land to belong to the Allotment Association. The home owners knew what land they had brought when they purchased their homes. They wilfully broke down fences to get onto this wildlife habitat, which contain bats

and other small animals. They should not be allowed to keep the land, and should make good any repairs and replace the fencing they destroyed at their cost.

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

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

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

Representations

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

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

Comments of Business Manager, Development

The Principle

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

Impact upon Visual Amenity

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments.

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

The change of use has had a neutral impact with regard to the host properties and surrounding development. The closed panel wooded fencing is similar to the existing so is not out of character. I note the comment regarding the impact of the proposal on a public footpath close to the site. Notts County Council Rights of Way officers have confirmed that Footpath No 16 runs around the edge of the Allotments. Between the footpath and the garden fences there is space accommodating trees and planting that remain. I am therefore satisfied that the change of use and fencing that have been erected would not have a detrimental impact on the amenity of this footpath or its setting.

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

Impact upon Neighbours

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

Ecology

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

Archaeology

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

Other matters

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

RECOMMENDATION

That full planning permission is approved.

BACKGROUND PAPERS

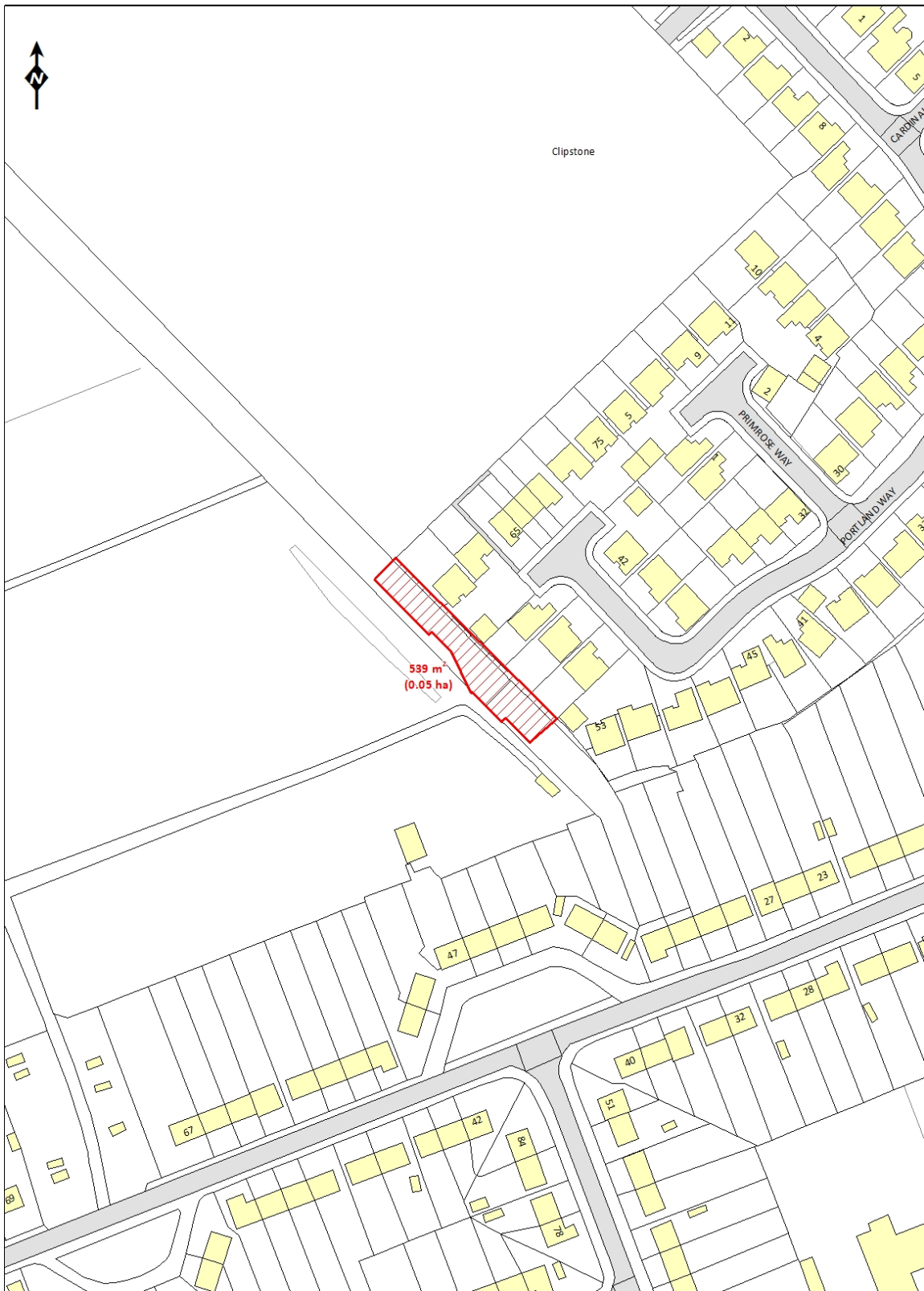
Application case file.

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

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

K Cole
Deputy Chief Executive

Committee Plan - 14/01974/FUL



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PLANNING COMMITTEE – 7 April 2015

AGENDA ITEM NO. 22(a)

APPEALS A

APPEALS LODGED (received between 12 February 2015 – 24 March 2015)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 RECOMMENDATION
That the report be noted.

BACKGROUND PAPERS
Application case files.

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

Matt Lamb
Business Manager Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/D/15/3003151	14/01729/FUL	32 Queen Street Balderton Newark NG24 3NR	Householder application for the erection of two storey side and rear extensions and first floor rear extension	Householder Appeal
APP/B3030/W/15/3003936	14/01071/FUL	1 Nursery Court Newark Nottinghamshire NG24 1NP	Demolition of single garage and erection of detached one bedroom house (Resubmission of 14/00353/FUL)	Written Representation
APP/B3030/W/15/3004029	14/01591/FUL	Northgate Retail Park North Gate Newark On Trent Nottinghamshire	Erection of two adjoining retail units to accommodate Costa Coffee and Subway	Written Representation
APP/B3030/W/15/3003740	14/01921/CPRIOR	Old Hall Farm Greaves Lane Edingley Nottinghamshire NG22 8BJ	Proposed change of use of agricultural barn to residential dwelling	Written Representation

PLANNING COMMITTEE – 7 APRIL 2015

AGENDA ITEM NO.22(b)

APPENDIX B: APPEALS DETERMINED (APPEALS B)

App No.	Address	Proposal	Decision	Decision date
13/01052/FUL	Land North Of Moorhouse Moorhouse Road Nottinghamshire (Grid Ref N475481 E367284)	Proposed erection of 1 no 60m (hub) high. 86.45m (Tip) high wind turbine plus ancillary development	DISMISS	12.02.2015
14/01199/HRN	Park Lane Paddock Park Farm Drive Oxton Nottinghamshire	Removal of Elder Hedge, retaining mature trees to join two arable fields together.	PARTIAL	12.02.2015
14/01114/FUL	Abbey Close May Lodge Drive Rufford Nottinghamshire NG22 9DE	Demolition of existing bungalow and replacement with new dwelling	DISMISS	18.02.2015
14/01843/CPRIOR	Former Poultry Farm Rufford Lane Ollerton Nottinghamshire	Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3)	DISMISS	17.03.2015
14/01916/FUL	40 Byron Gardens Southwell Nottinghamshire NG25 0DW	Householder Application for Ground Floor, First Floor, Side and Rear Extensions	ALLOW	05.03.2015

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Development



The Planning Inspectorate

3/25 Hawk Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5431
Customer Services: 0303 444 5000
Fax No 0117 372 6298
e-mail: environment.appeals@pins.gsi.gov.uk

Matt Lamb
Business Manager - Development
Newark and Sherwood District
Council
Kelham Hall
Kelham
Newark
Notts
NG23 5QX

Your Ref:
Our Ref: APP/HGW/14/383
Date: 12 February 2015

Dear Sir / Madam,

**ENVIRONMENT ACT 1995 - SECTION 97
THE HEDGEROW REGULATIONS 1997**

Please find enclosed a copy of the Inspector's decision letter.

If you have any queries relating to the decision, please send them to:

Quality Assurance Unit
The Planning Inspectorate
Room 1/23 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

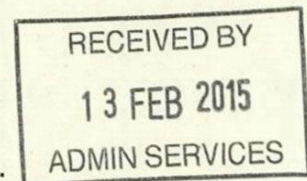
Tel: 0303 444 5781

Or visit:

[http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedba
ck](http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedba
ck)

Yours sincerely

Tim Mather
Environment Appeals Team





Appeal Decision

Site visit made on 29 January 2015

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 12 February 2015

Appeal Ref: APP/HGW/14/383

Land at Park Lane Paddock (Field SR. 6350 6267), Park Farm Drive, Oxton, Southwell, Notts.

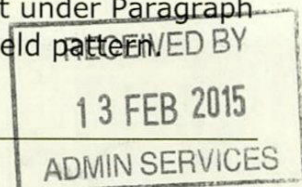
- The appeal is made under The Environment Act 1995, Section 97 and the Hedgerows Regulations 1997, Regulation 9, against a Hedgerow Retention Notice.
- The appeal is made by Mr Richard Cross on behalf of Oxton Farms Trust against Newark and Sherwood District Council.
- The Hedgerow Removal Notice application was made on 4 July 2014.
- The Hedgerow Retention Notice 14/01199/HRN is dated 15 August 2014.
- The criteria given for determining that the hedgerow is important are:
The southern and eastern hedgerows are recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; and the entire hedgerow has the potential to be important in Wildlife and Landscape terms.

Decision

1. The appeal is allowed in part, insofar as it relates to western hedgerow as shown on the plan attached to this decision, and the Hedgerow Retention Notice is quashed in respect of that hedgerow. In respect of the southern and eastern hedgerows, the appeal is dismissed and the Hedgerow Retention Notice is upheld.

Reasons

2. The appeal concerns hedgerows enclosing a small rectangular field, about 0.78ha, alongside the driveway to Park Farm. The field, which was recently acquired by the estate, is laid to pasture. Aside from a piece of woodland by the north-eastern corner, the surrounding land is in cultivation as a single field. The removal of the hedgerows on the eastern, southern and western sides was sought to enable the field to be incorporated into the surrounding cultivated land.
3. Field boundaries corresponding to the eastern and southern hedgerows of the existing field are shown on Sanderson's map of 1835 as part of enclosures which were taken out of a larger area, Nether Field, in strip cultivation. I have been provided with an extract of the map, which is held by the Nottingham Historic Environment Record. I am satisfied that this evidence is sufficient to establish that these hedgerows are an integral part of a field system that pre-dates the Inclosure Acts and are therefore important in accord with Paragraph 5(a) of Schedule 1 Part II. Most of the hedgerows shown on the map are no longer there, so that the historical field pattern is not clearly discernible. However, the courts have held that a hedgerow can be considered important under Paragraph 5(a) regardless of the current completeness of the historical field pattern.

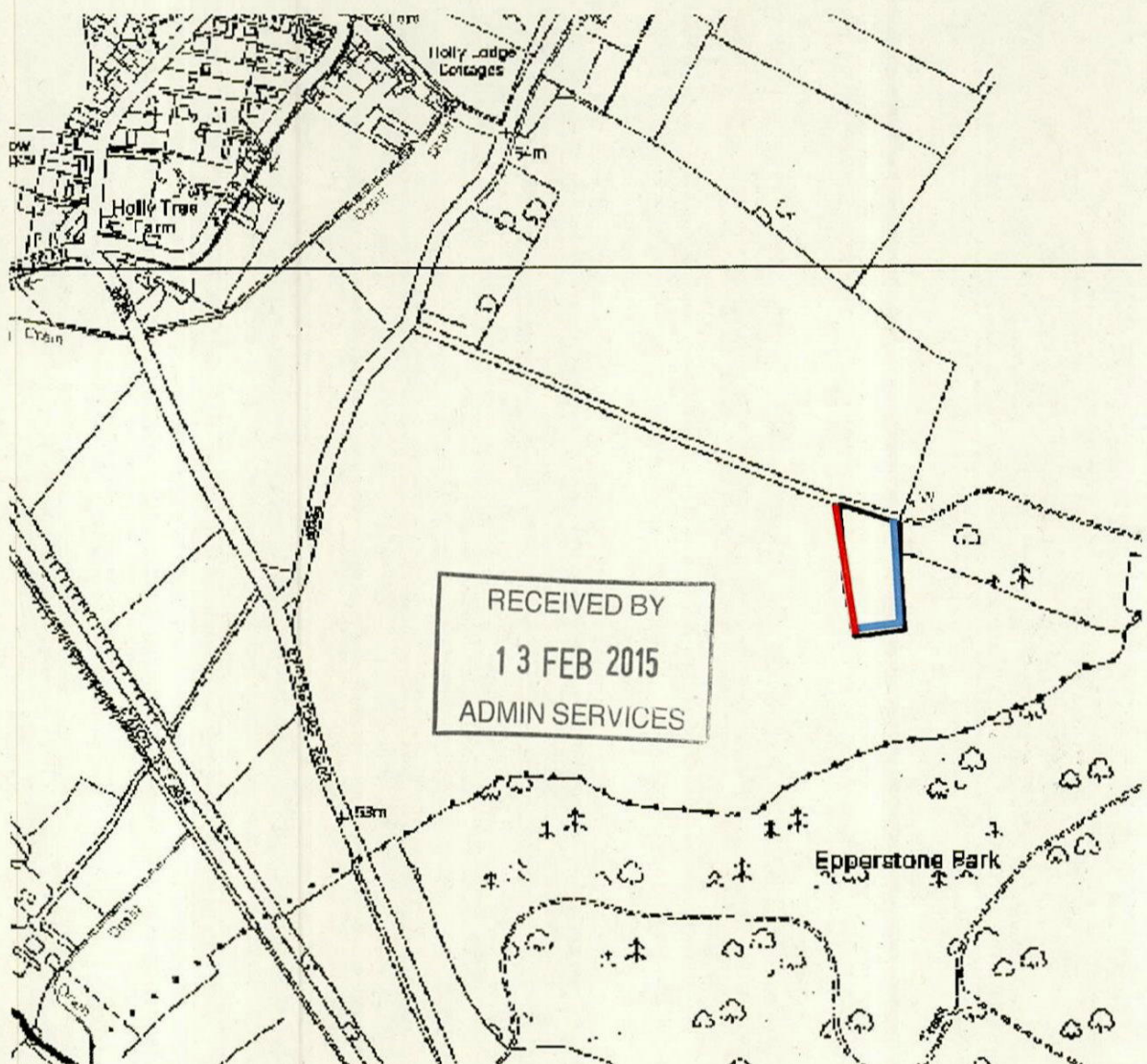


4. The western hedge is not known to be shown on a map that predates the Inclosure Acts, and hence cannot be considered to be important under Paragraph 5(a). However, having consulted the Nottinghamshire Wildlife Trust, the Council considered the hedgerows could be considered to be important in wildlife and landscape terms (Paragraph 6 of Schedule 1 Part II). The justification for this was the proximity of the field to a local wildlife site and the absence of any evidence to the contrary.
5. This approach places an onus on the applicant to provide information on species composition and other characteristics relevant to Paragraph 6. However, the Regulation 5(1)(a) requirement to notify the local planning authority only requires it to be accompanied by a plan and the limited information set out in the form at Schedule 4 to the Regulations, which relates to reasons, hedgerow age and interest in the land. The national guidance in *The Hedgerow Regulations 1997: A Guide to the Law and Good Practice* (the Guide) at paragraph 5.7 makes it clear that the local planning authority (LPA) may not ask for more information than the form in Schedule 4 requires, so as to avoid placing an undue burden on the applicant. Paragraphs 5.8 and 6.13 make it clear that if the hedgerow is covered by the Regulations and the works are not exempt, the LPA should carry out a survey of the hedgerow. This indicates that, having been given the requisite notice in the form specified, it is up to the LPA to establish whether or not a hedgerow is important for the purposes of the Regulations. It seems clear to me that it is not open to the LPA to decide that a hedgerow is important in wildlife and landscape terms without conducting its own survey. Further, the tenor of the Guide is that a determination must be made on the basis of objective information.
6. On this basis I conclude that the LPA was wrong to determine that the western hedgerow was important. Regulation 5(5)(a) states that a local planning authority shall not give a hedgerow retention notice in respect of a hedgerow which is not an important hedgerow. Accordingly the western hedgerow should not have been included in the Hedgerow Retention Notice.
7. The eastern and southern hedgerows are important and there is therefore a presumption in favour of their retention. In this case the reasons given for their removal is to enable the enclosed field to be brought into the larger surrounding field and thus farmed more efficiently. It is noted also that the southern hedge is species poor and that the field as it is is unsuited to stock. It is argued that the 1835 map does not reflect the landscape we see today. However, the Regulations were introduced specifically to provide protection for hedgerows of particular interest, historical in this case, in the face of pressures related to increasing farm efficiency. The circumstances in which their removal might be allowed are likely to be exceptional. I appreciate that the removal of the hedgerow would have advantages in terms of farming practice, but the national guidance states that the impact on a farming business would have to be extremely serious to justify the removal of an important hedgerow. I have not seen any evidence to persuade me that the retention of the two important hedgerows would have consequences for the agricultural business that could be described as extremely serious.
8. Good hedgerow management and environmental stewardship on the estate as a whole are welcome and positive. However, I consider that this would not counterbalance the removal of hedgerows which are important by reason of their archaeological and historic value, regardless of their species composition.

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9. In conclusion, I find that the western hedgerow is not an important hedgerow and does not fall within the scope of the Regulations. The southern and eastern hedgerows are important hedgerows for the purposes of the Regulations and there is insufficient reason to justify their removal. I therefore allow the appeal in part, insofar as it relates to the western hedgerow as shown on the plan attached to this decision, and direct that the Hedgerow Retention Notice be quashed in respect of that hedgerow. In respect of the southern and eastern hedgerows, as shown on the attached plan, the appeal is dismissed and the Retention Notice is upheld.

Paul Dignan
INSPECTOR



Map showing the hedgerows referred to within the decision as the western hedgerow (red) and the southern and eastern hedgerows (blue).



Challenging the Decision in the High Court

Challenging the decision

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

Grounds for challenging the decision

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

Different appeal types

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

Challenges to planning appeal decisions

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.

Challenges to enforcement appeal decisions

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

Important Note - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

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Frequently asked questions

"Who can make a challenge?" – In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land – other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this – see Further Information).

"How much is it likely to cost me?" – An administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees – see 'Further information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" – This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" – You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

"Will a successful challenge reverse the decision?" – Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

"What can I do if my challenge fails?" – The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

Further information about challenging the decision

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: <http://www.justice.gov.uk/about/hmcts/>

Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

Administrative Justice & Tribunals Council

If you have any comments on appeal procedures you can contact the Administrative Justice & Tribunals Council, 81 Chancery Lane, London WC2A 1BQ. Telephone 0207 855 5200; website: <http://www.ajtc.gov.uk/> However, it cannot become involved with the merits of individual appeals or change an appeal decision.

Contacting us

High Court Section
The Planning Inspectorate
1/25 Hawk Wing, Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN
Phone: 0303 444 5645

General Enquiries

Phone: 0303 444 5000
E-mail: enquiries@pins.gsi.gov.uk

Complaints

Complaints & Queries in England

Please refer to our website:
<http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedback>
or write to:

Quality Assurance Unit
The Planning Inspectorate
1/23 Hawk Wing, Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN
Phone: 0303 444 5884

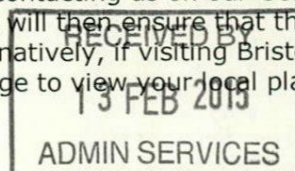
Cardiff Office

The Planning Inspectorate
Room 1-004, Cathays Park
Cardiff CF1 3NQ
Phone: 0292 082 3866
E-mail: Wales@pins.gsi.gov.uk

The Parliamentary & Health Service Ombudsman

Millbank Tower, Millbank
London SW1P 4QP

Helpline: 0345 015 4033
Website: www.ombudsman.org.uk





An Executive Agency in the Department for Communities
& Local Government and the Welsh Assembly Government

Our Complaints Procedures

Introduction

We can:

- review your complaint and identify any areas where our service has not met the high standards we set ourselves.
- correct some minor slips and errors provided we are notified within the relevant High Court challenge period (see below).

We cannot:

- change the Inspector's decision.
- re-open the appeal once the decision has been issued.
- resolve any issues you may have with the local planning authority about the planning system or the implementation of a planning permission; we can only deal with planning appeal decisions.

The **High Court** is the only authority that can require the Inspector's decision to be reconsidered. Applications to the High Court must be made within 6 weeks from the date of the decision letter for planning appeals, and in most instances 28 days for enforcement appeals. Some other specialist casework types have different processes and timescales; information about which can be provided on request.

Complaints

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal.

This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to clarify matters as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-consider an appeal or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

How we investigate complaints

Inspectors have no further planning authority in the case once their decision is issued. It is the role of our Quality Assurance Unit to impartially investigate complaints about decisions, an Inspector's conduct or supporting administrative procedures. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it.

We also realise that your opinions are important and may be strongly-held.

The Quality Assurance Unit works independently of all of our casework teams and Inspectors. It ensures that all complaints are investigated thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

We aim to reply as soon as we can. To assist our investigations we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made.

What we will do if we have made a mistake

Although we aim to give the best service possible, there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector or staff member and line management team concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future.



Taking it further

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary and Health Service Ombudsman, who can investigate complaints of maladministration against Government Departments or Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

Frequently asked questions

"Can the decision be reviewed if a mistake has happened?" – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision or change the decision reached. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

"So what is the point of complaining?" – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

"Why did an appeal succeed when local residents were all against it?" – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds on all of the evidence whether these views justify refusing planning permission.

"What do the terms 'Allowed' and 'Dismissed' mean on the decision?" – 'Allowed' means that Planning Permission has been granted, 'Dismissed' means that it has not. In enforcement appeals (s.174), 'Upheld' means that the Inspector has rejected the grounds of appeal and the enforcement notice must be complied with; 'Quashed' means that the Inspector has agreed with the grounds of appeal and cancelled the enforcement notice.

"How can Inspectors know about local feeling or issues if they don't live in the area?" – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will have visited the site and will be aware of local views from the representations people have made on the appeal.

"I wrote to you with my views, why didn't the Inspector mention this?" – Inspectors must give reasons for their decision and take into account all views submitted but the Courts have judged it is not necessary to list every bit of evidence.

"Why did my appeal fail when similar appeals nearby succeeded?" – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

"I've just lost my appeal, is there anything else I can do to get my permission?" – The appeal decision will highlight what the Inspector found unacceptable about the proposed development. In some cases it may be possible to address these problems, in which case you should talk to your Local Planning Authority's planning officers or take advice from a planning consultant.

"What can I do if someone is ignoring a planning condition?" – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. You should contact the council as it has discretionary powers to take action if a condition is being ignored.

Further information

Our Annual Report and Accounts contains details of our performance. It also includes details of how we have spent the funds the Government gives us for our work. We publish full statistics of the number of cases dealt with during the preceding year on our website, together with other useful information (see 'below')

Contacting us

Complaints & Queries in England

Please refer to our website:
<http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback/>
or write to:

Quality Assurance Unit
The Planning Inspectorate
4/06 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone: 0117 372 8252

General Enquiries

Phone: 0117 372 6372
E-mail: enquiries@pins.gsi.gov.uk

Complaints & Queries in Wales

The Planning Inspectorate
Room 1-004
Cathays Park
Cardiff CF1 3NQ

Phone: 0292 082 3866
E-mail: Wales@pins.gsi.gov.uk

The Parliamentary & Health Service Ombudsman

Millbank Tower, Millbank
London SW1P 4QP

Helpline: 0345 015 4033
Website: www.ombudsman.org.uk
E-mail: phso.enquiries@ombudsman.org.uk

Please see Wales leaflet for information on how to contact the Wales Public Services Ombudsman.





Appeal Decision

Site visit made on 23 February 2015

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2015

Appeal Ref: APP/B3030/D/15/2230070

40 Byron Gardens, Southwell, Nottinghamshire NG25 0DW

- 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 John Walker against the decision of Newark and Sherwood District Council.
 - The application ref: 14/01916/FUL, dated 26 October 2014, was refused by notice dated 9 December 2014.
 - The development proposed is ground floor, first floor, side and rear extensions.
-

Decision

1. The appeal is allowed and planning permission is granted for ground floor, first floor, side and rear extensions at 40 Byron Gardens, Southwell, Nottinghamshire NG25 0DW in accordance with the terms of the application, Ref 14/01916/FUL, dated 26 October 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CC/13/45/02E and CC/13/45.
 - 3) Notwithstanding the submitted details, no development shall be commenced until samples of the bricks, roofing tiles, cladding, render, and window frame materials 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking, re-enacting or modifying that Order), no windows including dormer or velux windows (other than those expressly authorised by this permission) shall be constructed on the north-east and south-west elevations of the extensions hereby permitted.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

3. No. 40 Byron Gardens is a detached bungalow. Whilst there are many other bungalows in this road, there are also two storey properties, including the appeal site's immediate neighbours. The buildings display some variety in terms of their form, siting, layout, and architectural detailing. Although most are finished with brickwork in various colours, there are also examples of elevations part-faced with timber, or other materials. Consequently, there is no prevailing or locally distinct building style. The appellant sums up the buildings' general design as conventional, but individual in their own right. I do not disagree.
4. The proposal would involve significant alterations and extensions to no. 40, resulting in a building whose height would broadly reflect its immediate neighbours. The proposed facing materials would include bricks, render, timber, and zinc cladding. Although some of the proposed materials would broadly reflect others in the area, I did not observe any nearby examples of zinc cladding. Nevertheless, although such a facing material would appear to be unique here, given the range of facing materials in the area, it would not harm the streetscene. Similarly, whilst there are no other nearby examples of curved timber-clad stairwells on the front elevation, given the range of form and detailing on the buildings in Byron Gardens, that feature would not appear incongruous or harm the appearance of the area.
5. In reaching my conclusion, I have also noted that the host dwelling is set-back slightly compared to its immediate neighbours, which would assist in limiting the visual impact of the proposed development, and prevent it from appearing overly-dominant in the streetscene.
6. Consequently, the scheme would not conflict with Core Policy 9 of the Newark and Sherwood Core Strategy Development Plan Document 2011, and policies DM5 and DM6 of the Newark and Sherwood Allocations and Development Management Development Plan Document 2013, which, amongst other matters, broadly require that development respects the character of the surrounding area. For similar reasons it would not conflict with the National Planning Policy Framework ('Framework') emphasis on good design, including its requirement at paragraph 56 that proposals make places better for people, or with the similar advice in the National Planning Policy Guidance ('Guidance').

Other matters

7. The proposal would significantly increase the height and bulk of the host property, and would include single and two storey flat-roofed elements to the rear. As no. 38 lies at a higher elevation to the south-west of the appeal site, with an attached garage close to the boundary, the impact of this scheme on those occupiers in terms of outlook and loss of light would be limited. Given that the rear-projecting two storey section of the proposal would be set-in a

considerable distance from the side boundary with no. 42, the proposal would not have a significant overbearing impact on those occupiers, and I am not persuaded from the limited evidence before me that it would cause significant overshadowing or loss of light.

8. Southwell Civic Society states that the scheme does not accord with the Council's Householder Development Supplementary Planning Document 2014, including its advice that two storey extensions should protrude no more than 2m beyond the neighbouring property. Although I have not been provided with a copy of that document, for the above reasons, I am satisfied that any such breach of that guidance would not cause significant harm to the neighbouring occupiers' living conditions.
9. In reaching my conclusions I have also noted that many aspects of the bulk and form of this proposal are broadly similar to those elements in the approved scheme on the site (planning ref: 13/01466/FUL).

Conditions and conclusion

10. Turning to the matter of conditions, I have considered those suggested by the Council against the tests in the Framework and the Guidance. In addition to the standard time limit condition, for the avoidance of doubt and in the interests of proper planning, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.
11. Given the range of materials proposed, and in the interests of the character and appearance of the area, it is also necessary to impose a condition requiring samples of various facing materials to be submitted and approved.
12. The Guidance states that permitted development rights should only be exceptionally withdrawn. However, given the scale of the proposed extensions, their proximity to the boundaries of the site, and having regard to the siting of neighbouring dwellings, I consider it necessary, in the interests of protecting the neighbouring occupiers' living conditions, to impose a condition withdrawing permitted development rights for the installation of windows in the north-east and south-west elevations of the permitted extensions.
13. For the above reasons, and subject to conditions, the scheme would not harm the character and appearance of the area. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR

