

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, 5th May 2015 at 4.00 pm.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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PART 1 - ITEMS FOR DECISION

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PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

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

NIL

NOTES:-

A Briefing Meeting will be held in Room F19 at 3.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 7th April 2015 at 4.00pm.

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

Councillors: T.S. Bickley, R.V. Blaney, J. Bradbury, J.E. Hamilton, D. Jones, Mrs S.E. Saddington, M. Shaw, Mrs L.M.J. Tift and I. Walker.

ALSO IN ATTENDANCE: Councillors: R.J. Jackson (part), D.J. Lloyd (part) R. Shillito and Mrs. Y. Woodhead.

181. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors: Mrs C. Brooks, Mrs G.E. Dawn and G.S. Merry.

182. MINUTES – 25TH MARCH 2015

AGREED that the Minutes of the meeting held on Wednesday, 25th March 2015 be approved as a correct record and signed by the Chairman.

183. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Members</u>	<u>Agenda Item(s)</u>
Councillor B. Wells	Agenda Item No. 5 – Land to the rear of 49 Second Avenue, Edwinstowe (15/00358/FUL) Agenda Item No. 14 – Land at Lilac Close, Newark on Trent (15/00061/FU:M) Agenda Item No. Former Garage Site, Wolfit Avenue, Balderton (15/00180/FUL) Agenda Item No. 17 – Garages at Coronation Street, Balderton (15/00209/FUL) Agenda Item No. 18 – Land at Grove View Road, Balderton (15/00260/FUL) Agenda Item No. 19 – Land at Second Avenue, Edwinstowe (15/00069/FUL) Personal Interest in all the above Items as a Member of the Newark and Sherwood Homes Board.

184. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording. A member of the public in attendance of the meeting indicated that she was undertaking a recording of the meeting.

185. ORDER OF BUSINESS

The Chairman, with the permission of the Committee, changed the order of business on the Agenda. Agenda Item No. 7 was taken as the first item, followed by items 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 5, 19, 6, 20, 21a and 21b.

186. 4 TOP ROAD, BLIDWORTH (15/00048/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the demolition of the existing semi-detached cottage and the construction of a replacement two storey dwelling, which is a re-submission of application 14/01660/FUL.

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

Councillor Mrs Y. Woodhead, local Member for Blidworth, spoke in support of the application as follows. She stated that she had made a visit to the area and had viewed the plans and was of the opinion that the proposal was vital to the regeneration of the area, adding that none of the properties were in their original state. She also added that the neighbouring properties were supportive of the proposal.

Members considered the application and agreed that the proposal would be beneficial to the area but that the siting of the dwelling was too far back on the site. They agreed that this be communicated to the applicant.

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

187. 81 DALE LANE, BLIDWORTH (15/00163/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought a change of use of the rear extension to the dwelling to that of a hair salon.

Members considered the application, noting that no objections had been received from any of the consultees.

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

188. 9 CHURCH STREET, SOUTHWELL (15/00223/LBC)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought advertisement consent in conjunction with the Listed Building application 15/00228/ADV.

Members considered the application whilst noting that the original scheme had been revised and emailed out to consultees on 6th March 2015. Southwell Town Council had suggested that the original proposal be modified to respect the age and historical importance of the building. No other objections had been received to the proposal.

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

189. 9 CHURCH STREET, SOUTHWELL (15/00228/ADV)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought advertisement consent for a revised scheme to that originally submitted, which was submitted by email on the 6th March.

Members considered the application whilst noting that the original scheme had been revised and emailed out to consultees on 6th March 2015. Southwell Town Council had suggested that the original proposal be modified to respect the age and historical importance of the building. The Southwell Civic Society had raised specific objections to the proposal stating that it was contrary to the Council's "Shopfronts and Advertisements Design Guide". No other objections had been received to the proposal.

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

190. BOTTLE AND GLASS PUBLIC HOUSE, HIGH STREET, HARBY (14/02218/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought alterations and extension to a public house to create microbrewery and upgrade the function suite.

Councillor Caroline Nolan, representing Harby Parish Council, spoke in support of the application whilst acknowledging that there were concerns with aspects of the proposal stating that local residents had objected due to the close proximity of the micro-brewery, specifically the location of the proposed roof terrace.

Councillor Richard Shillito, Local Member for the Collingham Ward, spoke in support of the application whilst acknowledging that there was likely to be some disturbance from the operation of the micro-brewery.

Members considered the application and sought clarification as to whether the removal of a hedge would be required for the proposal to go ahead. Officers confirmed that the application had indicated that this was not required and that the condition in relation to this could be reworded accordingly to require the retention of

the hedge.

AGREED (with 10 votes for and 1 abstention) that full planning permission be approved subject to the conditions and reasons contained within the report.

191. 70 BULLPIT ROAD, BALDERTON (14/2186/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the demolition of the existing timber single storey residence and construction of 7 No. new houses in 2 phases, houses 1 to 4 to be constructed first.

Councillor Linda Hurst, representing Balderton Parish Council, spoke against the application reiterating the comments contained within the report. She suggested that, if granted, a restriction be placed on large delivery vehicles using the highway adjacent to the school during the hours when children were being dropped off and collected. Officers advised that this was not a condition that could be attached to the planning permission and that it would be a matter for Nottinghamshire County Council who would be able to issue a Traffic Regulation Order, if considered appropriate.

In considering the application, a Member queried what access would be provided to a footbridge should Network Rail secure funding to close the current crossing and replace it with a footbridge and ramps. In response, Officers advised that no funding had been secured and Network Rail had therefore stated that they could not make a sustained objection to the proposal on those grounds.

It was suggested that the application would be an improvement to the area but that any built elevation on the boundary to the development would require appropriate double glazing to mitigate noise nuisance.

Members noted the specific objection by Balderton Parish Council to the existing issues with the drainage/sewerage system and the likely impact the development would have. It was stated that this was a matter for Severn Trent Water and that the proposed further development in the area could not be halted because of this issue.

AGREED (with 10 votes for and 1 objection) that full planning permission be approved subject to the conditions contained within the report.

192. 141 CAYTHORPE ROAD, CAYTHORPE (13/01189/OUT)

The Committee considered the report of the Deputy Chief Executive, which sought outline planning permission for the erection of 2 No. dwellings with associated garaging. Approval was being sought for the proposed means of access; with matters relating to appearance, landscaping, layout and scale reserved for subsequent approval. The agent had indicated that the proposed dwellings would only be a single storey construction.

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

Members agreed that consideration of the application would be benefited by a site visit and resolved that the matter be deferred until the following meeting.

AGREED (unanimously) that consideration of the matter be deferred until the following meeting of the Committee and that a site visit prior to determination be undertaken.

193. LAND AT LILAC CLOSE, NEWARK (15/00061/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of 2 No. 2-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 would provide 100% affordable housing.

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

Members considered the application and welcomed the affordability of the development. It was noted that Nottinghamshire County Council had confirmed that there was sufficient capacity within existing schools to accommodate the development.

Councillor Dennis Jones, the Local Ward Member, advised that there had been a problem previously with fly-tipping and vandalism in the area and queried whether it would be possible to close off the access to the area to mitigate this. He also queried whether it was possible to 'gift' the abutting area to residents for use as gardens. He stated that he was fully supportive of the proposal but requested that, if possible, further consideration be given to the passageway. Officers advised that there were 2 issues for consideration, both private and public right of access. They further advised that this would be a matter for the applicant to further explore.

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

194. FORMER GARAGE SITE, WOLFIT AVENUE, BALDERTON (15/00180/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission to demolish the garages on site and erect 4 No. 1 bedroom flats with associated car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and would provide 100% affordable housing.

Members considered the application noting that 2 objections had been received from local residents raising concerns in relation to highways; impact on amenity and character of the area.

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

195. GARAGES AT CORONATION STREET, BALDERTON (15/00209/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission to demolish the garages on site and erect 4 No. 2 bedroom and 2 No. 1 bedroom flats with associated car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and would provide 100% affordable housing.

A schedule of communication was tabled at the meeting, which included information on the Coronation Street Garage Court from the Business Manager – Development.

Councillor Linda Hurst, representing Balderton Parish Council, spoke against the application reiterating the comments contained within the report, specifically in relation to the already existing problems with residents being able to park their vehicles in and around the vicinity.

In considering the application, Members expressed differing views. It was noted that problems existed with parking and that the development could exacerbate the situation. It was further noted that a number of residents who rented the garages did not live in close proximity and that some of these were used for storage of items other than vehicles. Some Members of the Committee stated that the provision of affordable housing was significantly more important than the provision of parking and that it might be possible for Balderton Parish Council to provide a residents' parking scheme at the Village Centre to assist with alleviating the situation. Alternatively, the introduction of a Residents Only Parking Scheme could be raised with Nottinghamshire County Council.

In response to a query as to what percentage of garages were used for vehicular parking, Officers advised that a definitive answer could not be provided, however, all indications were that it appeared that most were not used for that purpose.

It was suggested that if the lack of parking had been an issue to the extent being portrayed, the garages at Coronation Street would all be occupied, however, this was not the case. Members agreed that the introduction of a Residents Only Parking Scheme be pursued and that Balderton Parish Council be urged to lobby the County Council on this matter. It was also suggested that the Parish Council look further into the feasibility of providing a residents' parking scheme at the Village Centre.

AGREED (with 8 votes for with 3 votes against) that full planning permission be approved subject to the conditions contained within the report.

196. LAND AT GROVE VIEW ROAD, BALDERTON (15/00260/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the erection of 2 No. 1 bedroom flats with associated parking and external works which would be managed by Newark and Sherwood Homes and would provide 100% affordable housing.

A schedule of communication was tabled at the meeting, which included information on the Grove View Garage Court from the Business Manager – Development.

Councillor Linda Hurst, representing Balderton Parish Council, spoke against the application reiterating the comments contained within the report and those made in relation to the previous application.

In considering the application Members sought clarity on the number of garages at the site. Officers advised that only 2 of the garages were let to Grove View Road residents and that the proposed development provided parking for two vehicle's per unit.

Members again reiterated their comments from the previous application stating that this type of affordable housing was very much needed. It was suggested that Newark and Sherwood homes be urged to phase the development of the sites in the area in an attempt to mitigate any traffic congestion.

AGREED (with 9 votes for and 2 against) that full planning permission be approved, subject to the conditions contained within the report.

197. 4 MIDDLE GATE, NEWARK (15/00092/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the change of use of the property from A1 (Retail) to A2 (Financial and Professional Services). Some minor internal changes were proposed which were considered under the Listed Building application submitted in conjunction with the planning application.

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

Councillor David J. Lloyd, representing Newark Town Council, spoke in support of the application. He stated that there were already Estate Agents and Solicitors in the vicinity and that the proposed change of use would not significantly impact on the number of retail units in the area. He added that Newark Town Council had advocated the relaxation of regulations in relation to primary and secondary frontages.

Councillor David R. Payne, the Local Ward Member, stated that he was in support of the application and that the premises had experienced a continual change in use during its existence.

AGREED (unanimously) that contrary to Officer recommendation, full planning permission be approved subject to reasonable conditions delegated to the Business Manager – Development

In accordance with paragraph 12.5 of the Planning Protocol, as the motion

was against Officer recommendation, a recorded vote was taken.

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

198. LAND TO REAR OF 49 SECOND AVENUE, EDWINSTOWE (15/00358/FUL)

199. LAND AT SECOND AVENUE, EDWINSTOWE (15/00069/FUL)

The Committee considered the reports of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of 4 No. 1 bedroom flats with associate car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and would provide 100% affordable housing (15/00358/FUL) and the demolition of the garages on the site and erection of 6 No. 1 bedroom flats with associated car parking and curtilage. Against the proposed flats would be managed by Newark and Sherwood Homes and would provide 100% affordable housing (15/00069/FUL).

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Natural England, Conservation, neighbours and the Business Manager – Development.

Members considered the applications together noting that the responses received were relevant to both proposals. It was noted that no specific objections had been received subsequent to the submission on the revised plans. However, Members suggested that Newark and Sherwood Homes notify existing residents of the development and advise them of their right of way access but not a right to park outside their homes.

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

200. COPT HILL FARM, RICKET LANE, BLIDWORTH (14/02169/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a single 500kW wind turbine generator, hub height of 40m and tip height

of 67m, minor alteration to planning permission 13/01651/FUL.
Members considered the application noting the responses received from the consultees. The minor alteration to Planning Permission 13/01651/FUL was welcomed with Members querying whether the application could be approved subject to a Section 106 Agreement in order to prevent both turbines permissions being implemented.

AGREED (with 10 votes for, with 1 vote against) that full planning permission be approved subject to the conditions and reasons contained within the report and the aforementioned S106 to ensure that only 1 permission will be implemented.

201. 55 – 61 PORTLAND WAY, CLIPSTONE (14/01974/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought retrospectively planning permission for the change of use of scrub land to residential garden land.

In considering the application, Members noted that no additional correspondence had been received on this matter from either Clipstone Parish Council or the Allotment Association since it was last presented to Committee.

AGREED (with 9 votes for and 2 against) that full planning permission be approved.

202. APPEALS LODGED

NOTED: that the report be noted.

203. APPEALS DETERMINED

NOTED: that the report be noted.

The meeting closed at 7.02pm

Chairman

Application No:	14/01720/FUL	
Proposal:	Demolish two agricultural buildings & replace with a new building for B1/2 use to be used in association with an existing live/work unit (approved under 12/01027/FUL)”	
Location:	Barn At Stoke Fields Farm, Low Street, Elston, Nottinghamshire	
Applicant:	Mr Robert Hardy	
Registered:	30/03/15	Target Date: 25/05/15

The Site

The application site relates to Stoke Fields farmyard situated centrally within approximately 600 acres of farmland and within open countryside. The site is located to the north of the village of Elston and approximately one kilometre from the A46. Elston Conservation Area and the Grade I Listed Elston Chapel are situated approximately 170m and 200m respectively from the south of the site. A scheduled timber circle is also situated approximately 430m north east of Stoke Fields Farm.

The site is about 500m equidistant from both Moor Lane to the north of Elston and Low Street in Elston and access is available from both these roads. A continuous, hardcore surfaced drive accesses the application site and forms a connection between both roads. The access from Moor Lane is also a designated footpath. The site comprises of a historic brick built barn and two large open sided modern barns. All of these buildings are unused and are falling into dereliction.

Three residential properties exist to the north of the site, two of which appear to be barns that have been converted into live work units according to the planning history. There is also a single modern agricultural building located to the west of these live work units which is still in use.

Relevant Planning History

06/01750/FUL - Conversion of redundant farm buildings to form 3 No. live/work units – Permitted 20.07.2007

08/01634/FUL - Conversion of redundant farm building to form 1 (no) live/work unit (revised scheme) – Permitted 06.01.2009

11/01440/FUL - Conversion of redundant farm building to form 1(No.) live/work unit (Renewal of Planning Consent No. 08/01634/FUL) – Refused 02.02.2012

12/01027/FUL - Conversion of redundant farm building to form 1(No.) live/work unit – Permitted 03.10.2012

The Proposal

This proposal seeks full planning permission for the demolition of one of the modern open sided barns and half of the other modern barn with a proposed new building built upon the same footprint of the removed buildings. Under 12/01027/FUL the existing brick built barn to the north of these buildings has approval to be converted to a live/work unit. This proposal seeks permission for the newly created building to be directly associated with this live work unit affectively extending the live work unit with further work space provided in the new construction.

During the course of the application, the case officer has liaised with the agent for the application and as a result the agent has agreed to amend the proposal to include demolition of the remainder of the modern barn so both existing barns would now be removed.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 6: Shaping our Employment Profile
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

DM5: Design
DM8: Development in the Open Countryside
DM9: Protecting and Enhancing the Historic Environment
DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

East Stoke Parish Council and Elston Parish (Joint submission) – Object to the proposal

“My council wish to stress that the noise and disturbance to neighbours from the proposed development would seriously harm them. The single tracked road – serving the site means that large lorries in fairly big numbers will be a constant danger and nuisance. An existing public footpath runs close to and, in parts, next to the road creating a danger to walkers and riders. These are major concerns regarding this application. The nearest property is only 40m from the applicants workshop and this is a particular concern regarding the noise.

If the application is granted will there be a restriction on the number of lorries entering the site per day? Will there be a restriction on opening hours example 7am to 6pm Weekdays Saturday 7am 12 noon No Sunday Working and Bank Holiday working?”

NCC Highways Authority – “A revised ‘red line’ plan has been submitted demonstrating access from both Moor Lane and Low Street. No further details have been submitted relating to the number of employees expected as a result of this application. As stated in my previous comments, a plan is also required demonstrating that adequate parking is available within the site to accommodate this proposal, bearing in mind that each parking bay should measure 2.4m x 4.8m. In view of this, insufficient information has been submitted relating to the daily operation of this application and it cannot be fully assessed, therefore, it is recommended that this application be refused.”

NCC Rights of Way Officer – Make the following observations:

Rights of way - “Thank you for the opportunity to comment on this application. East Stoke FP3 runs along the access to the site from Moor Lane. The path is well used as part of a short circular walk from Elston. It appears from the Design and Access statement that most of the site traffic will use this route.

Could the applicant provide details of the amount and size of HGVs and also light traffic likely to use the access track and footpath from Moor Lane?”

N&SDC Environmental Health Contaminated land – “No observations from a contaminated land perspective.”

N&SDC Environmental Health – “In order to limit the potential impact of any noise from the development, were consent to be granted I would suggest that conditions requiring, details of sound insulation to the building details of means of ventilation of the building be required and approved by the LPA prior to the use commencing. Also a prohibition of external work associated with the planning use and a prohibition of external plant. You may also feel it appropriate to limit hours of use?”

Nottinghamshire Ramblers – No objection but raise the following concerns:

“The map evidence available to us shows the public footpath along the farm track to Moor Lane. In the site location plan of 13th Feb this is shown as an access route to the proposed development. We share NCC Highways concerns about the lack of information supplied about vehicle movements. Whilst a figure of 10 to 12 lorries per week has been given there is no information about size. If there is a possibility of large lorries using the footpath route to access the development then we would suggest that cutting the grass adjacent to the track to allow walkers to step out of the way of these vehicles should be made a condition of consent.”

“This comment should be read in conjunction with the submission made by my colleague, on February 19th.

We have no objection on principle to the application. However, the position regarding protection for walkers using the access drive to the development remains unclear.”

English Heritage

“In assessing the impact of this proposal on the significance of the grade I listed Elston Chapel and scheduled timber circle, 430m NE of Stoke Fields Farm, we refer you to relevant guidance within the Planning Practice Guidance, and our published guidance document Historic good practice advice in planning note 3 (march 2015). We recommend you also seek the advice of your archaeological adviser and are guided by their recommendations. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice. However, if you would like further advice, please contact us to explain your request. “

N&SDC Conservation Team

“The proposed development is located approximately 200m north of Elston Chapel, which is Grade I listed, and 400m to the southwest of a timber circle Scheduled Ancient Monument (SAM). The proposed development is also proximal to the Elston Conservation Area (CA) boundary (the boundary is approximately 170m to the south of the proposal, and covers the church and surrounding area). In addition, historic elements of Stoke Fields Farm, notably the red brick farmhouse and barn complex, are identified on the HER as Local Interest buildings (and therefore non-designated heritage assets in accordance with Annex 2 of the NPPF).

Legal and policy considerations

As set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, 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, and the more important the asset, the greater the weight should be (Elston Chapel is Grade I, and of the highest significance within the listing regime). Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 137 of the NPPF, furthermore, advises that Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013- 20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an

important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

Additional guidance is contained within the English Heritage Good Practice Advice Note 3: *The Setting of Heritage Assets* (2015).

Policies CP14 and DM9 of the Council's LDF Core Strategy and Site Allocations DPDs are also relevant in this case. In addition to the above, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application (paragraph 135 of the NPPF). In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Assessment of proposal

Having reviewed the submitted plans and details, Conservation does not have any significant concerns with the proposed development subject to appropriate mitigation to minimise impact on the setting of Elston Chapel.

In the context of the existing arrangement of buildings within the site, as well as the recent approval for a live/work unit (ref 12/01027/FUL), the proposed development will not cause any harm to the significance of Stoke Field Farm (a non-designated heritage asset). In addition, the development is not considered to exacerbate impact on the setting of the timber circle SAM, and on this basis, the development will have a relatively neutral impact. When viewed from Moor Lane, for example, the development will not be unduly prominent when considered against the existing arrangement and appearance of buildings (the distance between the SAM and farm site helps to reduce and mitigate the scale of buildings).

Elston Chapel, however, is a high grade listed building. Although not a substantial structure in terms of height or foot print, the 12th century origins of the building combined with its interesting architectural form, provides the basis for its high grade listing. Despite being redundant (the chapel is within the care of the Churches Conservation Trust), the chapel is a positive building within the CA, and its landscape setting is an important element of its significance. The chapel enjoys an open aspect within the landscape to the east, for example. The copse of trees within the CA to the north of the chapel provides a degree of screening from Stoke Fields Farm, although remains inter-visible when seen from the footpath running northwards from the chapel to the east of the farmstead. The scale and form of the replacement barn, noting its external measurements in height and width and industrial appearance could result in some moderate adverse impact on the setting of the chapel.

It is recognised that viable commercial projects within the rural countryside are vital to the local economy. Given the context of the existing site (in particular, the large modern portal structures, some of which are to be removed as part of this scheme), the degree of green infrastructure providing cover and the relative distance between the asset and site, I consider that impact on the Chapel is not substantial, and that the overall impact is relatively neutral. However, to ensure that

the development does not cause any harm to the setting of the listed building, appropriate consideration should be given to the suitability of the external materials to be used in the construction of the barn as well as any opportunity to improve the existing tree screening or additional screening next to the barn.

We urge you to take account of the above concerns in respect of Elston Chapel, and advocate that appropriate landscaping being sought as part of the scheme. Notwithstanding the submitted details, natural cladding materials might also be considered (e.g. timber cladding).”

Representations have been received from 13 local residents, objecting to the proposal. One comment of support with concerns has been raised. These comments are summarised as follows:

- The new building will be increased in size over the existing and subdivided into smaller industrial units
- Health and safety will arise with regard to children in the vicinity and the increased traffic generated as a result of the development
- The existing live work unit has attracted offers to purchase without the new building and submitted information regarding lack of interest is untrue
- There may be quite a volume of large lorries using the roads leading to the site. The roads leading to Low Street are narrow residential roads used by walkers, horse riders, children, cyclists etc. and more traffic and larger vehicle will create a safety hazard in the surrounding area.
- The access proposed from Moor Lane is locked by the owners of the track so access here is restricted
- There is not enough room between the timber fencing and natural hedgerow for lorries to safely pass users of the track, in particular the walkers of the footpath, who by rights, may have wheelchairs, pushchairs and dogs. To reach the proposal site, the lorries would have to pass through 4 properties, all of which have gated access.
- Concerns about Moor Lane itself; Moor Lane is a single carriageway and only has one passing place on it. The increases of lorries on Moor Lane would pose risk to all road users, such as cyclists, horse riders, and of course, other motor vehicles. There are no safe areas for other road users to use should they encounter a lorry on route to application site. The only option for horse riders cyclists and walkers is to step onto the narrow verges, many of which have deep ditches causing a risk of serious injury to the public.
- Environmental impact from noise of heavy goods vehicles. This is always much underestimated and the cumulative effect does impact upon peoples right to appreciate the countryside in peace, not to mention residents in the immediate vicinity of the noisy traffic and industrial units planned for development.
- This area of countryside is of particular interest for nature lovers due to the birds of prey, bats, barn owls and many other protected fauna that live in the area.

- Damage to Moor Lane bridges, kerbside and verges due to the increased volume of heavy goods vehicles. This is already a problem. The track from Moor Lane to Stoke Fields farm is only made of a rough sand, stone and brick. Not suitable for a combination of the public on foot, horses and heavy goods vehicles.
- There will be increased noise from the industrial works that will be excessive, and will impact on the quality of life for nearby residents.
- No working hours have been proposed in relation to the intended use
- Concerns raised about noise levels, vehicular access down these very narrow routes and the disturbance that this would cause given the close proximity to the residential properties.
- Concern over loss of privacy to the three existing residential properties on the site.
- No information about the type of vehicles, number of vehicles and times they will access the site.

One Comment of support with concerns summarised as follows:

Threshing Barn has remained empty for several years now and is rapidly descending into a state of repair that is not only an eyesore but could also become dangerous. Its development into a dwelling and the subsequent development of the barns to provide a live/work unit is welcomed as long as the following also occurred:

- working hours would be from 0700 to 1630hrs Monday to Friday with no work taking place at weekends
- Any unloading of lorries would be on the South West side of the property.
- Electric gates should be placed on both of the drives which give access to the existing three property's on the site, which will increase the security of all of the property's
- The drive that comes from Low Street should be repaired and maintained by the applicant
- The business should be in connection with applicants business only and that once full planning is given it should not be sold off to any other business.

Comments of the Business Manager

Principle of development

Given the open countryside location, the proposal falls to be considered under Policy DM8 of the N&SDC Allocations & Development Management DPD which in accordance with the requirements of Spatial Policy 3, strictly controls development away from the main built up areas of villages, in the open countryside, limited to specific types of development. Criterion 4 of this policy, Replacement of Non Residential Buildings, states:

“Where they are related to established uses or proposed uses enabled by other criteria of this

policy, planning permission will be granted for the replacement of non residential buildings. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve.”

Criterion 6, Rural Diversification, states:

“Proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they can contribute to the local economy. Proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.”

Criterion 8, Employment uses, states:

“Small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test.”

The agent has now agreed that as part of the proposals two buildings would be removed from the site and replaced with a single building with a significantly smaller footprint. The existing buildings have an approx. footprint of 1141m² and the new building would have a footprint of approx. 556m². This is a net reduction in floorspace of approx. 585m² and the new building would sit within this existing footprint. The proposal would be associated with an extant permission for a live/work unit and the existing buildings to be replaced are steel framed open sided modern barns. Whilst not of permanent design and construction, the buildings are still intact and therefore capable of being used for alternative purposes. The existing buildings are not readily capable of conversion for the intended purpose to include B2 uses. The proposed replacement building would still be agricultural in appearance, would replace two buildings well within the footprint of the existing and could include the necessary sound insulation. It is considered that this reduction in built form on the site would benefit the setting of the proposal. This is discussed further in the design section of this report below.

Criterion 6 & 8 are also applicable to the proposal as the proposed new building would be for employment use and would potentially create a small number of jobs. Although it has not been demonstrated that the proposal would explicitly provide jobs to meet local needs I must consider the fact that the new building and employment use would be associated with an already approved live/work unit on site, the principle of which has been accepted. This proposal would effectively increase the work space linked to the live work unit rather than create a new employment unit.

I am also mindful that the proposed unit is fairly substantial when compared with the size of the existing live/work unit. Information has been provided by the applicant stating that the approved live/work unit has been marketed unsuccessfully for approximately the last 2 years. This information is in the form of a letter from the estate agent supported by the advert for the property. The letter states that 33 viewings have been held over the marketing period and two offers in late 2014 have not proceeded. Whilst this information does not categorically demonstrate that the live/work unit in its current form could not be utilised, it is accepted that

additional space directly associated with the unit could improve its marketability.

I must also consider national policy provided by the National Planning Policy Framework. Paragraph 28 of the NPPF states “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. To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings...”. In light of this I consider the principle of the proposal to be in accordance with national policy as the proposed building would allow for the expansion of business on the site and would be sympathetically designed to appear as a typical modern agricultural building as considered in the section below. Whilst I am concerned that the proposed development does not fully comply with a single criterion of Policy DM8, the proposal would comply with the aims of national guidance as the proposed development would form a sustainable form of rural employment due to its linkage with the live work unit and would not result in an irrevocably harmful effect on the open countryside due to the net reduction of built form on site. On balance it is therefore considered that the principle of development is considered acceptable in this instance.

Impact on Visual Amenity Including the Setting of Heritage Assets

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. It also 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. 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 requires new development to be in keeping with the general character of existing development in the area. I am mindful of the scale of the proposed building and its location in the countryside within a farmyard setting and in relatively close proximity to heritage assets at Elston and the timber circle Scheduled Ancient Monument to the North West.

The proposed building would replace buildings of a similar scale and has been designed to appear as a typical modern agricultural building. In this regard I am satisfied that the scale, form, mass, layout and design respect the character of the area. I also note the comment from the Council’s Conservation Team (included above) and concur with their assessment considering the site location. Taking note of the recommendations I consider that pre commencement conditions to secure suitable landscaping and finished materials to be appropriate.

Further to this it has been agreed with the applicant via the agent that both the existing steel framed modern barn buildings are to be fully removed and replaced with the single proposed building. It is considered that the reduction in built form on the site will benefit the open countryside setting of the site. The site will appear less cluttered and soft and hard landscaping of the site could be conditioned to make best use of the additional open space to complement this setting.

Based on the above considerations, I am satisfied that the proposal will accord with the design criteria in Policy DM5, visual amenity through the removal of buildings will be enhanced, and the setting of heritage assets in close proximity to the site will be protected in accordance with Core Policy 14 and Policy DM9.

Impact on Residential Amenity

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

I note the consultation comments received regarding the impact that the proposal would have on residential privacy. Given that the proposed building would be no bigger than the buildings it would replace and the separation distance of approx. 50m I consider that the proposed building would not impact on privacy, overbearing impact or loss of light. Furthermore it is not considered that any related activity such as vehicular movements would impact on privacy further than the current activity on site which includes frequent walkers and horse riders utilising the public right of way through the site.

I note the consultation responses received regarding the potential noise impact of the proposal in relation to the nearby residential properties. The Council's Environmental Health Team have suggested that a number pre commencement conditions are imposed to protect the amenity of neighbouring residents. The details required will include a sound insulation scheme and a ventilation scheme including any details of external plant. The submitted schemes will need to demonstrate that adequate sound proofing is created by the proposed insulation and proper ventilation will be possible without opening doors. Further to this conditions will also be imposed to prohibit open air storage and the use of machinery outside of the building at all times. The operating hours of the business will also be limited to normal working hours to restrict activity at unsociable hours. This will further reduce the potential noise impact of the development.

I note the consultation comment raising concerns with the unloading of lorries and the associated noise impact. The turning circle for HGVs is indicated to be at the south side of the proposed building and therefore the opposite side of the building to the nearest properties, and furthermore, the south elevation provides the trade access doors to the building. Given the speculative nature of the application where no end user has been identified the conditions suggested above are considered wholly reasonable given the potential impact on the amenity of neighbouring occupiers.

Overall, subject to the suggested conditions, I am satisfied that neighbouring amenity will be protected in accordance with the aims of Policy DM5.

Trees and Biodiversity

Core Policy 12 of the Core Strategy seeks to secure development that maximizes the opportunities to conserve, enhance and restore biodiversity. Given the open design of the structures to be removed and the existing hard standing present on site I do not consider the proposal would have an adverse effect on biodiversity. Any other trees or hedgerows on the site can be appropriately considered through a landscape condition. The proposals present an opportunity to enhance the biodiversity on the site and this can also be achieved through such a condition.

Highways safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not unduly impact on 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 site would be provided directly from Moor Lane to the north of the site and Low Street to the south of the site. It is proposed that the Low Street access is currently and will continue to be used by residents only and that the access from Moor Lane will be used by commercial traffic. I can confirm that whilst on my site visit I noted the Low Street access was sign posted at Elston with notices stating "Stoke Fields Farm, Private Road, HGVs Via Moor Lane East Stoke".

I note the comments received in consultation regarding highways safety and the potential conflict between traffic associated with the proposal and other users of the access road from Moor Lane to the site. At the time of writing this report the Highway Authority have suggested refusal of this application based on insufficient information having been submitted relating to the daily operation of this application so it cannot be fully assessed. The agent for the application has been given the opportunity to provide further information regarding types of vehicles, vehicular movements and parking to address these concerns and the officer recommendation is predicated on this information being submitted and being found acceptable by the Highway Authority prior to the committee date. Any information and consultation response received will be reported as a late item.

I note the consultee comment regarding the locking of gates on Moor Lane but can give this comment little weight in considering the acceptability of this proposal due to the matter of rights of way over land being a private matter between land owners and users.

Subject to favourable comments being received by the Highway Authority, I am satisfied that the proposal could meet the requirements of Spatial Policy 7 and Policy DM5.

Other matters

I note the comments which raise concerns over the subdivision of the unit, its potential to increase in size and the marketing of the approved live/work unit associated with the proposal. The proposal has been assessed based on the information submitted as part of the application. A building to be used in association with an already approved live/work unit is proposed and it is not at this stage proposed to be made up of more than one unit. Any future subdivision of the unit or expansion of the unit would require another application to the council for planning permission and in any case a new legal agreement is required in the form of a S106 Agreement to control the relationship of the new building and the old Threshings Barn (approved to be converted to a live work unit) and ensure they are only operated in association with each other.

Developer Contributions

The proposed use and floor area of the development would not result in any developer contribution triggers being met.

Community Infrastructure Levy (CIL)

New commercial development in the District can be liable to the Community Infrastructure Levy (CIL). For the Newark and rural sub area, this is currently zero rated for commercial floorspace so no payment would be levied.

Conclusion

The proposal presents the opportunity to support economic growth in a rural area of the District and would be associated with an extant planning permission for a live/work unit at the site. A small number of jobs is expected to be created supporting prosperity in the District. In this regard it is considered that the proposal meets some of the criteria for development in the open countryside set out in Policy DM8. The proposed building is considered to have been designed sympathetically within its setting and would have some benefits for the open countryside setting in that the net floor area of buildings on the site would be significantly reduced. Suitable controls can be put in place to protect the amenity of neighbouring occupiers. On balance, it is considered that the proposed building for B1/2 use to be used in association with an existing live/work unit is acceptable in this instance.

Recommendation

That full planning permission is approved subject to favourable comments being received from the Highway Authority, the applicant entering into a Section 106 Agreement to ensure the building is only used in association with the live/work unit and 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 except in complete accordance with the approved plans unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason:

So as to define this permission

03

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

Roofing materials
Cladding

Reason: To ensure the design of the building is appropriate to its open countryside setting in accordance with the aims of Policies DM5 and DM8 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

No development shall be commenced until details of the external colour/finish of the building have been submitted to and approved in writing by the local planning authority. The development shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the design of the building is appropriate to its open countryside setting in accordance with the aims of Policies DM5 and DM8 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. 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 in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

No development shall be commenced until 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.

an implementation and phasing programme.

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

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

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 the aims of Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

No development shall take place until a scheme for noise insulation and ventilation including any details of external plant has been submitted to and approved in writing by the local planning authority. Once approved the development shall be completed in accordance with the approved scheme for noise insulation and ventilation and the development shall be retained in accordance with the approved scheme at all times.

Reason: In order to protect neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

09

The building hereby permitted shall not be subdivided internally unless planning permission has first been granted for such works by the local planning authority.

Reason: To define the permission and in the interest of residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

10

The B2 use hereby approved shall not take place anywhere on the site except within the building approved by this application.

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

11

No raw materials, equipment, finished products or waste materials shall be stored outside buildings other than in accordance with details to be approved in writing by the local planning authority prior to the commencement of such storage. Thereafter any external storage shall be located in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

12

The use hereby permitted shall not take place outside the following:-

09:00 hours to 17:00 hours Monday - Friday
And not at all on Saturdays, Sundays, Public or Bank Holidays

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

13

Before the building hereby permitted is first brought into use, the buildings shown to be demolished on the approved plans submitted as part of this application shall be permanently removed from the site and the landscaping approved under Condition 6 of this consent to the areas formally occupied by the buildings shall be implemented in the first planting season following their demolition.

Reason: To ensure the environmental enhancements proposed as part of this application are implemented in accordance with the aims of Policies DM5 and DM7 of the Allocations and Development Management DPD (July 2013) and Core Policy 12 of the Newark and Sherwood Core Strategy (March 2011).

Notes to Applicant

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and

pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

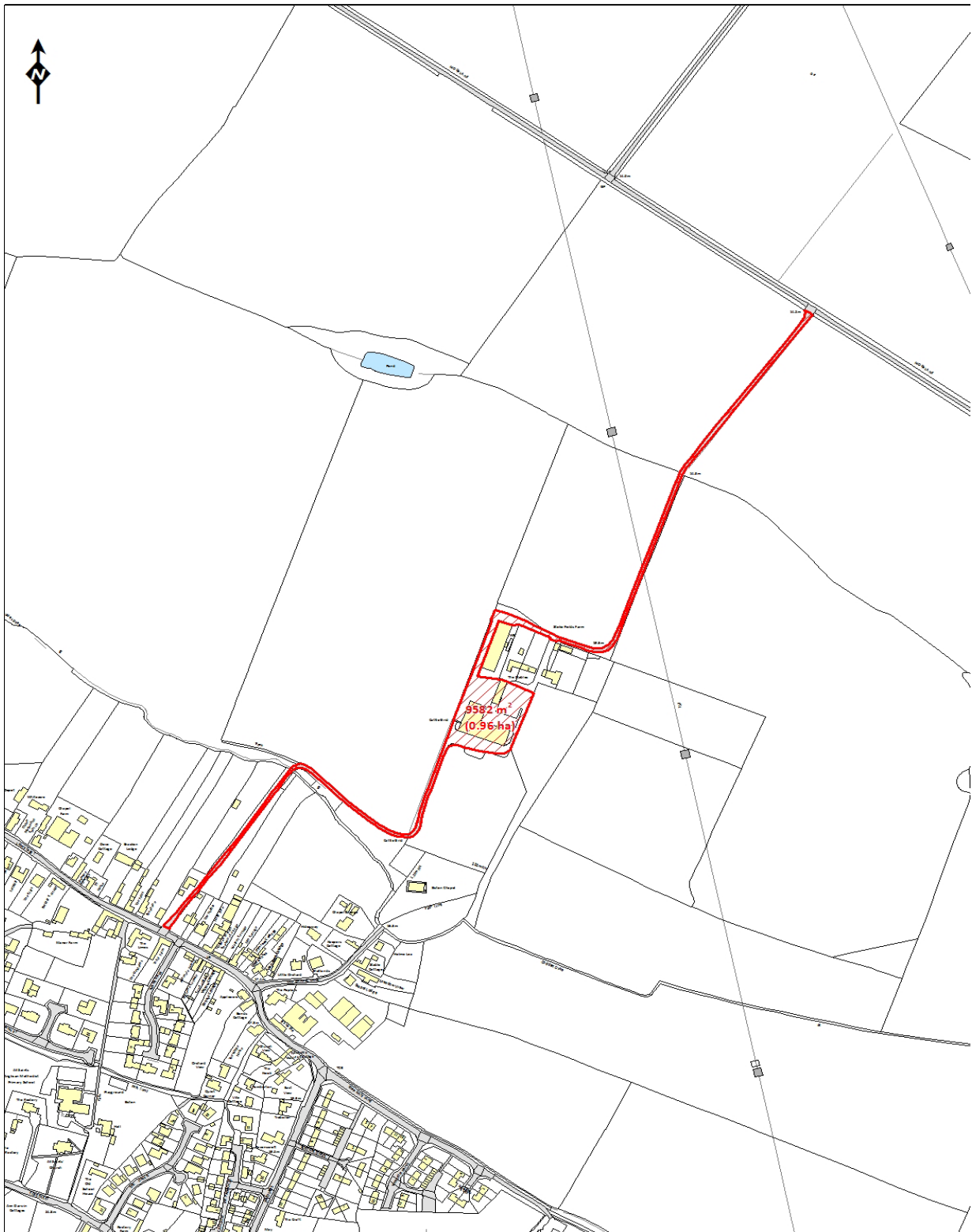
Application case file.

For further information, please contact 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 - 14/01720/FUL



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Application No:	14/02172/FUL	
Location:	Land Rear Of 49 The Ropewalk, Southwell, Nottinghamshire, NG25 0AL	
Applicant:	David Shaw Ablehomes Ltd	
Registered:	16th December 2015	Target Date: 31st March 2015

The Site

The application site is a plot of land approximately 0.25ha in size within the main built up area of Southwell. The site forms a vacant plot which has recently been cleared of overgrown grassland. The site is bounded by a low post and rail fence along the south western boundary. The site is surrounded by residential development. The north western boundary abuts the turning head for the cul-de-sac Nursery End (albeit this boundary is heavily vegetated). There is a private drive along the south western boundary of the site. There is a public right of way in relatively close proximity to the north of the site however this is intervened by neighbouring residential plots. Part of the site falls within an area defined within the Southwell Protected Views policy area as shown on the proposals map within the Allocations and Development Management DPD.

Relevant Planning History

E/56/1410 – Erection of two houses and five bungalows.

Planning permission granted in November 1971, the application is considered extant due to the implementation of the application through the erection of the five bungalows accessed via Nursery End.

The Proposal

The proposal seeks full planning permission for the erection of two detached two storey dwellings with associated parking and garages. The proposed dwellings would be situated broadly centrally within the plot with a handed L-plan footprint. The elevation drawings demonstrate a modern design with an asymmetric mono-pitch roof with a maximum roof height of approximately 7.4m. Both properties would deliver four bedrooms.

The dwellings would be accessed via an existing access from The Ropewalk between 43 and 49a The Ropewalk.

Amended plans have been submitted during the life of the application to correct the red line site boundary and make other minor corrections to the originally submitted plans in line with comments received during the initial phase of consultation. Plans have also been sought during the life of the application to demonstrate the currently proposed scheme in comparison to the

extant permission which exists on site. A highways visibility plan and additional details on drainage have also been submitted during the life of the application.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
SoAP 1 – Role and Setting of Southwell
Policy So/HN/1 – Southwell Housing Need
Policy So/PV – Southwell Protected Views

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Southwell Neighbourhood Plan (Draft documentation)

Consultations

The application has been referred to Committee by Cllr Handley if Officers are minded to approve on the basis of the Town Council objection and the flooding issues in Southwell.

Southwell Town Council - Southwell Town Council Planning Committee met last week to discuss the application pertaining to Land rear of 49 The Ropewalk (14/02172/FUL) and unanimously agreed that they wished to uphold their previous comment of objection (January 2015) on the basis that there is a lack of information with regards to the flooding risk of the site. The information provided in the revised application refers only to drainage rather than flood assessment. The Planning Committee would like to raise a further concern that the alteration in

the boundary and possible removal of vegetation from the plot may also alter the capacity of flood risk and should be reviewed.

NCC Highways Authority –Original comments received as follows:

This application relates to a previously approved application from 1971, for which part development was commenced. The existing access onto The Ropewalk currently serves 3 dwellings.

There are no alterations proposed to the existing access, however, in accordance with the current Highway Design Guide, the access width is required to be 4.25m for a minimum distance of 5m behind the highway boundary (in all cases, add 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side, 1m if bounded on both sides). Therefore, the access width is required to be 5.25m.

Visibility from the access is restricted and there are no proposals submitted to improve this. Whilst it is understood that this application is for the substitution of house types, due to the length of time since the original application was submitted and the use of the Ropewalk by schoolchildren, could the applicant provide a plan showing the available visibility.

On the basis of the revised visibility plan the following comments have been received:

Site plan P02C

Whilst the site plan shows the access is to be a total of 5.25m in width, the visibility splays of 2.4m x 43m shown on the plan can only be achieved by the cutting back and maintenance of the adjacent shrubbery at the access point, which has not been demonstrated on the plan.

As such, should this application be considered for approval, the following conditions should be imposed:

1. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) in accordance with the approved plan. Reason: In the interests of highway safety.

Note to applicant

The development makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are,

therefore, required to contact the County Council's Highways Area Office (0115 993 2758 to arrange for these works to be carried out.

Environment Agency – Low risk, no comment.

Severn Trent Water – No objection.

NCC Flood Team - The proposed development lies adjacent to the Ropewalk near Appletree Close where there are surface water drainage issues and localised flooding problems. I would ask that the applicant provides details of the drainage proposals at this location to demonstrate that the development won't worsen the existing problems on the Ropewalk.

The applicant submitted some time ago a drainage strategy for the site. *At the time of writing no comments have been received in relation to the drainage strategy by NCC, albeit these are expected shortly. These will be reported to Members by way of a late item when they are received.*

Southwell Flood Forum – *Comments have been received by two parties on behalf of Southwell Flood Forum.*

Comments received 22nd January 2015

Southwell Flood Forum is dismayed that Severn Trent Water has no issue with adding to the drainage system that is already unable to cope and the EA believe this to be a low risk development.

We wish to point out that there is a considerable problem with the drainage system on the Ropewalk. Gardens flood with sewage and properties flood even in small rainfall events. Overwhelmed sewers discharge sewage into gardens. The flood Forum is currently working with STW and NCC Highways, investigating problems and trying to come up with solutions.

You should know that at this stage of the investigation it has been agreed that the drainage system in the area is at its maximum capacity and that further connection will require infrastructure improvement.

We believe this proposed development will add to the problems already present and request that planning permission is withheld until remedial work is completed and the drains in this area are fit for purpose.

Comments received 26th January 2015

Support with concerns. We have no basic objection to the proposed application but are concerned about adding to the flood risk down the Ropewalk which needs to be addressed.

There does not appear to be a Flood Risk Assessment in this proposal so we are prepared to support the proposal subject to:-

1. Able Homes undertaking and submitting a Flood Risk Assessment not just onsite but for surrounding properties on the Ropewalk as well.

2. That some form of holding tank be installed to prevent adding to the flood problems on the Ropewalk. This can either be a separate large holding tank on site or an oversized pipe (say 300cm) which would join with the normal 100cm pipe on the Ropewalk thereby causing a brake and acting as a holding tank down the driveway. The issue of adding extra drainage into the Ropewalk needs to be addressed to ensure that neighbouring properties are not put at extra flood risk.

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

Representations have been received from 9 local residents/interested parties which can be summarised as follows:

- The houses will dominate the skyline of the northern area of Southwell
- The modernistic style is not sympathetic with the neighbourhood
- The private access track from the Ropewalk is not suitable for additional residential development
- Commercial vehicles cannot turn around at the end of the access track
- A new private drive from Nursery End should be constructed to serve the dwellings or the houses should be relocated to utilise the undeveloped frontage at Nursery End
- The Ropewalk has become a busy through route in recent years because of changes restricting traffic in the town centre
- Parking along the Ropewalk would obscure the view when trying to exit the drive
- There is no passing room on the unadopted access road
- The positioning of neighbouring properties has been altered on the submitted plans
- The number, size and design of the proposed windows is unreasonable and would result in an unacceptable reduction in amenity leading to a loss of privacy, loss of light and overlooking
- The application form does not include enough details of hard and soft landscaping, including boundary treatments and vehicular access
- Insufficient details are provided in terms of surface water drainage and flood risk
- The application site includes land not within the ownership of the applicant
- The leylandi trees on the boundary of the application site should be removed and replaced with an acceptable boundary treatment
- Access availability for pedestrians from Nursery End is not clear

- Provision for continuity of gas, electricity, telephone and broadband, water and sewerage should be clarified
- The plans are incorrect in terms of the elevation labelling
- The hedge has been in place for years and should be retained (*it is not clear which hedge this comment refers to*)
- The construction phase will have a detrimental impact on parking along the Ropewalk and increase risk to children and elderly residents

Comments of the Business Manager

Principle of Development

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Southwell as a Service Centre. It is intended that Service Centres will act as a focus for service provision for a large local population and a rural hinterland. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan.

I note the copy of a historic planning permission submitted with the application which demonstrates that the site is subject to an extant permission for two dwellings on the understanding that the permission was lawfully implemented through the erection of the five bungalows at Nursery End.

Core Policy 3 of the Core Strategy states that development densities should normally be no lower than an average 30 dwellings per hectare net. Based on the site area of 0.25 hectares the policy requirements would expect the delivery of 7 or 8 dwellings. However given the site constraints (notably the close proximity to neighbouring residents and the limitations of the highways access) this policy aspiration could be considered unreasonable for this specific site.

Policy So/HN/1 requires the majority of new housing on windfall sites within Southwell to deliver one or two bedroom units in line with the identified housing need. The proposal for two, four bedroom units would therefore be contrary to the intentions of this policy. Nevertheless I am mindful of the extant permission which exists on the site for two, four bedroom detached units. I therefore feel it would be difficult to resist the application as a matter of principle.

Impact on Character

The character of The Ropewalk has evolved significantly since the 1971 approval with additional residential plots being built fronting The Ropewalk to the south east and east of the site. As a consequence there is a relatively well defined grain of development fronting The Ropewalk comprising predominantly linear plots with some set back from the highways edge. Nevertheless there is undoubtedly some break to this uniformity in close proximity to the site including the existing properties which share the access road to the site which are orientated perpendicular to the properties fronting The Ropewalk. In addition to this, backland development has been

established nearby with a 2007 approval for a dwelling on land to the rear of 53 and 53a The Ropewalk. As such it is my view that the footprint of the proposed dwellings would not be harmful to the character of the area.

An assessment of character also falls to the specific design of the proposed dwellings. The design of the dwelling employs a modern approach with a mono-pitch roof design and large expanses of glazing. The two dwellings employ an L-plan approach mirroring one another with the single storey garages acting as the L-plan projection towards the south west of the principal elevations. The maximum pitch height of the dwellings would be approximately 7.4m. Owing to the evolution of residential development over time, there are a variety of house styles and design in the surrounding area including both two storey dwellings and single storey development along Nursery End to the north west of the site.

Given the positioning of the site behind residential development fronting The Ropewalk, the site enjoys a relatively discrete position in the street scene and as such I consider that the site can accommodate the modern design approach employed. I would however concur with the comments received during consultation in relation to the lack of landscaping details and suggest that if Members are minded to approve the application, a condition be added seeking additional landscaping details.

Impact on Amenity

Although the site is subject to an extant permission for the erection of two detached dwellings the need to assess the impact on residential amenity remains of paramount importance to ensure that the proposed development does not amount to a more detrimental impact to residential amenity than that which could be built through the extant permission. This is particularly pertinent since the surrounding area has been subject to residential development since the 1971 approval, specifically the erection of 49a, 49 and 51 The Ropewalk. In acknowledgement of this, additional plans have been sought throughout the life of the application to demonstrate how the extant permission relates to the design and positioning of the dwellings now proposed. The original comments raised by the first round of consultation in terms of the incorrect positioning of neighbouring development on the block plan have also been addressed through the submission of revised plans. This allows for an accurate interpretation of the potential impact on neighbouring residential amenity.

I have taken the opportunity to view the site from with the curtilage of neighbouring properties to gain an understanding of the concerns raised during consultation. I concede that the erection of two detached dwellings with a maximum pitch height of 7.4m would be a fundamental change to the relationship established by the currently vacant site. Nevertheless I am compelled to attach significant weight to the extant permission within the site given that this forms a reasonable fallback position for the applicants to deliver the same number of dwellings.

Owing to the orientation of the proposed dwellings and the boundary treatment established to the north west of the plot, it is my view that the properties most likely to be detrimentally affected

by the proposal in amenity terms are those fronting The Ropewalk, specifically 49a, 49 and 51. It is worthy of note that these properties have been erected since the 1971 approval.

The rear outlook of the dwellings would be towards the amenity space of 51 The Ropewalk. The rear elevations demonstrate numerous windows of a considerable size serving principal habitable rooms at both ground and first floor. The boundary treatment between the application site and the curtilage of 51 The Ropewalk is comprised of a close boarded timber fence.

The proposed dwellings have a minimum rear garden length of approximately 12m which is considered broadly commensurate with other residential plots in the surrounding area albeit it is noted that 51 The Ropewalk has a significantly longer rear garden (at approximately 46m) and 49a and 49 The Ropewalk significantly shorter (at approximately 7.5m). This results in a window to gable distance of approximately 11m from the rear elevation of 49a The Ropewalk to the two storey side gable of Plot 1.

With the assistance of the plans submitted during the life of the application which overlay the extant approval over the proposed dwelling footprints I am minded to conclude that the current proposal would not have a materially worse impact on neighbouring amenity than the extant scheme. I appreciate that the design is fundamentally different employing a much more modern approach with large expanses of glazing particularly on the rear elevation including Juliet balconies. However the matter remains that the first floor rear windows would serve three bedrooms as with the extant approval. I do not consider that just the fact that the windows are larger would create an increase of overlooking which would be more detrimental to neighbouring privacy. Whilst the proposed dwellings would be closer to the shared boundary with no. 51 The Ropewalk and thus potentially marginally worse in terms of their privacy, the setback would mean that there would be less opportunity for overlooking of the rear garden of 49 the Ropewalk.

In terms of overbearing impact, given the relatively short length of the gardens to 49 and 49a the Ropewalk there will undoubtedly be an impact on neighbouring amenity in comparison to the existing situation. However, again with reference to the extant permission, I do not consider that this impact would be worse than that already permissible through the previous approval. If anything the current proposal could be considered to have a lesser impact on the occupiers of 49a the Ropewalk in that the bulk of a gable end has been softened with a less dominating mono pitched roof and single storey element at the front of the site.

It is considered that these factors balance one another such that the current proposal does not have a materially worse impact than that approved by the extant permission which must be afforded significant weight. In addition to the above, through the attachment of a condition removing permitted development rights, the authority could gain better control of future development within the site (such as the erection of extensions and outbuildings) and have the opportunity to fully assess the impacts of such future developments on neighbouring amenity.

Impact on Highways

A significant focus of the consultation responses received has been in relation to the potential impact on the highways network stating that The Ropewalk has now become a busy through route

in Southwell and the existing access is not capable of accommodating additional residential development.

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

The Highways Authority submitted original comments which requested further details in terms of a visibility splay for the existing access which is intended to serve the additional two dwellings. These details have been submitted and the revised comments of the Highways Authority are sited in full above within the consultation section of the report. It is noted that the visibility splays shown on the plan can only be achieved by cutting back and maintenance of the adjacent shrubbery. Confirmation has been sought that this does not fall within the ownership of the applicant and as such I do not consider it plausible to attach the first condition requested by the Highways Authority given that it relates to land outside of the applicants control. Having verbally discussed this with county council colleagues it has been conceded that the situation is likely to be improved in the winter months in any case due to less foliage within the shrubbery.

Whilst I appreciate that the Ropewalk has changed significantly since the 1971 approval, the fact of the matter remains that the applicant has a viable fallback position in that the site has permission to accommodate two additional detached dwellings using the existing access. I therefore feel that it would be very difficult to sustain a reason for refusal based on highways safety.

I have noted the concerns raised in terms of congestion within the access but I do not consider that the additional two dwellings would have a significant impact to warrant refusal. The site plan demonstrates ample space for parking and turning facilities at the front of the dwellings and the length of the access from the driveways to the highway is relatively short such that any potential congestion should be able to be anticipated and avoided.

Matters in relation to the impact of construction traffic do not form a material consideration which can be afforded weight in the determination of the current application.

Impact on Flooding

In terms of traditional flood risk (i.e. that from rivers), the site to be located outside of Flood Zones 2 and 3. New mapping has been released by the Environment Agency on surface water flood risk. This surface water mapping provides a useful indication of low spots where water is likely to 'pond', where surface water flooding is deeper or shallower, direction and approximate speed of flowing water (indicating flow paths) and the spatial location of surface water flood risk in relation to sites.

Southwell has recently experienced a significant flooding event. This included severe flash flooding from the Potwell Dyke and Halam Hill subcatchment watercourses as well as overland surface water flows which affected a significant number of properties. In light of this significant flood event and the more frequent but less severe flooding which is experienced it is crucial that flood

risk can be appropriately considered as part of the planning process. Recent events have highlighted a clear need for further investigation to be carried out so that the nature and extent of flood risk to the settlement can be fully understood.

The stance for new development is that the applicant should be able to demonstrate to the satisfaction of District Council, the Environment Agency, Nottinghamshire County Council and Severn Trent that flooding issues can be adequately addressed. This assessment should take into account the findings of the surface water flood maps.

Other than stating that the development intends to employ the use of soakaway's, the original application documents did not address matters of flooding within the application submission. Indeed this matter formed the basis of the Town Council objection to the application. During the life of the application the applicant has submitted a drainage strategy for the proposal. This outlines that the development will be connected to the Severn Trent Water public foul sewer system and discusses the following in terms of surface water drainage:

By comparing the combined impermeable area of roofs and driveway of the extant permission (470m²) with the roofs of the current application – the drives in the current application will be permeable paving and therefore may be discounted - (544m²), it can be seen that the increase is only 74m² or 15%. This is not considered significant in terms of soakway capacity. At the detailed design stage, soakaway tests will be carried out to derive the infiltration rates and design the dimensions of the soakaways.

I appreciate that flooding is a serious issue in Southwell and the lack of initial details in relation to this matter is unfortunate particularly since the applicant was made aware of the likely issues prior to the submission of the application. However, the drainage strategy submitted presents a persuasive case and in line with the aforementioned landscaping condition details of any hard standing can be secured by condition. I note neither that Severn Trent Water nor the Environment Agency have raised an objection to the scheme. I still await formal comments from NCC as Lead Local Flood Risk Authority and the recommendation below remains only on the basis that they too raise no objections.

Developer Contributions

The proposal would be liable to pay a Community Infrastructure Levy which in the Southwell Rural Area amounts to approximately £75 per square metre of internal floor space for residential developments.

During the life of the application there have been changes to national policy which has amended the thresholds that can be applied to the collection of affordable housing and other planning contributions on small sites. The new policy is set out in Planning Practice Guidance which accompanies National Planning Policy Framework. The matter has been discussed at the Council's Economic Development Committee and Members have resolved that the triggers contained within Core Policy 1 would no longer be applied. The new triggers in line with the changes to national planning policy now relate to housing proposals of 11 or more dwellings. As a consequence it is no

longer deemed reasonable to pursue a contribution for affordable housing on the basis of site area for the current application.

Other Matters

Southwell Town Council have recently completed consultation on a Draft NP and having assessed the relevant policies I do not consider there to be any that carry weight sufficient to warrant determining this application contrary to the national and adopted Development Plan Policy set out above.

Consultation comments have been received referring to the removal of a hedge however it is unclear which hedge this is in reference to. I acknowledge that the site has recently been cleared with the hedge to the north western boundary retained. Although the application does not make specific reference to hedge removal, confirmation has been sought as to the intentions of the applicant if planning approval were to be granted. It has been confirmed that landscaping details would be preferable to be agreed by condition. I agree that this would be an acceptable approach.

Conclusion

The proposal relates to the erection of two detached dwellings in a sustainable settlement and thus the principle of residential development within the site is acceptable. Notwithstanding this, it is noted that the site is subject to an extant planning approval which allows for the erection of two, four bedroom, detached dwellings constituting a reasonable fallback position. Having considered the application against the details of that previously approved, the current proposal is not considered to have a materially worse impact than that which could be built through the previous scheme. Moreover, the current application presents the opportunity to better control future development within the site through the use of appropriate conditions.

RECOMMENDATION

Approve, subject to the following conditions:

Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans received 3rd February 2015 reference:

- Site Location Plan – P01B

- Site Plan – P02C
- Elevations for Plot 1 – P03B
- Elevations for Plot 1 – P04A
- Ground Floor Plan for Plot 1 – P05A
- First Floor Plan for Plot 1 – P06B
- Elevations for Plot 2 – P07
- Elevations for Plot 2 – P08
- Ground Floor Plan for Plot 2 – P09
- First Floor Plan for Plot 2 – P10A

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

Reason: So as to define this permission.

03

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

- Facing Materials
- Bricks
- Roofing Tiles
- Cladding
- Render

Reason: In the interests of visual amenity.

04

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

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as

to enhance the nature conservation value of the site, including the use of locally native plant species.

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

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

05

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.

06

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

Reason: In the interests of highway safety.

07

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 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.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) and in order to safeguard the amenity of neighbours.

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)	685		685	75	257	60,015.34
Industrial (B1b, B1c, B2, B8)						
Retail						
Totals	685		685	75	257	60,015.34

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

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

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.

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 development makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office (0115 993 2758 to arrange for these works to be carried out.

BACKGROUND PAPERS

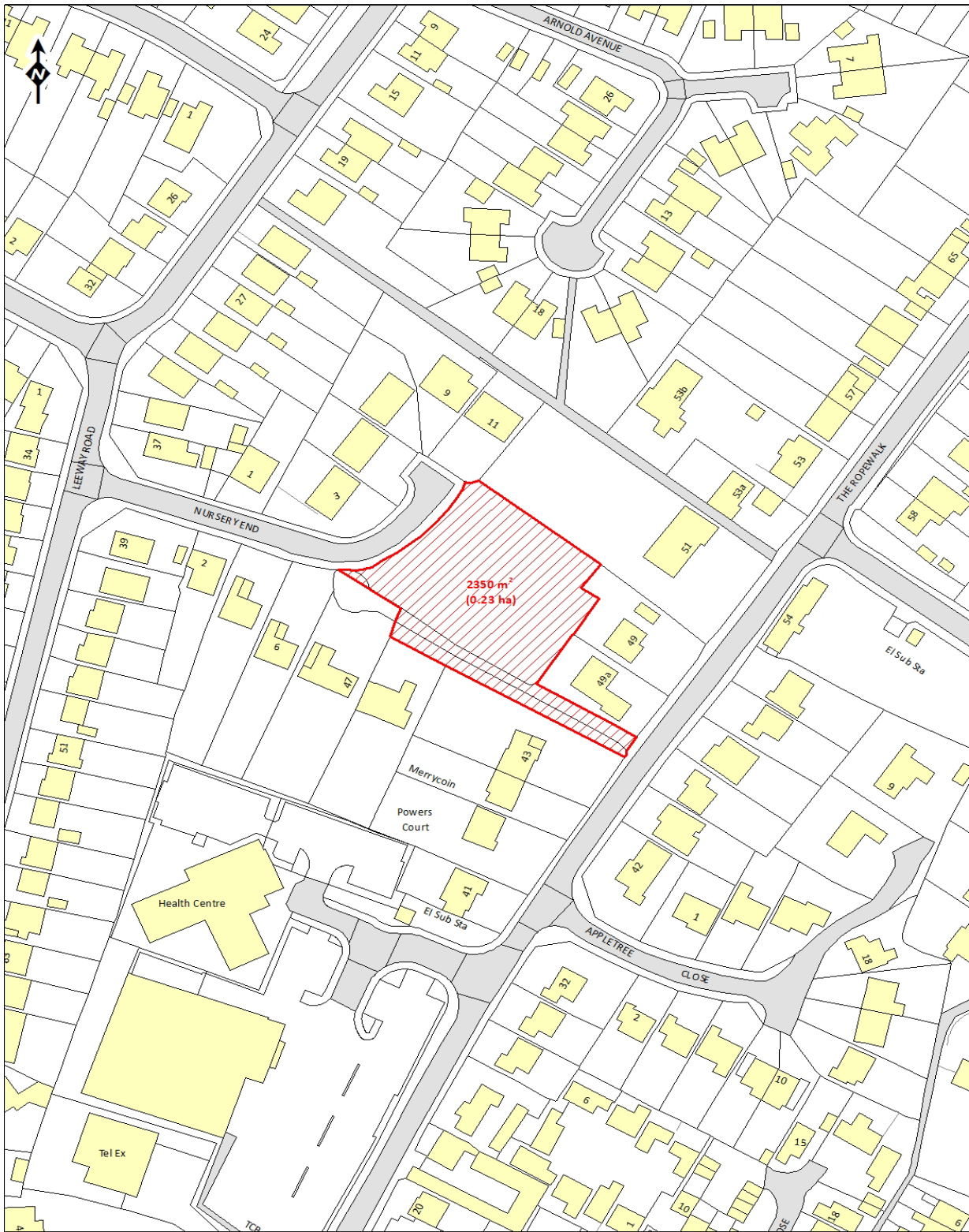
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 14/02172/FUL



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Application No:	15/00292/FUL	
Proposal:	Erection of new gantry crane on an existing industrial estate	
Location:	PA Freight Services Ltd, International Logistics Centre, Park House, Farndon Road, Newark	
Applicant:	Andrew Morris of PA Freight	
Registered:	09 March 2015	Target Date: 04 May 2015

The Site

The application site relates to an existing logistics, warehousing and distribution centre, occupied by PA Freight. PA Freight are a specialist packing and freight company who organise the safe shipping and transport of abnormal loads across the world.

The existing site is occupied by a diverse range of buildings, comprising warehousing, a Nissan hut, stores, workshops, portacabins and offices with parking for approximately 20 vehicles. Adjacent to this is a concrete surfaced handling yard for the freight. The buildings are all contained within a secured compound and generally well screened by mature conifer trees and fencing. Access is taken along an 80 metre private drive from Fosse Road, which is located immediately adjacent to a property known as 'Camahieu' at Farndon Road.

To the east, a strip of land (which appears to be a yard used for HGV parking and annotated on the plans as being owned by Mr Walmsley) separates the site from the rear gardens of residential development on Farndon Road. To the north is a vacant brown field site, and to the east are the grounds to a substantial detached dwelling 'Cranleigh Park' at 153a Farndon Road adjoining open countryside. The premises are bounded on all sides by a mixture of mature hedging and tree planting.

Land to the south-west of the existing premises, within the application site, forms part of an agricultural field, which itself borders the River Devon to the west and Fosse Road to the east. The new infrastructure in connection with the dualling of the A46 trunk road is in place including an upgraded roundabout is to the south-west.

The existing premises sit within Newark Parish and within the town envelope, whilst the adjoining field is located within the open countryside. The Farndon Open Break as designated by the Newark and Sherwood Local Plan is situated immediately to the south and east of the development site. Additionally, the site as a whole is designated as being within Flood Zones 2 & 3.

Relevant Planning History

There is long-established history of commercial uses occupying the site. Charles Lawrence (UK Ltd) formerly occupied the site which relocated to Newark's industrial estate around 1996 when PA Freight took over the site. The following applications are of interest:

82/1046 – Erect house (to become known as Cranleigh Park) on land rear of 153a Farndon Road, also within the Open Break. Approved 1st June 1983, subject to conditions linking the house to the adjacent business Charles Lawrence (UK) Ltd.

88/1459- Planning permission was granted for the refurbishment and extension to stores and staff facilities on 9th January 1989.

90/1427 – Planning permission was granted for the erection of a new storage shed, oil and general store on 12th February 1991.

93/51036/FUL - Planning permission was granted for a change of use of former gardens (strip of land at Cranleigh Park) to yard on 15th November 1993.

94/51039/TEM – Temporary consent was granted for portacabins on 29th September 1994.

96/51057/FUL – Approval for the erection of a storage shed was granted on 24th February 2007.

96/51049/FUL – Permission was granted on 29th October 1996 to allow the continuation of the use of the dwelling 'Cranleigh Park' without compliance with Conditions 2 and 3 of 82/1046 which linked the house to the adjacent business.

02/01147/FUL – Full planning permission was granted on 16th September 2002 for a new access drive off Old Fosse Road to serve a private dwelling known as Cranleigh Park and PA Freight. Having viewed aerial photographs from 2005, this appears to have been implemented and is known as Sproaks Lane.

02/02656/OUT - Outline permission was granted on 3rd April 2003 for proposed new offices and lecture theatre and new warehouse facilities.

03/02978/FULM – Full planning permission was refused for a new logistics training centre, warehousing and offices together with related car and lorry parks and landscaping on 17th June 2004. An appeal was lodged but ultimately withdrawn following announcement by the Highways Agency of the A46 Road Improvement Scheme which made the scheme unworkable.

05/02621/FUL – Full planning permission was granted retrospectively to allow the increase height of a warehouse on 19th January 2006.

07/00848/FUL – Full planning permission was granted retrospectively for the widening of an existing road and the provision of a turning area and temporary parking area for commercial vehicles on 15th August 2007. Condition 1 required that there would be no parking of vehicles on the site between the hours of 1830 and 0800. Whilst the description indicated the parking would be temporary there is no mechanism (such as a condition) within the decision notice to time limit this parking and as such this can lawfully continue in perpetuity.

11/SCR/00014 – A screening opinion (under the Environmental Impact Assessment Regulations) was sought for the development (re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles. Redevelopment of site involving demolition of some existing buildings and construction of 3 no. new commercial buildings) and it is the LPA's opinion that an EIA is required in this instance.

11/01300/OUTM – Re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles. Redevelopment of site involving demolition of some existing buildings and construction of 3 no. new commercial buildings. Appearance and details of new buildings will be a reserved matter. Still pending determination.

The Proposal

Full planning permission is sought for the erection of a gantry crane. The crane has a degree of permanence and hence constitutes development needing permission. This crane is C15m wide by C31.5m in length and is just over 9m high and would be located within the freight yards adjacent to an existing warehouse and close to the boundary with no. 14 Willow Cottages to the north. The crane is currently in operation at PA Freight Services Swinderby site and will be transferred to the Newark site to handle larger equipment.

Departure/Public Advertisement Procedure

Occupiers of 22 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 7 - Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile`
- Core Policy 9 -Sustainable Design
- NAP1 – Newark Urban Area

Allocations & Development Management DPD

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

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – No objection

Farndon Parish Council – No objection

NCC Highways Authority – The proposal is not expected to have a significant impact on the public highway, therefore, there are no highway objections to this application.

Highways Agency - No objection

Environment Agency – We note that this application is located within flood zone 3, and hence is in a high flood risk location. It is usual for such applications to be supported by a flood risk assessment FRA. We note the comments in the email from Mr Rodgers on behalf of the applicant, but having reviewed the 2011 FRA to which he refers we consider that the FRA is out of date and not relevant to this application. We would recommend therefore that a FRA appropriate to the scale and nature of the proposal is submitted in support of the application, using the matters indicated in the email as a framework for the submission. If this can be submitted within the consultation period then we will be happy to carry out a further review before responding formally. Should this not be possible then we would have to **OBJECT** to the application on the basis of an inadequate FRA.

At the time of writing this report discussions are on-going between the agent and the Environment Agency. The agent is confident that given the diminutive footprint of the proposed crane that the objection raised by the EA shall be withdrawn.

Environmental Health – Having heard the crane in operation and visited the cranes proposed installation location, subject to a condition ensuring the crane is correctly installed and maintained I have no objection.

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

- The site is not an existing industrial site
- The site is situated within a floodzone
- Existing HGV traffic causes damage to the neighbouring property and boundary treatment and would be increased by the proposed development
- The existing security lighting is damaging to surrounding residential properties
- The crane will result in the presence of more slow moving traffic entering the site to the detriment of highway safety
- The site is a haulage yard and is not commercial land as indicated in the application
- The creeping intensification of the site is inappropriate in a residential location
- The crane will tower over surrounding residential properties
- The crane would be highly visible and detract from views when entering the historic town of Newark
- The submitted site location plan is considered to be incorrect and land shown as within the blue line should not be
- It is not believed that the original Sui Generis permission for the site was ever intended to lead to the expansion of the yard into the Farndon Open Break and flood plain as the lorry park has done, the permission was for the site itself to be the area for the parking of lorries

and not the creeping intensification of activities within the site, pushing the parking of lorries out into the open countryside

Comments of the Business Manager

The application is before Committee given the outstanding objection from the Environment Agency. Whilst this objection may be withdrawn prior to Committee it is also noted that the application has been called to committee in any event at the request of Councillor Payne. This is on the basis of the scale and height of the proposed crane and in order to assess any perceived impact on neighbouring properties and on the approach into Newark.

Principle

Core Policy 6 of the Core Strategy states that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range of employment opportunities by amongst other things:

‘providing most growth, including new employment development, at the Sub-Regional Centre of Newark, and that of a lesser scale directed to our Service Centres and Principal Villages, to match their size, role and regeneration needs. Providing a range of suitable sites in these location that will enable employment levels to be maintained and increased, by meeting the modern requirement of different business sectors and types.’

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The Core Strategy is explicit in identifying that the Newark Urban Area is the Sub-Regional Centre for the District which will form the focus for further development and growth over the identified plan period. The Allocations and Development Management DPD identifies the development site as being within the Newark Urban Area where Area Policy NAP 1 is considered to be particularly relevant. NAP 1 states that the District Council will work with its partners, developers and service providers to promote the Newark Urban Area as the main focus for residential, commercial and leisure activity within the district.

The site is also situated adjacent to land allocated as Open Breaks. Policy NUA/OB/1 of the Development Management DPD states that ‘within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for built development’ However, notwithstanding the above, the development site is not situated upon land defined as Open Breaks. The proposed crane would be sited within the boundaries of the existing yard, which has an established employment use (occupied by PAF since 1996) for use as a freight depot.

The principle of further development on the proposed site is considered to be acceptable subject to the consideration of the proposed developments perceived visual impact, impact upon flood

risk, perceived amenity impact, perceived impact upon highway safety and perceived economic impact.

Visual Impact

The site is situated approximately 100m to the east of Farndon Road and with the exception of the entrance views into the site are relatively limited. The site is laid out with a carpark to the south west with associated office building to the east of this. The yard area with associated buildings extends to the north and west of the main office building. Of particular note is the storage building on the northern boundary of the site which has a ridge height of approximately 9.2m. The entire site is screened from view by the presence of an approximately 10m high Leylandii hedge which marks the northern, eastern and western boundaries to the site.

It is proposed to site a gantry crane on the north western boundary of the site to the west of the storage building. The crane would have a width of 31.5m a depth of 15m and an overall height of 9.05m. The crane is currently in operation at the companies Swinderby site and the finish of the crane has been viewed by officers. The crane has a grey gantry frame with the travelling crane coloured a powder coated yellow.

Consideration of the perceived impact of the crane on the surrounding areas needs to be had. The closest residential property to the proposed cranes location would be 14 Willow Cottages, which forms part of a collection of sheltered bungalows for the elderly. It is considered that given the overall height of the crane at 9.05m and the approximate height of the dense Leylandii hedging which marks the boundary of the site at 10m it is not considered that views of the crane shall be possible beyond the development site.

The comments regarding the impact of the crane on views as people enter Newark via Farndon Road are noted; however given the cranes siting approximately 100m to the east of the road and the existing 10m high boundary screening it is considered highly unlikely that the structure will be visible beyond the development site. A condition is recommended to be added to any forthcoming permission for the boundary hedging to be retained at a minimum height of 9.5m, in the interests of the visual amenity of the surrounding area.

Flood Risk

The site is designated as being situated within Flood Zones 2 & 3 according to Environment Agency Flood Zone Mapping and lies within the floodplain of the River Trent and River Devon. The development site is in the majority surfaced with concrete with surface water draining into a network of ditches and culverts.

The proposed crane would be open sided and is constructed of steel i-beam legs on spreader plates. It is proposed that the legs of the crane would be bolted directly into the existing re-inforced concrete surface without the need for a foundation.

The comments from the Environment Agency are noted and it is understood that the agent is in on-going discussions with the Environment Agency regarding their stance on the application. The agent expects that the objection lodged by the Enviroment Agency shall be removed on the basis that the proposed installation would not dramatically alter the sites surface water absorption. Given the diminutive footprint of the proposed crane and that the site is at present hard surfaced with concrete, officers share the opinion of the agent and do not envisage that the installation of

the proposed crane would detrimentally alter the surface water absorption of the site.

Residential Amenity

The sheltered elderly housing of Willow Cottages situated to the north of the site are the closest residential properties to the proposed development. Further afield the property known as 'Camahieu' situated to the south west of the development on Farndon Road would be approximately 80m from the cranes proposed location.

At present the Farndon Road site for PA Freight handles a variety of packing crates and containers of varying sizes. The logistics of managing these containers is currently undertaken by the existing smaller crane situated in the building to the east of the proposed gantry crane, fork lift trucks and telehandlers. Upon undertaking a visit to the site it was apparent that the site was an active shipping yard with vehicles frequently in operation moving materials around the yard. In addition to the noise created by vehicles moving around the yard, background noise of the nearby A46 was clearly audible. As such it was clear that the site is an operational shipping yard and a background noise level exists generated by existing operations.

The agent has commented that the siting of the proposed crane on the site would reduce the current number of vehicular movements, given that a smaller number of larger containers could be managed as opposed to the current higher volume of smaller containers. This it is considered could result in a reduction of existing background noise levels to the benefit of surrounding residential properties.

Officers and Environmental Health colleagues have witnessed the proposed gantry crane whilst in operation at the companies Swinderby site. The crane is operated by electric motors and notwithstanding the noise generated by these motors was relatively quiet in its operation. No objection to the proposed installation has been received from the Environmental Health Officer; subject to the imposition of a maintenance condition to ensure the crane operates as viewed on site.

Highway Impacts

The comments from neighbours regarding highway safety are noted, however it is not considered that the proposed installation would result in a greater volume of traffic. The agent has commented that the installation of the crane would result in the sites ability to handle larger containers thus resulting in fewer vehicular movements. Nottinghamshire County Council Highways Authority and the Highways Agency have both offered no objection to the proposed development.

Economic Impacts

The proposed crane is to be re-sited from the companies existing Swinderby site, which is to be closed with current operations absorbed by the Farndon Road site. Should the application for planning permission be refused, the jobs (approximately 10) currently provided at the Swinderby site would be lost. The proposed development site which forms the basis of this application, is situated within the Urban Centre of Newark where in accordance with Area Policy NAP 1 and Core Policy 6 of the Core Strategy employment shall be promoted. As such in the interests of job retention, it is considered that the proposed development would result in a positive economic outcome through the retention of jobs and allow a local business to prosper, to the benefit of the

District.

Balance and Conclusions

The proposed crane would be sited within an operational shipping yard and within the existing boundaries of said site, as defined by approximately 10m Leylandii hedging. The re-location of the crane from PA Freights Swinderby site will ensure up to 10 existing jobs are retained. The existing boundary vegetation would screen the crane from view from neighbouring properties and users of Farndon Road. The crane would result in no greater noise disturbance level than that which currently exists on the site. The surface water absorption of the site is not considered to be significantly altered through the installation of the crane due to the modest foot print of the installed crane and the lack of any foundation.

The proposed development is considered to accord with Spatial Policy 7, Core Policies 6 & 9 and Area Policy 1 of the Newark and Sherwood Core Strategy. In addition with policies DM1, DM5 and DM12 of the adopted Development Management DPD.

RECOMMENDATION

Approve, subject to the following conditions:

Conditions

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

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

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

Block plan as proposed Dwg No 2

Plans and elevations as proposed Dwg No 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.

3. The hedging along the northern, eastern and western boundaries shall be retained at a minimum height of 9.5 metres for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of residential and visual amenity

4. The installed crane hereby approved shall be the subject of a regular maintenance regime to ensure that the sound levels experienced in the cranes operation on site on 02/4/15 are not exceeded.

Reason: In the interests of neighbouring amenity

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.

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 - 15/00292/FUL



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Application No:	15/00211/FUL	
Location:	Fuller Leisure Ltd, Lowdham Road, Gunthorpe, Nottinghamshire, NG14 7ER	
Applicant:	Mr Nick Pearce	
Registered:	12.02.2015	Target Date: 09.04.2015

The Site

The site is occupied by Fuller Leisure Ltd and is used for the sale and maintenance and repairs of motorhomes.

The site is located within the Green Belt. The site is located outside of the main built-up area of the village. There are some clusters of both residential and commercial development along this road as well as farms and equestrian uses.

The whole of the site is located within flood zone 3. There is a beck running to the rear of the site.

Access to the site is taken from Lowdham Road (A6097). To the north of the site is a large building used as a showroom, sales office, workshop and stores. There is also a canopy still in place for when the site had a petrol forecourt. To the south west of the site is a workshop building. It is this workshop building that is the subject of this planning application. There are a number of motorhomes parked on site for sale.

Relevant Planning History

11/01507/FUL - Extension to commercial (showroom, workshop and stores) building and alterations to access from highway. Planning permission granted.

FUL/990726 – Proposed car showroom. Planning permission granted.

FUL/981164 – Proposed showroom extension. Planning permission refused.

FUL/950441 - First floor extension to form offices. Planning permission granted.

FUL/940302 - Portal frame workshop extension (revised proposal). Planning permission granted.

91/0997 - Extension to form internal sales display room and associated office space. Planning permission refused.

90/0508 - Extend use of existing workshop to provide vehicle servicing to general public. Planning permission granted.

90/0330 - New forecourt canopy and petrol pumps. Planning permission granted.

89/0367 - Amendment to planning approval form maintenance workshop. Planning permission granted. This is the building that is proposed to be extended as part of this planning application.

88/0359 - Variation of condition 1 approval no 84/0948. Planning permission granted.

87/0816 - Erect sales building and maintenance building. Planning permission granted.

87/0102 - Sales building and maintenance workshop. Planning permission refused.

86/0108 - Change of use for sale and display of light commercial vehicles (& retain filling stn). Planning permission granted.

84/0948 – Caravan sales site. Planning permission granted.

84/1043 - Variation of conditions 1 & 2 on previous consent ref: 77/1053. Planning permission refused.

83/0695 - Change of use for the sale of caravans & assoc. equipment. Planning permission granted.

77/1053 - Construct new workshop for car maintenance. Planning permission granted.

The Proposal

This application seeks full planning permission for the erection of a 2-bay extension to the vehicle repair workshop building. The extension is proposed to be located to the south side of the workshop. The extension measures approx. 10.4 metres by 11.6 metres. It has a pitched roof measuring approx. 5.8 metres to the eaves and 7.3 metres to the pitch.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 4B: Green Belt Development
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design

Allocations & Development Management DPD

Policy DM5 – Design

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

This application has been called to Planning Committee by Councillor Roger Jackson on the grounds of flood issues and overdevelopment of the site.

Environment Agency – Use Standing Advice

Highway Authority – No objection

No representations have been received from local residents/interested parties

Comments of the Business Manager/ Appraisal

Green Belt Issues

The site lies within the Green Belt where all new development is strictly controlled in order to protect its openness. Paragraph 87 of the NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF then offers some guidance on defining inappropriate development. Specifically it states that an LPA should regard the construction of new buildings as inappropriate development unless certain exceptions apply. One exception of relevance here includes

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”

It is noted that the building to be extended sits within a wider, long established planning unit containing showroom and offices and repair bays. Any additions over and above the original built form within the planning unit may have an impact upon openness and thus any additions cumulatively must be understood.

Having looked through the planning history of the site, it does not appear that the workshop building itself has been previously extended. The existing building has a footprint of approx. 245.7 square metres. The proposed extension has a footprint of 120.8 square metres. This represents a 49.17% increase in the footprint of the existing building.

The proposed extension is also taller than the existing building. The extension measures approx. 5.8 metres to eaves and approx. 7.3 metres to ridge. The existing building measures approx. 4 metres to eaves and approx. 5.3 metres to ridge. Given the increase in height of the new bays the volume increase is beyond 50% from the existing. These measurements calculate the existing building as the existing service bays only. They do not take into account the existing canopy over the wash down area nor the external stairs and walkway. If these additional structures were taken into account, the proposed percentage increase would be marginally less. The applicant’s agent has calculated the percentage increase to be 47%, which is similar to my own calculation.

The above figures do not have any regard to any of the previous additions within the site

constructed as a result of consents detailed in the planning history above. It is clear that the site had been extended significantly previously and also that the proposal before the LPA would represent a disproportionate addition and thus be inappropriate development. Consequently permission should only be granted if very special circumstances exist that outweighs harm by reason of inappropriateness.

In order to assess very special circumstances it is necessary to understand the rationale for the proposals. The applicant was asked to clarify why such a large extension is required and has provided the following response. They state that the existing building is currently used for mechanically servicing sold motorhomes, existing customer's motorhomes and carry out servicing required by "outside" customers. Since the building was constructed (planning permission was granted in 1989) motorhomes have become longer, wider and higher as manufacturing techniques have developed and demand for these products has increased. Manufacturers have broadened their ranges to cater for all size requirements. Because of the all-round increase in size of motorhomes the applicant is very limited on access into the mechanical servicing bays for the motorhomes. He is also limited on interior space for working on the motorhomes because the bays are too narrow for today's larger motorhomes. Hence the need for wider, higher and longer bays in the proposed extension. Also, and most importantly to the applicant, they are unable to fit vehicle ramps into the existing workshop to raise the motorhomes in order to service them. This is because the height of the existing building is insufficient for a ramp to be raised with a motorhome on it (clearance from the ground would only be about 2 feet, not allowing a mechanic access underneath to carry out the servicing work). Submitted plans showing a cross section of the existing building demonstrates this. Currently, with no ramps, mechanics have to work on their backs on the floor. This, the applicant reports, has made it very difficult to recruit mechanics. The industry norm is to provide ramps to enable the mechanics to work at chest height, without having to work on their backs on the floor. This is why the new extension proposes the additional height.

In addition to the above reasons, the applicant has summarised other effects to the business without the proposed extension. These include potential damage caused to motorhomes due to tight access into the workshop, inability to close roller shutter doors with longer vehicles - contributing to poor working conditions in cold months, having to work outside on larger motorhomes because they will not fit in existing bays due to length and height restrictions and the inability to recruit staff places the mechanical side of the business at risk, and this would cause a knock-on effect on other departments i.e. possible redundancies.

The applicants state that they are dealing with motorhomes on a daily basis that range from 6 - 9m in length, are 2.5m wide and are up to 4.6m in height. The proposed extension creates bays that are 11.6 metres in length, 5.1 metres in width and 5.7 metres to the eaves. This allows for these larger motorhomes to be serviced within the new bays with space surrounding the motorhomes for the mechanics to work.

Given the size of the motorhomes and the space required for mechanics to service them, I consider that the size of the extension is both justified and furthermore necessary to allow the business to meet the demands of servicing today's motorhomes whilst complying with health and safety requirements.

Further information was sought from the applicant regarding the need to retain the existing smaller bay workshops once the larger bay workshops were constructed (if planning permission is granted). Due to the size of the extension in the Green Belt, it needs to be fully explored as to why both the existing smaller bays and the proposed larger bays are required and why the larger bays

cannot be a replacement for the smaller bays with the smaller bays being demolished. The applicant has explained how the company has experienced significant growth since 2010 when turnover was £7 million. Today, turnover is circa £ 11 million. This illustrates both an additional demand and an additional growth in the last five years. At present three of the five bays in the existing workshop are used for valeting with two bays used for mechanical servicing. Because the business has expanded valeting and vehicle preparation has expanded with it and the two extra bays are required to cope with the needs of the business. At present some valeting of vehicles has to take place outside, again providing poor working conditions for staff, due to lack of space. Retaining the existing bays would provide storage for parts to serve the new bays. The applicant has stated that to just enlarge the existing bays would mean turning away business because they would not be able to cope with demand by using fewer bays. Therefore, the existing five bay building will be used for valeting and preparing the 450 motorhomes and caravans that are sold by the company annually and for storage. The proposed two bay building will be used solely for mechanical servicing of sales and servicing motorhomes which is approximately 500 units per year.

I consider that the applicant has demonstrated that very special circumstances exist at the site to allow such a large extension in the Green Belt. This is particularly the case when also balancing employment considerations.

Design

The design of the proposal is considered to be acceptable.

The extension is both taller than the building which it is attached to and also projects further forward of the building which it is attached to. The LPA usually prefer to see an extension appearing subservient to the host building as this is considered to be good design. However, the size of the proposed extension has been fully justified earlier in this report and is considered to be acceptable.

The proposed elevations are in keeping with the existing building. The style and pitch of the roof is in keeping with the host building and the proposed external materials of the extension are all to match the host building.

The proposal is set back within the site and due to the rows of caravans displayed for sale between the proposed extension and the public highway.

Flood Issues

The local Councillor has raised concerns regarding flooding at the site. The Environment Agency has been consulted on the application and has directed the LPA to assess the proposal against their standing advice.

The applicant has confirmed that the proposal will comply with Standing Advice in that floor levels within the proposed extensions will be set no lower than existing levels and that flood proofing of the proposed development has been incorporated where appropriate. These include electrical fittings being positioned 900mm minimum above the finished floor level.

As the proposal complies with Environment Agency Standing Advice, I do not consider it to be reasonable to refuse the proposal on flood risk grounds.

Impact on Amenity

There are no properties immediately close to the proposal that would be significantly affected by the development in terms of overlooking or massing / overshadowing. The proposed use is for an extension to an existing business use already operating at the site and therefore there are not considered to be additional significant issues of noise and disturbance.

Highway Issues

The Highway Authority has been consulted on the application and has raised no objection stating that it is unlikely to affect the public highway. The proposal does not involve altering the existing access, nor does it remove car parking spaces at the site.

Conclusion

It is clear that the proposal would provide for the continuing business needs of a well-established venture. It is equally clear that there are no issues that would warrant refusal of the application with respect to the majority of considerations. However, the planning unit and business has been subject to numerous previous additions, all of which have an impact upon the openness of the Green Belt. Even in isolation the proposed addition represents a disproportionate extension and thus represents inappropriate development. The applicant has provided very special circumstances for the proposed extension, setting out why it takes the form submitted and why extending existing bays is not feasible. On balance, I am of the view that the case presented does represent very special circumstances that outweighs harm by reason of inappropriateness. Approval is therefore recommended.

RECOMMENDATION

Approve, subject to the following conditions:

Conditions

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

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

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

Drawing no. 14/169/03, Site location plan and block plan

Drawing no. 14/169/02, Proposed Plan, Elevations & Section

Flood Risk Assessment and additional email from applicant's agent dated 13/03/2015 confirming that the finished floor level of the proposed workshop extension will be the same as the existing workshop unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: To define this permission, for the avoidance of doubt.

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

Reason: In the interests of visual amenity.

Notes to Applicant

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

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

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

BACKGROUND PAPERS

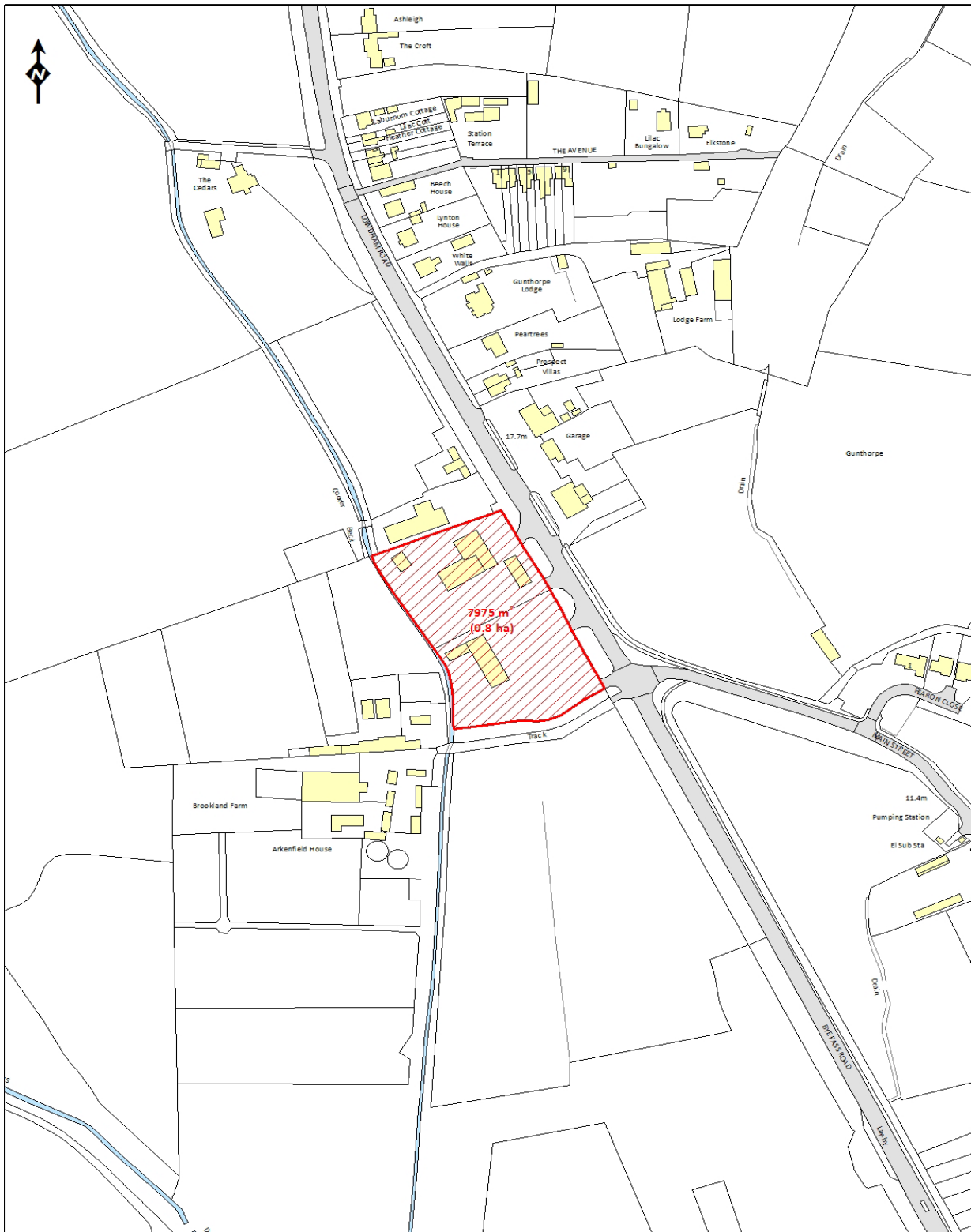
Application case file.

For further information, please contact Claire Turton on ext. 5893.

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 - 15/00211/FUL



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Application No:	15/00261/FUL	
Proposal:	Detached house with detached garage/studio - minor material variation of condition 2 of approved application 05/02270/FUL	
Location:	Tyne House 43A Gainsborough Road Winthorpe Newark On Trent	
Applicant:	Mr Richard Dorkin	
Registered:	20.02.2015	Target Date: 17.04.2015

The Site

The site is located on the east side of Gainsborough Road within the established village of Winthorpe, within the Winthorpe Conservation Area.

The application site comprises an area of land 0.23 hectares in size which is generally flat, although the land does rise quite sharply at its junction with Gainsborough Road in an easterly direction.

The western boundary of the site is heavily vegetated forming a visual screen, but limited views from the access drive can be obtained into the site. The southern boundary again is vegetated by evergreen species, screening it from the property known at The Cottage. The eastern boundary is formed by a series of hedges and trees and the northern boundary is sparsely vegetated with hedges.

Historically it appears that the application site comprised part of the curtilage of Wren Cottage, situated to the north-west of the application site, which is a late 18th Century, early 19th Century cottage style property fronting onto Gainsborough Road. Three modern bungalows lie to the north of the site fronting onto Hargon Lane but whose gardens abut the application site.

The site contains a new large detached dwelling house that is set back a considerable distance from the highway. The site contains a substantial number of large mature trees which screen the property from the highway. The detached garage is within the front garden/ parking area of the property. The rear elevation of this garage faces the side wall of Wren Cottage. There is a single ground floor window within Wren Cottage that faces onto the application site.

Relevant Planning History

01/01741/FUL - An application for the construction of a three bedroom detached dwelling and detached garage block was approved on 29 May 2002.

04/01533/FUL - An application for the erection of a detached house with integral garage was refused on 23 July 2004.

04/03095/FUL - An application for the erection of one dwelling was refused on 14 March 2005.

05/02270/FUL – An application for the erection of a detached house with detached garage/studio was approved on 28th April 2006.

The Proposal

Planning permission is sought to vary planning condition 2 of planning permission 05/02270/FUL. This previous permission was for the house now constructed on site and the detached garage, which has been erected in the wrong position from that original permission. Condition 2 specifically states:

“02

This approval relates to the application as endorsed by Additional Plan No. SX 910, forming part of this permission.

Reason: To define this permission and for the avoidance of doubt.”

I note that plan SX 910 referred to in the previous consent does not actually exist, rather it is plan reference SX 910.01 which is on file. It is this plan reference that will be taken as the correctly approved position.

The proposal now before the Authority seeks consent (retrospectively) for the garage in its current position, as shown in revised plan SK-910-01 Rev 02. The garage is shown as being located 1.2 meters further away from the closest boundary (Wren Cottage) than shown on the original approved plan (drawing number SX 910.01).

The application as originally submitted also includes an internal layout plan which shows a dwelling (living/kitchen area, bathroom, and toilet). The applicant has been advised that this plan should be withdrawn from consideration of this application on the basis that a full planning permission would be required for this and may not be supported (it is for a planning application process to determine).

The dwelling house that was approved under application reference 05/02270/FUL is complete and is not the subject of this application.

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 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

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Winthorpe Parish Council – Objects to the application.

- Considers that the size and the location of the site of the proposed garage are not in sympathy with the conservation area and its site, in particular, has very little consideration of its neighbours at 43, Gainsborough Road.
- Confused as to the need for the application.
- Relates the considerations contained within Policy DM5.

NCC Highways Authority – This application relates to the position of the proposed garage within the site. The site is of sufficient size to accommodate the alterations, therefore, there are no highway objections to this proposal.

No Representations have been received from local residents/interested parties.

Comments of the Business Manager/ Appraisal

When considering the application, it is necessary to not only consider the impact of the proposed development in terms of the revised plans that have been submitted, but also to consider the proposal against the fall-back position provided by what has been previously approved and can be lawfully erected.

Impact on Amenity

Policy DM5 states that in terms of amenity, the layout of development within sites and the separation distance 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.

It is considered that the proposed garage in the revised location as shown on drawing number SK-910-01 Rev 02, that shown as being located 1.2 meters further away from the closest boundary (Wren Cottage) than shown on the original approved plan (drawing number SX 910), is likely to have a marginally reduced impact on the amenity of the closest neighboring property. Although I note that there is a window serving a habitable room located within the south elevation of Wren Cottage which faces onto the garage, the application essentially moves the garage further away

from this window. As such it is considered that in this instance the proposed development is marginally better and thus acceptable.

Turning to the internal arrangements the recommendation remains that the proposal is only acceptable based on storage at first floor. If the applicant wishes for the floorplan originally submitted to be considered the application will be refused under delegated powers, in full accordance with the Council's constitution.

Impact on Public Safety

The Highway Authority raises no objection to the proposed development.

Conclusion

The proposed garage, in the revised position shown on drawing number SK-910-01 Rev 02, that shown as being located 1.2 meters further away from the closest boundary (Wren Cottage) than shown on the original approved plan (drawing number SX 910.01), will not have an unacceptable impact upon both the amenity of the neighboring property and the wider Conservation Area.

RECOMMENDATION

Approve, subject to the following conditions:

Conditions

01

This approval relates to revised Plan No. SK-910-01 Rev 02, showing the revised location of the proposed garage.

Reason:

To define this permission and for the avoidance of doubt.

02

The development shall be carried out in accordance with the detailed drawings and specifications of the materials and construction of the external surfaces of the building as previously approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development has a satisfactory external appearance by virtue of the materials used, and enhances or is suitable for the character/visual amenity of the Conservation Area.

03

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority The boundary treatment shall be completed in accordance with the details and specifications showing the position, design, materials and type of boundary treatment to be erected as previously approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of residential and visual amenity.

04

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within the first planting and seeding seasons following the completion of the development; any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason:

To ensure that the work is carried out within a reasonable period and thereafter properly maintained.

05

The garage hereby approved shall be used for purposes incidental to the enjoyment of the dwellinghouse and not for any residential overnight occupation.

Reason:

For the avoidance of doubt.

Notes to Applicant

01

The application relates only to plan drawing number SK-910-01 Rev 02 and not drawing number 300:10:002 REV 01 which shows revised elevations and an internal layouts.

BACKGROUND PAPERS

Application case file.

For further information, please contact Richard Marshall on ext 5801.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00261/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

UPDATE

Members will recall that this item was deferred at the April meeting for a site visit. There is no change to the recommendation.

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 dwellings 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

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: 08.05.2015	

UPDATE

Members will recall that this application was brought before the Planning Committee last month, where members resolved to refuse the application due to the impact of the dwellings siting on the openness of the Nottingham Derby Green Belt. In coming to a view Members wished to make the applicant aware that should a scheme be submitted with the dwelling in closer proximity to the site frontage such a scheme could be acceptable.

Prior to issuing a refusal discussions took place with the applicant to understand whether Members wishes could be accommodated. The applicant has now revised the proposed dwelling resisting it approximately 5m back from the front of the site, as opposed to the 31.5m originally before Members.

Consultations have been re-undertaken with neighbouring properties and the parish council, at the time of this report being written no comments had been received. Any comments that are received shall be considered as part of late items.

Updated Comments of Business Manager; Development

Impact on Residential Amenity

The dimensions of the dwelling remain unchanged from the scheme before Members in April. The only material difference to appraise is the set back of the dwelling from the frontage is by 5m.

No fenestration is proposed at first floor level on either the eastern or western elevations and a condition shall be added to any future permission to remove permitted development rights for openings on these elevations, in the interests of neighbouring amenity.

Windows are proposed on the front elevation which have the potential to offer views into a neighbouring conservatory of Chapel Cottage, situated to the north. However the degree of separation would be approximately 30m and as such any overlooking is not considered to be significant. In addition windows are proposed on the rear elevation of the dwelling, which could offer the potential to overlook the garden area of the adjacent dwelling – Laburnum Cottages garden area. Bedroom 1 has the potential to offer views over the swimming pool situated in the

rear garden area of Laburnum Cottage with a separation distance of approximately 8m. However, the existing dwelling contains windows on the rear elevation which also offer views over the pool area with a degree of separation of approximately 10m. Given the presence of windows in the rear elevation of the existing dwelling it is not considered that the proposed dwelling would result in a significantly greater degree of overlooking of the private amenity space of Laburnum Cottage than that which currently exists. A window in the rear of bedroom 2 will offer views up the garden area of the development site, with the potential for partial views of the rear garden area of Corner Cottage situated to the east of the development site. However, views are considered to be limited and would in the majority be screened by the existing boundary treatment.

Overbearing & Loss of Light

The majority of the built form of the dwelling would align with the existing two storey rear extension of Laburnum Cottage to the west. The western side elevation of the proposed dwelling would result in a degree of overshadowing of the existing conservatory on the south eastern corner of Laburnum Cottage. However, given that at present the side elevation of the conservatory abuts a C1.8m high boundary wall and that the conservatory has windows on the southern elevation the increased loss of light and overbearing on this element of the neighbouring property is not considered to be so significant to warrant refusal of the application.

In conclusion it is not considered that the revised siting of the dwelling would significantly detrimentally impact upon the amenity of surrounding residential properties through overlooking, overbearing or loss of light.

Impact on the Openness of the Green Belt and the Character of the Area

It is proposed that the dwelling now be sited approximately 5m to the south of the existing buildings frontage. The bulk of the two storey element of the dwelling would be aligned with the two storey rear extension of the dwelling to the west. The area to the front of the dwelling would be paved and provide space for vehicle parking.

It is considered that the dwellings revised location would overcome previous concerns regarding the dwellings impact upon the openness of the area by ensuring the built form of the dwelling was within close proximity to that of the neighbouring dwellings to the west. As such the revised siting of the dwelling is considered to have an acceptable impact upon the character of the area and not to result in a significant loss of openness of the Green Belt. The proposal would therefore be in accordance with Spatial Policy 4B of the Core Strategy and Policy DM5 of the Newark and Sherwood Development Plan Document.

Conclusions

The proposed replacement dwelling is now considered to be acceptable. The dwelling is considered to have a limited impact upon the character of the surrounding area and not significantly detrimentally impact upon the openness of the Nottingham Derby Green Belt. Consideration of surrounding neighbouring amenity has been had and the proposed dwelling would not significantly impact upon neighbouring amenity through overlooking, overbearing or loss of light. The proposed development is considered to be in accordance with local and

national planning policy guidance and there are no further material considerations which would warrant refusal.

Recommendation

Approval, subject to the following conditions:

01

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

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

02

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

- Site Block Plan dated April 2015**
- Plans as proposed Drawing No. 4TRLB/2014/P1 dated November 2014**
- Elevations as proposed Drawing No. 4TRLB/2014/E1 dated November 2014**

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 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:

means of enclosure;

car parking layouts and materials;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

04

All hard and soft landscape works shall be carried out in accordance with the approved implantation 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.

05

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

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

06

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

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

07

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 E: Development within the curtilage of a dwellinghouse.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation).

08

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

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

Notes to Applicant

01

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

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

02

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

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH – (tel: 01476 584800).

04

For the avoidance of doubt, this decision is made on the basis of the impact of the built form associated with this property on the surrounding Green Belt. For clarity all associated built form is detailed on the following plans: Proposed Site Block Plan dated April 2015, Plans as proposed Drawing No. 4TRLB/2014/P1 dated November 2014, Elevations as proposed Drawing No. 4TRLB/2014/E1 dated November 2014 as detailed in condition 2 of this permission.

ORIGINAL REPORT PRESENTED TO APRIL COMMITTEE

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

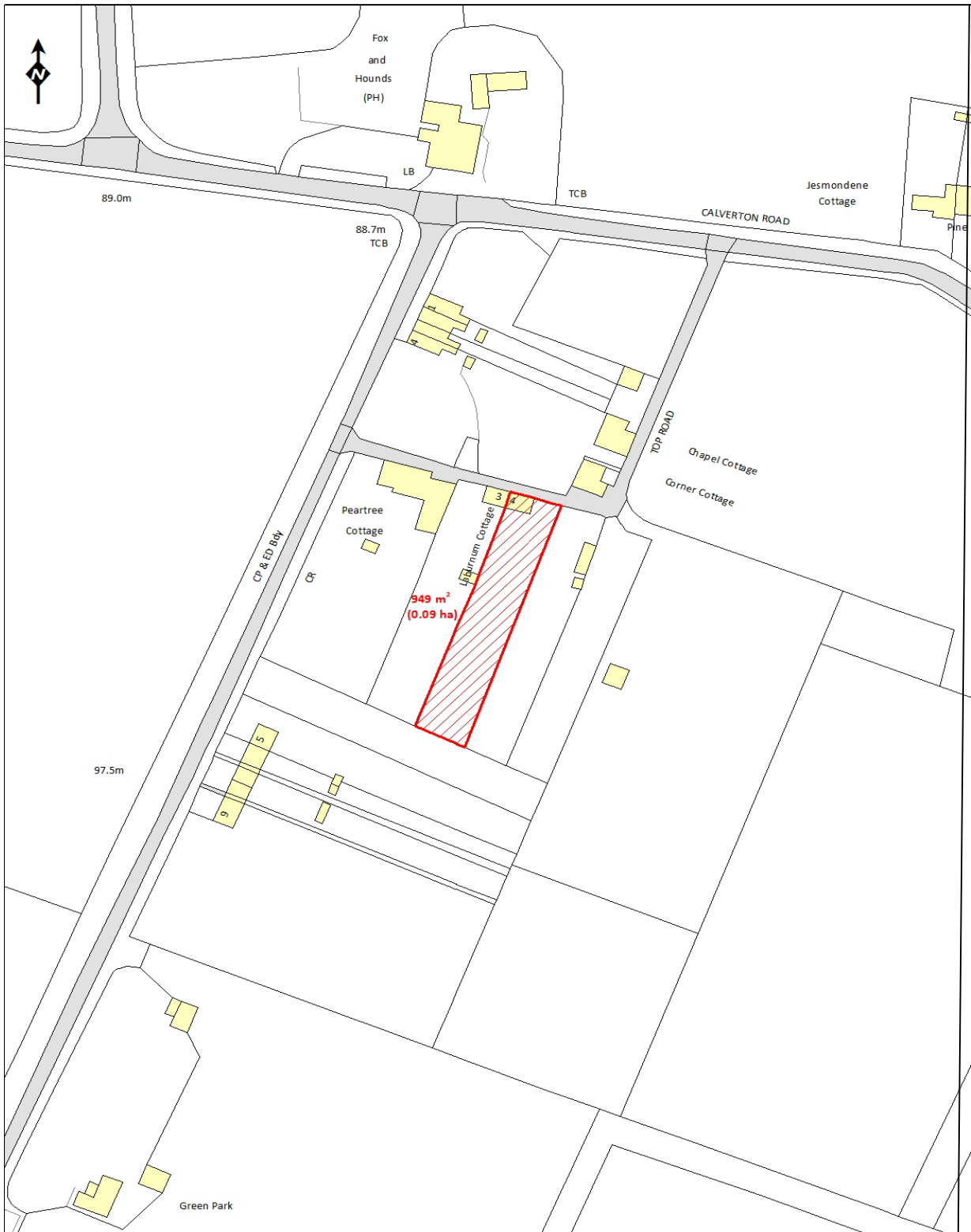
Application case file.

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:	15/00349/FUL	
Proposal:	Creation of an all weather menage and associated fencing	
Location:	Knapthorpe Grange, Hockerton Rd, Caunton	
Applicant:	Mrs Sylvia Michael	
Registered:	27.02.2015	Target Date: 24.04.2015

The Site

The application site comprises an agricultural holding and farmhouse on the western side of Hockerton Road. There are a number of farm buildings towards the front of the site with the dwelling sited to the north, separated by the access road. To the rear of the farm buildings is a field used for grazing horses with further fields to the west. The site occupies a relatively isolated location in the countryside with a limited number of dwellings in close proximity to the south and south-east.

Relevant Planning History

There is a detailed history on the site. This includes 95/50313/FUL which permitted an agricultural dwelling, 96/50308/AGR which permitted a free standing barn and 98/50322/FUL which permitted an extension to farmhouse.

The Proposal

The proposal comprises the creation of an all weather menage and the erection of associated fencing. The menage would cover an area of 40 metres by 20 metres and would be located to the rear of the adjacent agricultural building. Fencing to the perimeter would be a post and rail fence to a height of 1.2 metres.

Departure/Public Advertisement Procedure

Occupiers of two properties have been individually notified by letter and a site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 3 - Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 - Sustainable Design

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM8 – Development in the Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Caunton Parish Council: support the proposal.

No representations from neighbours have been received.

Comments of the Business Manager/Appraisal

In accordance with the constitution, the application is to be determined by the Committee as the applicant is a Ward Member.

Principle of Development

The proposal relates to the formation of a menage for domestic use and associated fencing. Policy DM8 raises no objections to domestic equestrian uses provided that they comply with policy DM5 in terms of design, access, parking and residential amenity. The proposal is therefore considered acceptable in land use terms.

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 menage would be largely hidden from the public view along Hockerton Road by the existing farm buildings. It would be low level, with post and rail fencing of 1.6 metres in height surrounding the recycled rubber chip/crumb surfacing. No lighting is proposed and as such the development would be largely unseen and would blend well with the existing landscape. Therefore, the proposal is considered to be acceptable visually.

Impact on Residential Amenity

The NPPF seeks to secure 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 menage would be a significant distance from the closest residential properties, 2 and 3 Hockerton Road, in excess of 60 metres. The applicants already carry out exercise, schooling and training of horses at the farm and the proposed menage is intended to allow all year round

exercise. Although the proposal could lead to a greater use of the site the level of use would be relatively minimal and only on a domestic basis. Furthermore, no lights are proposed to the scheme which would restrict use to daylight hours. A condition is recommended to prevent the addition of lights without planning permission both in the interests of neighbour and visual amenity. As such, the development is not considered to be detrimental to the amenity of neighbouring properties and the proposal complies with local and national policies.

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 for domestic use only and therefore would not generate significant additional levels of traffic and the site has capacity to provide adequate parking. A condition can be imposed to ensure personal use only. As such, the proposal is considered to be acceptable in terms of highway safety and complies with Policies SP7 and DM5 of the DPD.

Conclusion

The proposal is acceptable in principle, the design is appropriate for the location and the development would not be detrimental to the amenity of neighbouring properties. As the proposal is for domestic use, there would not be a significant impact upon the highway or parking facilities. The proposal is therefore considered to be acceptable and to comply with local and national policies.

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: 2327-A2-01a.

Reason: So as to define this permission.

03

The ménage hereby permitted shall not be floodlit or illuminated in any way, unless express planning permission has first been granted by the Local Planning Authority.

Reason: In the interest of residential amenity.

04

The use of the ménage hereby approved shall be for domestic purposes only with no commercial activities taking place thereon.

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

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

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

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

BACKGROUND PAPERS

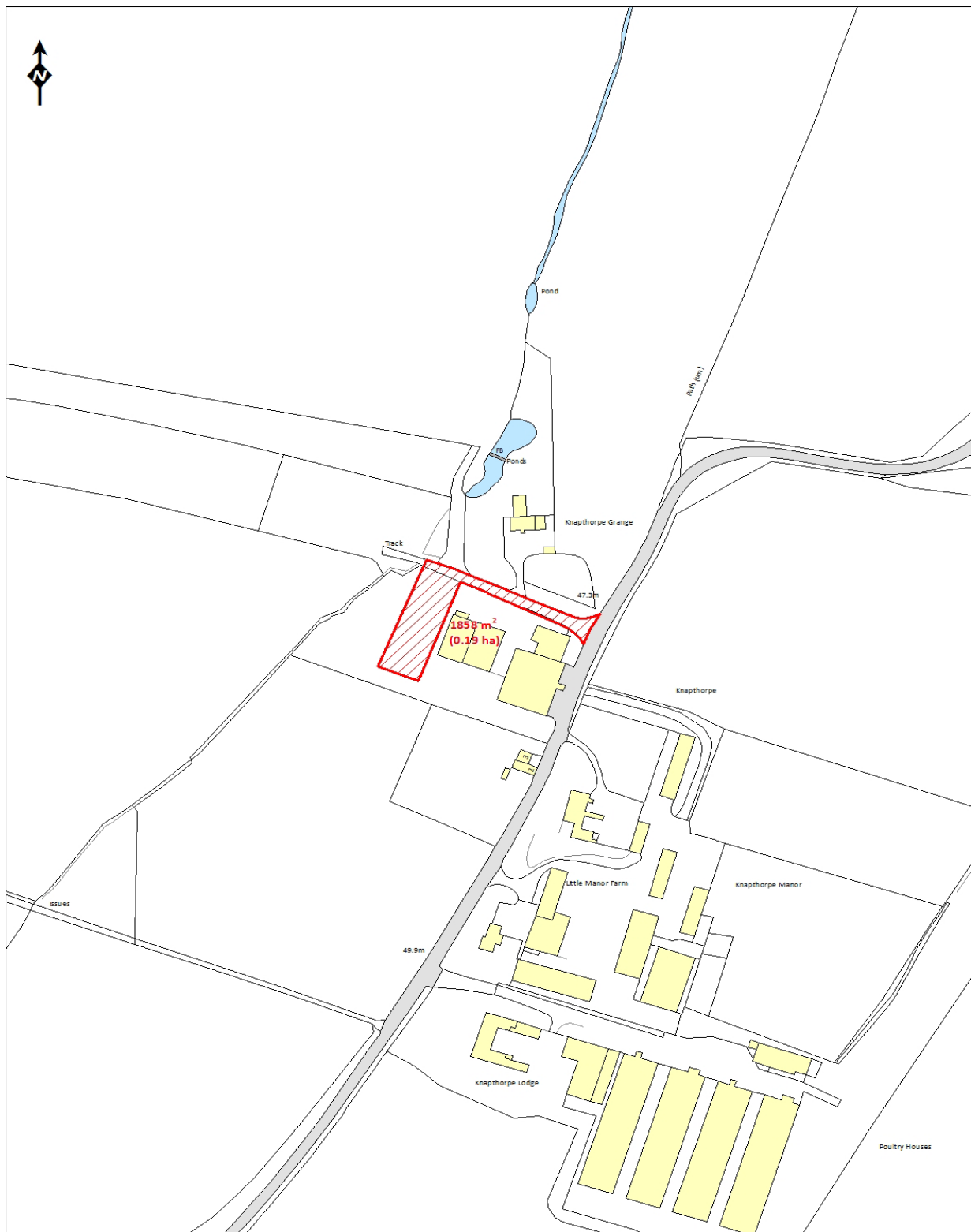
Application case file.

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 - 15/00349/FUL



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Application No:	15/00354/FUL	
Proposal:	Variation of Conditions 6(i) to change wording from '28 days' to '4 months' and Condition 5(i) to change the wording from '3 months' to '6 months' of Planning Permission 14/01106/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site	
Location:	The Former Abattoir, Tolney Lane, Newark On Trent	
Applicant:	Mr Bower	
Registered:	26/02/2015	Target Date: 23/04/2015

The Site

The application site is located on the Northern side of Tolney Lane. The majority of the site lies within the Newark Urban Area, as defined within the Allocations and Development Management DPD. The site is closely located to the town and its centre and is relatively sustainable as a result. The site is located within Zone 3b of the floodplain and is also located within Newark’s designated Conservation Area.

Comprising just under 0.6ha the site includes the former abattoir building, a single storey structure which remains, oriented gable end on and adjacent to Tolney Lane. The site is relatively flat and is in temporary use as a gypsy and traveller caravan site for up to 15 caravans. Access to the site is taken at two points off Tolney Lane, though main access to the site under the most recent planning consent is via the central access point. The north of the site abuts the main railway line linking Nottingham and Lincoln. Open amenity land exists to the south, on the opposite side of Tolney Lane, adjacent to the River Trent. To the east is a local authority operated public car park, while finally to the west a buffer of undeveloped land and an adjacent Gypsy and Traveller site.

The southern boundary is walled, at a height of 1.5m, as approved under 10/00889/FUL. Palisade fencing and trees siting outside the application site are situated to the rear boundary. Other boundaries treatments consist of vertical timber boarding (NE) and timber post and rail fencing (SW).

Relevant Site History

<u>Reference</u>	<u>Proposal and Decision</u>
98/51355/FUL	Erection of 24 dwellings. Permitted
98/51356/CAC	Demolish old abattoir and outbuildings. Conservation Area Consent Granted
02/02488/FULM	Erection of 33 apartments. Refused

03/02054/FULM	Erection of 24 dwellings. Refused
03/02316/FULM	Erection of 33 apartments. Refused
06/01948/LDC	Application for certificate of proposed lawful development in relation to 1 dwelling. LDC for proposed use refused and appeal dismissed.
10/00245/FUL	Erection of a front boundary wall with two gateways to paddock and hardstanding. Refused
10/00889/FUL	Erection of front boundary wall with two gateways (revised design). Permitted
11/01509/FUL	Change of use of former abattoir site and paddock to form site for touring caravans. Refused and subsequently dismissed at Appeal
13/01167/FUL	<p>Change of use of former abattoir site and paddock to gypsy and traveller caravan site. Refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The site is located within the functional floodplain (Flood Zone 3b). The proposal represents a 'highly vulnerable' classification of use that would be inappropriate within this flood zone and, due to site specific circumstances comprising its proximity to the River Trent and a raised railway embankment, velocities within the floodplain would be high and the consequent lack of available safe access or egress during flood events would pose a significant risk to public safety (including the lives of potential occupants of the site and to Emergency Services personnel). Consequently the scheme is considered contrary to national planning policy in the National Planning Policy Framework, and to Core Policy 10 of the Newark and Sherwood Adopted Core Strategy DPD 2011, and Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document. 2. In the opinion of the District Council the proposal fails to demonstrate that the additional vehicular traffic associated with the proposed use of the site as a Gypsy and Traveller caravan site could be accommodated without exacerbating existing traffic congestion in the Tolney Lane / Great North Road Area. The proposal is therefore contrary to Core Policy 5 which requires that proposals have safe and convenient access to the highway network and Spatial Policy 7 which requires that development proposals be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. <p>An appeal was subsequently submitted to the Planning Inspectorate however this was withdrawn following the submission and subsequent determination of Planning Application no.14/01106 below.</p>

14/01106/FUL Temporary planning consent granted on 2nd September 2014 up to 30 September 2018 for 'Change of use of former abattoir site and paddock to gypsy and traveller caravan site'.

Description of Proposal

Temporary planning consent ref.14/01106/FUL included the following pre-commencement conditions:

05

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for purposes of such use shall be removed within 18 months of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

(i) **Within 3 months of the date of this decision** a scheme for the **restoration** of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use (hereafter referred to as the restoration scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for the implementation of its various parts;

(ii) **Within 11 months of the date of this decision** the site development scheme **shall have been approved by the local planning authority** or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

(iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State; and

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

and

06

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of any failure to meet any one of the requirements set out in (i) to (vii) below:

(i) **Within 28 days of the date of this permission**, each of the residents named in condition 1 hereof (hereafter referred to as the residents) shall (a) **register with the Environment Agency's Floodline Warnings Direct Service** (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by the Environment Agency);

and (b) **provide the local planning authority with confirmation from the Environment Agency that they have done so;**

(ii) Each of the residents shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the following: (a) the second, third and fourth anniversaries of the date of this permission; and (b) any written request from the local planning authority for such confirmation;

(iii) Each of the residents shall notify the local planning authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details within 28 days of each of the following: (a) the date of this permission; (b) the second, third and fourth anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;

(iv) Throughout the life of this permission, no less than 3 of the residents shall be nominated as Flood Wardens for the site. Details of the first nominated Flood Wardens including names and telephone numbers shall be provided prior to the first occupation of the site hereby approved. Thereafter, the names and telephone numbers of the Flood Wardens shall be confirmed in writing to the local planning authority within 28 days of each of the following: (a) any change to the identity of any of the nominated Flood Wardens; (b) the second, third and fourth anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;

(v) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all of the residents will evacuate the site, bringing all caravans and vehicles with them;

(vi) Within 10 hours of a Flood Alert the Flood Wardens, or any one of them, will confirm to the local planning authority that all of the residents have evacuated the site; and

(vii) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

Condition 5 (i) of the consent required a restoration scheme to be submitted within 3 months of the date of the planning consent and this application proposes to vary the requirement for submission of details to 6 months. Temporary consent was granted on 2nd September 2014 and therefore 3 months had already lapsed prior to the date that this latest application was validated and the proposed variation to 6 months was also close to expiration and has now expired. At the time of writing a site restoration scheme has still not been submitted. Any request to amend condition 5(i) should have a consequential requirement to vary condition 5(ii) to provide the Council with the same time to consider the restoration scheme.

It is noted that Condition 6 above requires registration with the Flood Warning Service within 28 days of the planning consent (Permission was granted on 2nd September 2014). The agent concedes that whilst the three persons named in condition 1 of the temporary consent

ref.14/01106/FUL have registered, there has been a slight breach and has provided evidence to demonstrate that whilst the persons have registered, they made this request on 1st December 2014 and it was confirmed on 5th December 2014. Therefore the persons concerned were not registered within 28 days. The applicant therefore proposes that in this instance the condition is varied to require registration within 4 months of the planning decision.

Publicity

Press Notice:	Published 06.03.2015
Site Notice:	Posted 10.03.2015
Earliest Decision Date	02.04.2015

Representations

No written representations have been received

Consultations

Newark Town Council – Objection was raised to this application; it was felt that the conditions should remain and are appropriate. It was pointed out that the conditions had been applied at the appeal stage of this application and had been decided by a Judge.

Planning Policy – This application arises out of non-compliance with conditions 5i and 6i which deal with time limits for submission of a restoration scheme and registration with the EA's Flood Warning Service respectively.

The national and local policy context relating to Gypsy and Travellers has not changed since the approval of application ref: 14/01106/FUL. and therefore Planning Policy defer to their comments of 08/07/14 on that application.

Planning Policy do not consider that non-compliance with these conditions raises any policy issues that would warrant different consideration to that set out in the comments on application ref: 14/01106/FUL

The national and local policy context is set out in the appraisal below.

Access and Equalities Officer – No observations.

Notts County Council (Highways) – This proposal does not affect the public highway, therefore, there are no highway objections.

Environmental Health – This application relates to non compliance with 2 conditions relating to flooding and restoration. No comments to make.

Conservation Officer – have reviewed the variation of condition application and noted that the conditions relate to timescales with respect to site restoration and registration with the Environment Agency Flood Warning Service. In this context, Conservation has no observations on the proposed scheme. In reaching this view, I have considered our statutory functions under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Environment Agency – No comments received.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 (Settlement Hierarchy)

Spatial Policy 2 (Spatial Distribution of Growth)

Spatial Policy 7 (Sustainable Transport)

Core Policy 4 (Gypsies & Travellers and Travelling Showpeople – New Pitch Provision)

Core Policy 5 (Criteria for Considering Sites for Gypsy & Travellers and Travelling Showpeople)

Core Policy 9 (Sustainable Design)

Core Policy 10 (Climate Change)

Core Policy 13 (Landscape Character)

Core Policy 14 (Historic Environment)

The Allocations and Development Management DPD

Policy DM5 – Design

Policy DM12 – Presumption on Favour of Sustainable Development

National Planning Policy Framework (March 2012)

Other Material Considerations

- National Planning Policy Framework (March 2012)
- National Planning Practice Guidance (2014)
- Planning policy for traveller sites (March 2012):

When determining planning applications for traveller sites, this policy states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and this document (Planning Policy for Traveller Sites). This document states that the following issues should be considered, amongst other relevant matters:

- Existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- Applications should be determined for sites from any travellers and not just those with local connections.

The document goes on to state that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and sites in rural areas should respect the

scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure.

- Designing Gypsy and Traveller Sites – Good Practice Guide (May 2008)
- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (December 2012):

This document states: “New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that “people should be able to evacuate by their own means” without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services.”

“New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely exit their property during flood conditions.....The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe.”

Comments of the Business Manager Development

The main planning considerations in the assessment of this proposal are the need for gypsy and traveller sites, flood risk, the planning history of the site, the impact on the appearance of the countryside, highway issues, access to and impact on local services, residential amenity for occupants of the application site and neighbouring sites and the personal circumstances of the applicant.

The site is relatively sustainable purely in terms of its location (within the Newark Urban Area indicated in the Allocations and Development Management DPD), being well related in position to the highway network and its proximity to the town centre and services.

Temporary planning permission was granted for the proposed use of the site to a gypsy and traveller caravan site on 2nd September 2014. The principle of the use of the site for these purposes for a temporary period has therefore recently been established. In considering the proposed variations to conditions, the main consideration is whether there has been any significant change in national and local planning policy context since the original consent.

The Need for Gypsy and Traveller Pitches

The NPPF and the Government’s ‘Planning policy for traveller sites’ requires that Local Planning Authorities set pitch targets which address the likely permanent and transit site needs within their area and then identify and update annually a supply of specific deliverable sites sufficient to provide five year’s worth against the local targets. Core Policy 4 (CP4) sets a district wide target of 84 pitches to be provided up to 2012. 93 pitches were provided over this period and work is currently underway on assessing and addressing the current and future need through the Gypsy & Traveller DPD.

As with the original application, the Council acknowledges it does not currently have a five year supply of Gypsy & Traveller pitches and is seeking to address this through a specific G&T DPD.

Public consultation on the second stage in its production, the Preferred Strategy, recently came to a conclusion. This proposes a methodology for calculating need, and strategies for the location of future pitch provision, future development on Tolney Lane and pitch definition and size. It is intended that the responses to this will be used to inform a Preferred Approach DPD.

As the Council cannot identify any sites to satisfy the unmet need either generally or that specifically presented by this application, there is no change in planning context since the previous application was determined and this is a material consideration that needs to be given significant weight.

Given the above, it follows to re-assess whether the proposed variations to the previous consent would have an impact on the suitability of the site by reference to Core Policy 5 (CP5). Although this policy contains 6 assessment criteria, the site history identifies those relating to flood risk and access as being the most important.

Flood Risk

Notwithstanding the weight to be given to need referred to above, the application site is located within Flood Zone 3b, at high risk from flooding and within the functional floodplain of the River Trent. In reaching its previous decision the Local Planning Authority balanced the benefits of meeting this need against flooding and gave significant weight to the recent appeal decision on Green Park. The majority of the Green Park site is also situated within Flood Zone 3(b) with the remainder in Flood Zone 3(a) so there is also a high probability of flooding on that site as well as on the access to it. That particular site is also at the far end of Tolney Lane. The Inspector for the appeal at Green Park recognised that the development in that case was contrary to local and national policies concerning flood risk, such that it would not normally be allowed. However, if residents of that site could be evacuated in a flood situation before any significant input was required from the Council or emergency services, the development need not give rise to an additional burden and the residents would be likely to be reasonably safe. The Inspector concluded that the lack of a five year supply was sufficient to warrant the grant of a temporary consent at Green Park subject to managing risk to occupants of the site through the use of conditions to secure a site specific evacuation plan.

In light of the above, the Council previously considered the Inspectors decision at Green Park was a clear indication of the relative weights to be attached to flood risk and the lack of deliverable sites to meet the need for new Gypsy and Traveller pitches. The same approach to conditions was therefore applied to the Abattoir site.

Whilst a slight breach to condition 6(i) has occurred, the relevant persons have since registered with the Flood Warning Service. I therefore consider this breach has already been rectified and no planning harm has occurred through this breach in this instance. I therefore consider the applicant's request to amend condition 6(i) to 4 months for registration with the Flood Warning Service is reasonable and would be immediately met on the granting of any permission on these terms.

Drainage

The previous Officer report to Planning Committee noted that the site is already connected to the mains sewer and therefore the re-use of the abattoir building marks a minor change to the characteristics on the site.

Turning to drainage capacity while the inclusion of a hard bound surface to the circular road and access would reduce flood storage, a condition was attached at Condition 10 of the consent requiring full details of hard and soft landscape works to be submitted and approved. This would have allowed for consideration of drainage and potentially allow for equally permeable surfacing, or offset mitigation via soakaways. I note that Condition 10 has not been discharged and the site is occupied. Given the EA did not make specific reference to loss of flood storage from this development when commenting previously on this site, the temporal nature of the development and that a restoration scheme can be designed to ensure the site is returned to pre-development drainage levels, I do not intend to reapply this element of the condition.

Impact on the local/strategic highway network

National Planning Policy Framework requires at paragraph 32 that safe and suitable access to the site can be achieved. Paragraph 32 also advises that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Criterion 3 of Core Policy 5 requires that sites should have safe and convenient access to the highway network.

I am mindful that the Highway Authority have raised no objections. Conditions were previously applied requiring alterations to be made to the site entrance and in respect of the management or relocation of the gates. I am happy that Condition 9 requiring the gates to be removed, left open or set back a minimum 5.0m from the highway boundary could be reapplied. I note that Condition 8 required details of footway reinstatement and access works on Tolney Lane to be submitted and approved prior to the development first being brought into use. At the time of writing I note that this has not been discharged. A further update will be provided as a Late Item to Planning Committee. Given that the Highway Authority have not raised any concerns, Condition 8 could be amended to require the details to be provided within a specified time period following the granting of any new permission.

Impact on the character of the site, area and significance of the Newark Conservation Area

The site lies at the very fringe of the Conservation Area (CA). The site is well screened by the boundary wall to Tolney Lane but otherwise the site does not have a character that positively contributes to the character of the CA. Noting the adjacent car park and residential caravan site to either side of the site which form the immediate character of this part of Tolney Lane, the previous report relating to this proposal considered it unlikely that this proposal would have any significant effect on the appearance of the streetscene or wider CA character even without the landscaping proposals. I consider that the proposed variations to the consent would have no impact on this assessment.

The previous report to Committee for this site considered that a well implemented landscape strategy, realising the clear intentions in the application would be capable of indeed turning any short term neutral/ slight negative impact into a medium and long term positive effect. In this respect the scheme would at worst have a less than substantial effect on the significance of the CA during construction works and the initial period of use (1-2 years). Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Overall it was considered that the benefits over the medium term to the character of the site and bio-diversity enhancement would be sufficient to warrant favourable consideration against Core Policy 14 and Paragraph 134 of the NPPF. The potential improvements would not constitute a substantial public benefit, however, would provide gypsy and traveller pitches in a relatively sustainable location. The previous Committee Report was also mindful of the relatively secluded relationship of the site within the main public realm.

I note that this application proposes to vary condition 5(i) of the existing consent which required a site restoration scheme for the end of the period for which planning permission was being granted. The existing condition required this to be submitted within 3 months of the date of permission and this has since expired with no details provided. Given that the critical element of this part of the condition relates to a restoration scheme at the end of the temporary permission, I do not consider that any significant planning harm has resulted at this stage other than the uncertainty which remains. I note that the suggested 6 months for submission from the date of the existing permission has also expired. One could simply apply again a 6 month timetable from the date of any new permission that would be provided if Members are to approve, however I remain concerned that this deadline would be met. Ultimately the key issue is that restoration needs to be understood and agreed prior to the permission expiring. On this basis I would suggest that a scheme for restoration is submitted 12 months prior to the expiry of the permission. Condition 5(i) could be amended accordingly. This would also require a consequential amendment to 5(ii) in order, I would suggest, to allow the LPA 3 months to determine any submitted scheme.

It was considered at the time that any associated structures that are needed to comply with the Caravan licensing requirements for the site were unlikely to be so significant to unduly impact on the character of the area when viewed in context with the wider proposals. Condition 7 of the original consent required details of any ancillary structures including those that might be required to meet Caravan Licensing legislation be submitted and approved. Condition 10 on the original consent related to details of landscaping but also included that details of any minor artefacts and structures be confirmed. Again, I note that these conditions have not been discharged but given the temporal nature of the development and the likely relationship with the character of the area, I consider they could be amended to require the details to be provided within a specified time period following the granting of any new permission.

Ecology

The Committee Report relating to the original temporary consent noted that an ecological survey was not provided with the application. However, the status of the site, which comprised cleared unmade ground and rubble and one retained building of solid brick construction and modern roof cover (red pan tiles), had no apparent ecological value. The remainder of the site also had no significant ecological value having been cleared back. The trees and shrubs on the boundaries and adjacent to the site may hold value for wildlife, particularly nesting birds. The proposals would also offer opportunities for encouraging bio-diversity enhancements.

The proposed variations to condition 5(i) could have an impact on the future ecological value of the site as site restoration could seek to ensure that where possible the nature conservation value of the site is improved. Again, I note that Condition 10 of the consent requiring submission of landscape details has not been discharged but included a requirement for a planting schedule designed to enhance the nature conservation value of the site. The suggestions above relating to Condition 5(i), under considerations relating to the character of the site, will ensure a site restoration scheme is provided in a timely manner. Equally if Condition 10 is amended requiring

details to be submitted for landscaping of the site within a specified period, this might help inform a site restoration scheme.

I am satisfied that implementation of the development without prior agreement on a planting schedule or site restoration scheme is unlikely to have had any significant impact on ecology or protected species given the pre-development condition of the site. Any planting agreed as part of the site as currently exists or as part of the site restoration would be an enhancement to the ecological value of the site.

Consequently the scheme is still deemed to comply with Core Policy 12 of the Core Strategy DPD, Policy DM7 of the Allocations and Development Management DPD and guidance in the NPPF.

Impacts on the amenity of nearby residents

As identified on the original temporary consent, the site is directly adjacent to a public car park on the one side, but is buffered from a residential caravan site to the west by a significant area of land. Any typical impacts would be caused by noise/disturbance from occupiers and from traffic movements however no significant concerns were raised at the time and I am satisfied there is no material change in this respect. Details of any external lighting were covered by Condition 10 relating to landscaping. At the time of writing I am not aware of any such lighting being installed.

Personal Circumstances

The previous consent established that the applicant and his family are a local family of gypsy and traveller status.

Conclusion

At the present time there is an unmet need for Gypsy & Traveller pitches within the district that exceeds of the number proposed by this application. National policy and guidance dictates that such an unmet need (lack of deliverable sites) carries significant weight when determining applications for temporary permissions. In allowing the recent appeal decision at Green Park on Tolney Lane, the Inspector in that instance considered that that whilst Gypsy and Traveller development would usually be inappropriate in the Flood Zone, balanced against all other considerations including the unmet need, the relatively sustainable location and limited impact on the character of the area a temporary permission was appropriate in that instance.

I am satisfied that there has been no significant change in circumstances or planning policy context since the previous temporary consent was granted and that subject to the variations outlined in this report and the conditions recommended below a favourable decision should be issued. As with the original consent, a temporary permission would be appropriate in this instance until more suitable sites outside the flood zone come forward. The variations to the conditions will still ensure any risk to occupants from flooding and the impact on the character of the area can be effectively managed.

Recommendation

Grant temporary planning permission subject to the following conditions:

01

The use hereby permitted shall be carried on only by the following and their resident dependants:

- o Mr. Harold William Bower and/or Mrs. Donna Bower - wife of Mr. H.W. Bower
- o Mr. David Bower and/or Mrs. Deborah Bower
- o Mrs. Elizabeth Salmon and/or Mr. Paul Salmon

And shall be for a limited period being the period up to 30 September 2018, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 September 2018, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 5 hereof.

Reason: In the recognition of the current need for gypsy and traveller sites within the district and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10.

02

No more than 15 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which none shall be a static caravan, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

03

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for purposes of such use shall be removed within 18 months of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) **No later than 12 months prior to the expiry of this temporary permission as defined in condition 1 of this permission** ~~Within 3 months of the date of this decision~~ a scheme for the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use (hereafter referred to as the restoration scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for the implementation of its various parts;

(ii) Within ~~11~~ **3** months of the **receipt of a scheme pursuant to criterion (i) above** ~~date of this decision~~ the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

(iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State; and

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of any failure to meet any one of the requirements set out in (i) to (vii) below:

~~(i) Within 28 days of the date of this permission, each of the residents named in condition 1 hereof (hereafter referred to as the residents) shall (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by the Environment Agency); and (b) provide the local planning authority with confirmation from the Environment Agency that they have done so;~~ The residents named in condition 1 of this permission have registered with the Environment Agency's Floodline Warnings Direct Service and the EA have confirmed that they have done so. There is no further requirement for this criterion.

(ii) Each of the residents shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the following: (a) the second, third and fourth anniversaries of **the date of the original temporary permission on the site dated 2nd September 2014**; and (b) any written request from the local planning authority for such confirmation;

(iii) Each of the residents shall notify the local planning authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details **within 28 days of each of the following: (a) the date of this permission; (b) the second, third and fourth anniversaries of the date of the original temporary permission on the site dated 2nd September 2014**; and (c) any written request from the local planning authority for such details;

(iv) Throughout the life of this permission, no less than 3 of the residents shall be nominated as Flood Wardens for the site. Details of the first nominated Flood Wardens including names and telephone numbers shall be provided **prior to the first occupation** of the site hereby approved. Thereafter, the names and telephone numbers of the Flood Wardens shall be confirmed in writing to the local planning authority within 28 days of each of the following: (a) any change to the identity of any of the nominated Flood Wardens; (b) the second, third and fourth anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;

(v) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all of the residents will evacuate the site, bringing all caravans and vehicles with them;

(vi) Within 10 hours of a Flood Alert the Flood Wardens, or any one of them, will confirm to the local planning authority that all of the residents have evacuated the site; and

(vii) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

Within 3 months of the date of this permission, details of any ancillary structures including those that might be required to meet separate Caravan licensing legislation shall be submitted to and approved in writing by the local planning authority. Once approved any such ancillary structures shall only be kept on the site in accordance with the approved details and once use of the proposed use site ceases shall be removed in accordance with any scheme for the restoration agreed under Condition 5 of this consent.

Reason: In order to ensure any proposals are of an appropriate design in accordance with the aims of Core Policy 9 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

Within 3 months of the date of this permission footway reinstatement and access works on Tolney Lane shall have been carried out in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of pedestrian safety and convenience, and to promote sustainable travel in accordance with the aims of Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011).

09

The gates at the single vehicular access point shall either be removed or left open at all times or set back a minimum of 5 metres from the highway boundary.

Reason: In the interests of highway safety.

010

Within 3 months of the date of this permission full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved within 3 months of the date that the details are approved in writing. 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.

an implementation and phasing programme.

proposed finished ground levels or contours;

means of enclosure;

hard surfacing materials and means of drainage;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, external lighting etc.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of Core Policies 5, 7 and 12 of the Newark and Sherwood Core Strategy and Policies DM5 and DM7 of the Allocations and Development Management DPD (2013).

Informatives

01

You are advised that this permission does not override any other private legal matters including the need for a Caravan Licence. You are advised to apply to the Council at the earliest opportunity to ensure the site is compliant in this regard.

02

Your attention is drawn to the attached plan provided by the Highway Authority with their comments in respect of Planning Application ref.14/01106/FUL of 21st July 2014 which should be read in conjunction with Condition nos.8 and 9 of this consent.

BACKGROUND PAPERS

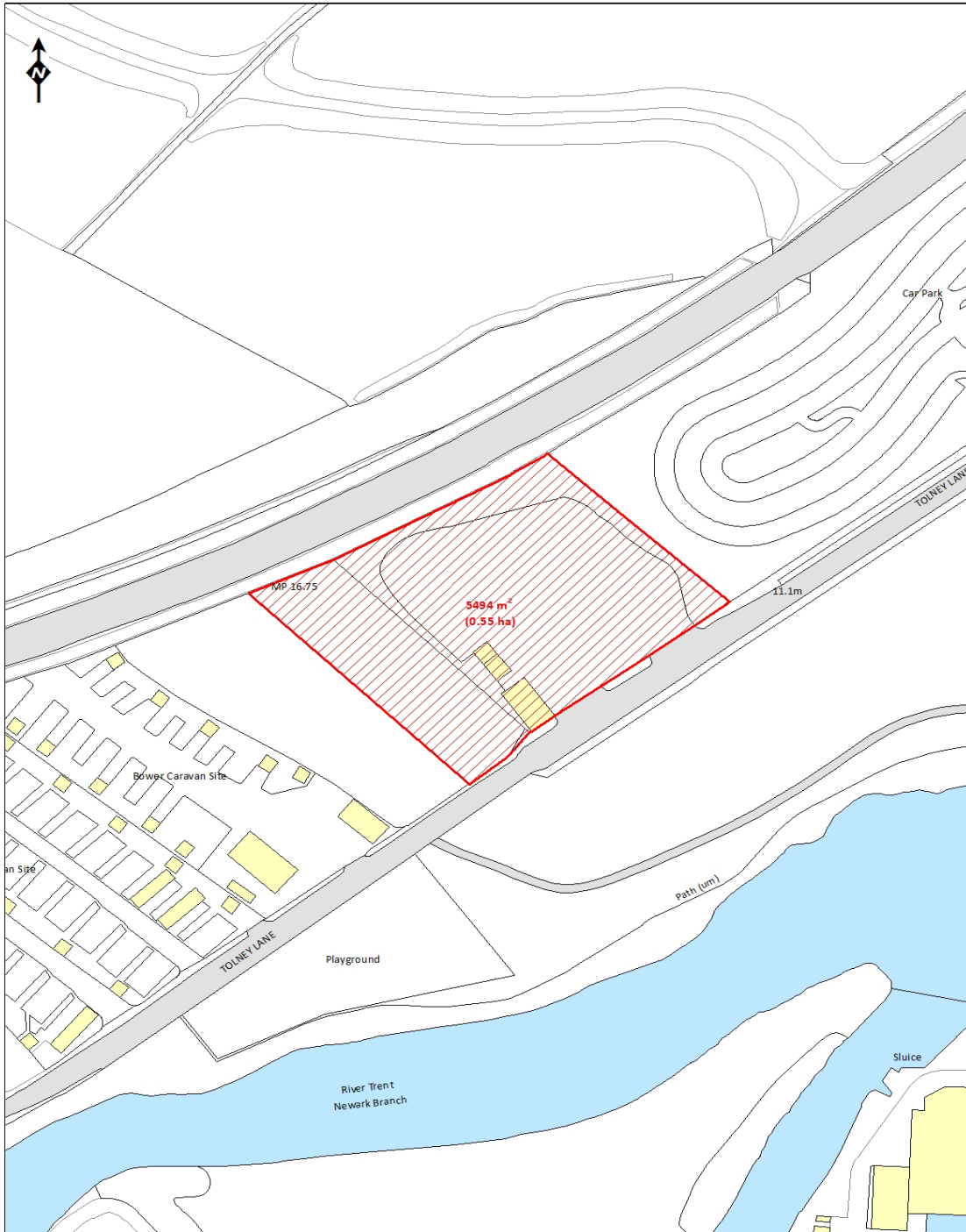
Application case file.

For further information, please contact Martin Russell on 01636 655837

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00354/FUL



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Application No:	15/00083/FULM		
Proposal:	Installation of a solar farm comprising a solar panel array, new or upgraded access tracks, inverter units, transformer buildings, substation, and associated infrastructure for the generation of renewable energy.		
Location:	Field Reference Number 3753 Rufford Lane Rufford Nottinghamshire		
Applicant:	Mr D Mack		
Registered:	17 February 2015	Target Date:	14 April 2015
	Extension of time agreed until 8th May 2015		

The Site

This application site relates to 6.5 hectares of land located on the northern side of the highway, which forms part of a larger arable farm and which is bounded by mature hedgerows and trees. The topography of the site slopes slightly up to the north towards the Rufford Stud Farm. The site is classed as open country side and is graded as Grade 3 Agricultural Land.

The site is situated between the villages of Eakring, Bilsthorpe and Rufford, Bilsthorpe being the nearest settlement approximately 1.2km distance to the south.

The site falls within Flood Zone 1 according to the Environment Agency Maps. There are no designated areas within the site itself. However, there is a Site of Interest in Nature Conservation to north west within Cutts Wood immediately to the west of the application site..

Rufford Abbey Registered Parks and Gardens lies to the north

The nearest property to the site is the Rufford Stud Farm some 220m to the north, the surrounding area being mostly open country side and woodland.

Relevant Planning History

14/SCR/00057 – The application has been subject to a screening opinion. The Local Planning Authority 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 EIA was not required for the proposed development.

The Proposal

The proposal seeks full planning permission for a solar farm. The development would consist of:-

- ground mounted solar photovoltaic panels which make up the vast majority of the development. The panels, which are glass surfaced panels and coated to maximise daylight

absorption, and minimise glare potential, will sit above the ground mounted at an angle of approximately 25 degrees to maximize generation and to ensure that sunlight reaches the grass below the racking. They will be mounted on panel frames fixed with a maximum height of 2.4m. Inverters will be installed at the end of the solar panel rows. These will measure 0.6m x 0.8m x 0.4m

- new access tracks which will have a 4.5m width and comprise pressed shale and grassed over. Existing tracks will be upgraded where possible;
- 2 no. transformer buildings each serving separate sections of the solar farm and each measuring 3m in width, 2.4m in depth and 2.1m in height finished in Holybush Green or similar;
- a substation measuring 5.1m in length, 3.1m in width and 2.5m in height finished in Holybush Green or similar;
- perimeter fencing which will measure 2m in height; and
- 2 no. CCTV cameras which will be installed around the perimeter fence.

It is anticipated that the solar farm will be capable of generating in the region of 2.62MW

Construction is anticipated to last approximately 3 months. Construction traffic will travel via the A614 onto Deerdale Lane to access the site from a private drive.

An Environmental Report (which includes a Design And Access Statement, Environmental Studies In Relation To Transport, Geology, Soils And Hazardous Substances, Surface Water Drainage And Flood Risk, Ecology, Cultural Heritage, Landscape and Visual Impacts, Glint And Glare And Socio Economic Effects And Sustainability Assessments) and a Planning Appraisal document have been deposited with the application.

Departure/Public Advertisement Procedure

A site notice was posted to notify of the development and a notice was published in the local press on. The date of overall expiry for comments was 2nd April 2015.

Development Plan Policies and other Material Policy Considerations

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Policies relevant to this application:

- 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

NSDC Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

- Policy DM4: Renewable and Low Carbon Energy Generation
- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM8: Development in the Open Countryside
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Technical Guidance to the National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- UK Government Solar Strategy 2014
- Department of Energy & Climate Change letter dated 22nd April 2014

Consultations

Rufford Parish Council – Although no objections are raised to the building of solar farms the Parish Council cannot support this proposal as there are too many in the area and this is over intensification and not acceptable in a small area.

Eakring Parish Council - The proposal is opposed as, if approved, this would be the third solar farm granted within the last year within a radius of a mile of Eakring. The last solar farm is literally along the road from this site. The cumulative effect of a third development would lead to an over industrialization on the country side. The proposal would have a detrimental effect on wildlife. Furthermore, noting latest reports, it is considered that solar farms are an inefficient means of producing energy and should be discouraged.

NCC Highways Authority – It is noted that this application is for the installation of a solar farm using the existing access from Deerdale Lane, which is currently in use by HGVs. Once operational, it is expected the site will be visited on a fortnightly basis by a light van. The delivery/construction phase is expected to be over a 3 month period. There are to be 136 vehicular movements associated with this application which, over this period, will equate to a daily average of 3 per day. Point 78 of the Environmental Report indicates that deliveries will be made by standard HGVs. The proposed delivery route is to be A614 - Deerdale Lane to the site. As such no objections are raised subject to the following condition being attached should permission be granted:-

No part of the development hereby approved shall commence unless and until a Construction Traffic Routing Strategy has been submitted and agreed in writing by the LPA which will include restricting vehicles to approaching the temporary site access from the west.

Reason: In the interests of highway safety.

NCC Landscape and Reclamation - The application site lies within policy zone MN24, which has poor condition and low sensitivity.

The LVIA has followed current methodology and generally the findings are agreed. However, queries are raised with regards to the screening effect of the existing hedge to the east of the development; the viewpoint analysis notes that the hedge will provide screening. As the hedge is currently heavily clipped, and the height of the buildings and panels is around 2.4m, it is questioned whether this will provide an adequate screen, especially when the receptor is on higher ground.

The landscape recommendations for that policy zone are to create hedgerows and enhance tree cover. It is therefore suggested that if the development is approved, the existing hedge is allowed to grow to a height of at least 2.5 metres. This will provide additional screening from the east. If this is included as a condition no objections are raised.

Environment Agency – No objections are raised subject to the imposition of the following conditions:-

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Wallingford Hydro Solutions Ltd on the 23rd January 2014 and the following mitigation measures detailed within the FRA:

1. The access and maintenance track shall consist of a crushed stone surface.
2. The grass cover is to be maintained beneath and between the solar panels.

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

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme to be submitted shall demonstrate that the proposed development will incorporate an appropriate rural SuDS scheme to prevent any increased surface water runoff from the site.

Reasons

To prevent any increased surface water runoff from the site.

The applicant should also be advised of the following:-

1. This condition should not be altered without our prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.
2. Surface water run-off should be controlled as near to its source as possible through a

sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve Piping water of site as quickly as possible.

3. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

NCC Archaeology - No comments received to date.

English Heritage – English Heritage does not wish to comment in detail but offer the following general observations:-

The proposals comprise the installation of a solar farm and associated infrastructure at Field Reference Number 3753 Rufford Lane Rufford. The area around the proposal has a particularly rich historic environment and there are 5 buildings listed at Grade II* or I and 2 scheduled monuments and the Registered Park and Garden at Rufford Abbey, within 5km of the proposed site. In order for the local planning authority to understand the potential impacts of the proposals on the significance of both designated and non-designated heritage assets, it is recommended that the following general considerations are taken into account, including the impact of the ancillary infrastructure such as overhead cables, poles, collector unit, CCTV camera poles and fencing as well as the photovoltaic panels themselves:-

The potential impact on landscape;

- Direct impacts on historical/archeological fabric whether protected or not;
- Other impacts particularly the setting of listed buildings, schedule monuments and conservation areas including long views and any specific deigned views and vistas within historic design landscapes. All grades of listed buildings should be identified;
- The potential for buried archeological remains;
- Effects on amenity from public and private land; and
- Cumulative impacts.

The submission of Archeological Desk Based Assessment and photographs is noted. Although these are useful, the photographs do not have the solar farm superimposed on them.

It is recommended that the archeological potential of the site be ascended by the Councils archeological advisor.

It is also recommended that the above issues be addressed and that the application is determined in accordance with local and national policy guidance and on the basis of the Councils specialist conservation advice.

NSDC Conservation – A detailed report has been received which outlines the legal and policy context of the proposal.

By virtue of its scale and form, the proposal is capable of affecting the landscape setting of a number of designated heritage assets, notably:

- Rufford Abbey Park & Garden, Grade II listed Registered Park and Garden (List entry ID 1001085);
- Park Lodge, Grade II listed building (List entry ID 1045608);
- Rufford Stud Farm, buildings of Local Interest (non-designated heritage asset).

Assessment of the proposal - The southern boundary of the Registered Park & Garden (RPG) is approximately 400m to the north of the proposal site. It is agreed with the applicant that the significance of the bulk of the RPG as defined by the area to the south of the Abbey complex and housing area along May Lodge Drive is largely derived from evidential value (this being the area that runs from Kennel Wood to Beech Hill on the west boundary). It was formerly part of a larger deer park, shown on a 1637 map, which extended south beyond the present southern boundary now delineated by the Long Belt plantation. An 1830 map shows the park with a path (extant) running east/west from Kennel Wood to the north of Beech Hill Wood, of which it forms the northern boundary, with a deer barn (now gone) in the eastern section and the southern boundary delineated by Long Plantation with farmland to the south of that. A large tree belt to the south and west provides significant screening to the Park when viewed from the proposal site, furthermore. On balance, the proposal will not harm the significance of the RPG in this case.

Rufford Abbey is a nationally significant heritage asset over 2km to the north. Intervening trees and topography ensure that there is no direct intervisibility with the development. Impact on the wider setting of the Abbey is a material consideration, noting that it is possible to affect the appreciation and experience of the Abbey via indirect means. However, there is no formal route through to the Abbey or Park via the development site, and although the proposal will have an impact on the wider landscape, it is not likely to harm the setting or experience of the Abbey or Abbey complex (including the pleasure gardens and multitude of designated heritage assets around the Abbey). In reaching this view, account has been taken of the Robin Hood Way, which runs from Eakring to Rufford via the golf course (this footpath is an important touristic route through Rufford estatelands, providing important impressions of Rufford Abbey).

The Grade II listed Park Lodge is a feature of the Parkland and is approximately 600m north of the proposal site. The tree belt at the southern end of the Park is a significant screen and buffer, and it is therefore unlikely that the proposal will be unduly prominent to the Lodge.

Rufford Stud Farm is a farmstead of historic interest. Although in proximity to the proposed development, it is felt that the scheme will not cause any harm to the significance of the non-designated heritage asset in this case.

Although there are a number of designated and non-designated heritage assets within the wider landscape (as expressed in the submitted 3km study area), Conservation is confident that the proposal will not cause harm to the setting or significance of any of these. For example, although the proposed solar farm is perceptible from the western edge of Eakring Conservation Area, the distance between them combined with intervening hedge cover ensures that there is no harmful impact.

This list is by no means exhaustive, but these are the most significant heritage assets within the wider landscape worthy of special consideration. Whilst it is anticipated that tree cover and topography will screen Rufford Abbey from any direct views of the potential development site,

impact on the landscape setting and experience of the Rufford Abbey complex is an important consideration in the planning process.

It is concluded that the scheme will cause no harm to the setting of Park Lodge, a Grade II listed building, and will not be unduly prominent to the setting of Rufford Abbey and other heritage assets within the Abbey complex. The setting of these listed buildings is therefore preserved, and the scheme is compliant with section 66 of the Act. The proposal will also cause no harm to the setting or significance of Rufford Park, a Grade II Registered Park and Garden. The proposal will also cause no harm to Rufford Stud Farm, a non-designated heritage asset. The development is therefore in accordance with CP14 and DM9 of the Council's LDF DPDs.

Natural England – It is considered that the proposal is unlikely to affect any statutorily protected sites or landscapes. Although the proposal has not been assessed with regards to protected species, attention is drawn to Standing Advice which should be applied, as it is a material consideration in the determination of applications, in the same way as any individual response received from Natural England following consultation.

Nottinghamshire Wildlife Trust – NWT provided a consultation response to the screening request for this project in a letter dated the 28th October 2014 (ref. 14/SCR/00057). To summarise that response, concern was raised in relation to the impact of the proposals on nightjar, a sensitive species known to be present in the immediate area. We requested that an Ecological Impact Assessment (EclA) be carried out as well as a risk-based assessment of the potential impact on nightjar and woodlark.

The desk study carried out, involving consultation with the NBGRC, is welcomed. It is noted that data from Birklands Ringing Group has not been received to date – such data would have been expected, included and used to inform the ecological evaluation. The group holds detailed bird data for the county, including information on nightjar and woodlark - as previously mentioned, nightjar are known to have bred within Cutt's Wood within the last two years (in contrary to the information contained within the ecology report).

An extended Phase-1 habitat survey has been carried out and the ecological impacts evaluated in line with CIEEM guidance. NWT is satisfied with the conclusions drawn and the recommendations made for mitigation (as set out within Section 6.1 of the ecology report). In brief, required mitigation measures are as follows:

- The arable fields should be kept in cultivation until the construction works start.
- The installation of the panels should avoid the bird nesting season (i.e. March to August).
- Night-time working during construction should be limited.
- Any excavations should be backfilled at the end of the day, or else covered overnight.

The above stipulations should be conditioned with planning permission, should it be granted.

In addition to the above, NWT are pleased to see that a 20m margin has been applied between the adjacent Cutt's Wood and the development. It is understood that this 'buffer' will be sown with species-rich grassland (see para 58 on page 18 of the planning application report and drawings). This buffer should be maintained at all times and transgression into this area avoided.

NWT are encouraged to see that biodiversity enhancements will be incorporated into the scheme and managed in the long-term via a Biodiversity Management Plan (as set out within Section 6.2 of

the ecology report and para 7 on page 5 of the planning application report). In brief, proposed biodiversity enhancement measures are as follows:

- Local species-rich grassland between and under the rows of solar panels.
- Local species-rich wildflower margins to be seeded around the solar farm; meadow borders will be at least 10m wide.
- There will be a strip of new hedgerow planting along the northern site boundary – a diverse mix of native species should be used including some trees to be managed as standards.
- Beehives will be located within the wildflower margins.
- The environmental management of the site for the life of the project will be detailed within a BMP.

The above measures should also be conditioned with planning permission, should it be granted.

In addition to the above, NWT would like to point out that the impact of solar pv farms on wildlife is not yet fully understood. It is recommended that an ecological monitoring programme is designed and implemented by the ecologist to monitor impacts upon any fauna, targeting species groups in response to latest research (for example, freshwater invertebrates potentially laying eggs on panels due to mistaking them for a waterbody). A full faunal monitoring programme would be unreasonable to request and difficult to design and implement, but we would encourage the applicant and ecologist to consider how to monitor faunal impacts appropriately.

NSDC Senior Environmental Health Officer – No comments to make.

NCC Rights of Way – There are no public rights of way in the immediate vicinity of the proposed solar farm and the development would have very little visual impact on the enjoyment of the rights of way to the south of the embankment

Rambler's Association – The proposed application will have little significant impact on the public's enjoyment of Public Rights of Way or the adjacent (CROW) open access area. .

Civil Aviation Authority – No comments received to date.

National Air Traffic - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MOD Defence Infrastructure Organisation – No safeguarding objections to the proposal.

Caunton Airfield – The application raises no issues

No representations have been received from local residents/interested parties

Comments of the Business Manager

Principle of Development

The proposed solar farm is a renewable energy development. Increasing the amount of energy from renewable and low carbon technologies is a key principle of the aforementioned planning policies with the UK Government being 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.

It is acknowledged that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

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).

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'; 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. The commitment to the delivery of renewable and low carbon energy projects has been supported by additional Planning Practice Guidance published in March 2014. The guidance specifically outlines a number of factors which local planning authorities will need to consider in the assessment of large scale ground-mounted solar farms.

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. These 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 balance any recognised positive or negative effects against the strong presumption in favour of promoting renewable energy provision and the views of the local community. The wider environmental and economic benefits of the proposal are a material consideration to be given significant weight in this decision.

The proposal relates to development within the open countryside which is strictly controlled by Policy DM8 of the Allocations and Development Management Document. This policy outlines the types of development which may be acceptable in countryside locations. This proposal for energy generation, more akin to an industrial use, would not fall comfortably within any of these development types. However it is acknowledged that the land take required for developments of this nature are more readily available in rural locations.

Loss of Agricultural Land

As identified, the recently published Planning Practice Guidance (March 2014) outlines a number of factors which local planning authorities will need to consider in the assessment of large scale ground-mounted solar farms. The stance of the Guidance is to encourage the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land. Paragraph 13 goes on to qualify that where a proposal involves greenfield land which is relevant to the current proposal, the local planning authority will need to consider whether the proposed use of agricultural land has been shown to be necessary and where it has, that poorer quality land has been used in preference to higher quality land, and that the proposal allows for continued agricultural use.

The proposal involves the development of a solar farm within 6.5 hectares of agricultural land. The application has been supported by comprehensive sections regarding the Agricultural Land Classification contained within both the Environmental Report and Planning Appraisal which confirm that the site is currently used for growing crops but contend that the site is dominated by sandy soils which are limited to Grade 3b according to droughtiness criteria. The NPPF defines 'Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification' and at paragraph 112 requires that where significant development is demonstrated to be necessary LPAs should seek to use areas of poorer quality land rather than areas of higher quality. It is concluded that the proposed solar array, being on lower grade agricultural land complies with the NPPF and the NPPG.

Having assessed the ALC map for the whole District I am mindful that the majority of the District is classed as being Grade 3. It is acknowledged that, as demonstrated by the current use of the application site, this level of agricultural grading has the potential to allow for crops to grow. However, the instances where the land is classed as lower quality (Grade 4 specifically, there appears to be no Grade 5 land within the District) is small in extent and restricted to the Trent Valley which is subject to constraints in terms of Flood Risk.

I am mindful that it is proposed that the land between the rows of solar panels will be grassland which can be used for grazing and that this would allow for continued agricultural use as supported by the 2014 Guidance. The land can then be reinstated as agricultural land following the removal of the solar arrays. I am also mindful that the proposal represents an opportunity for rural diversification in the otherwise unpredictable and volatile market of farming practices.

Taking the above considerations into account I am of the opinion that the proposal adequately addresses the requirements of March 2014 Guidance and that it would be difficult to justify refusal on the grounds that the proposal would be on a Greenfield site.

Impact on Visual Character

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The site falls within Policy Zone MN PZ 24 (Rufford Park Estates Farmlands with Plantations) which defines the landscape condition as being poor and landscape sensitivity as very low.

The landscape is characterised by a gently undulating rounded topography with connecting belts of mixed woodland and plantations. The area is largely comprised of highly intensive arable land with the intervention of industrial units, sewage works and electricity substations. Overall this gives a visually interrupted area with intermittent areas of woodland giving a generally moderate visibility value within the Policy Zone. Views are intermittent and often enclosed due to the numerous blocks and linear sections of woodland.

The policy action for this area is 'Create' with specific actions in terms of built features being focused on the creation of new industrial economy within the area. Mention is made in the LCA to a wind farm which is already proposed (presumably the aforementioned Stonish Hill site). I consider that the solar farm proposed would comply with the policy actions identified within the LCA.

The application has been accompanied by a Landscape and Visual Effects report within the Planning Application Document and Environmental Report which appraises the impact of the development on the surrounding landscape. I am satisfied that the visuals provided within this document are sufficient to allow Members to reach a balanced judgement

By virtue of the loss of the arable field which is in keeping with the surrounding land use, the proposal would have a significant impact on the immediate locality. The proposed solar farm would consequently result in the introduction of a new and defining characteristic within the area. I am mindful that the NNPF establishes a presumption in favour of sustainable development and that in determining applications local planning authorities should approve applications if their impacts are or are capable of being made acceptable.

In assessing whether this impact would amount to such harm as to justify refusal on these grounds considerations should be given to the existing landscape which is outlined above and is identified within the LCA as consisting of a gently undulating rounded topography with connecting belts of mixed woodland and plantations, highly intensive arable land, numerous agricultural buildings and some industrial and utility features.

Given the extent of this LCA, the undulating topography of the area and the pockets of woodland surrounding the site I am satisfied that although there would be some impact on the immediate locality, there would be limited impacts upon significant parts of the landscape which would remain unaffected.

I note the comments received from NCC Landscape and Reclamation with regards to the height of the existing hedging and the screening of the site. The agent has confirmed by email that the existing hedging will be allowed to grow to 2.5m in height and could be incorporated into an ecological management plan to be agreed with the local planning authority prior to construction and attached as a planning condition.

I note the comments of the Parish Councils with regards to other solar farm developments that have been approved within proximity to the application site. Conditional planning permission has been granted in August 2013 for a 7.8MW solar farm on a 17 hectare site at Bilsthorpe Colliery which is approximately 920m to the south of the application site (ref. 12/01594/FULM) and conditional planning permission has also been granted in October 2014 for an 11.88MW solar farm on 8.4 hectares of land on land to north Eakring Road Eakring approximately 873m to the east of the application site.

The environmental consultants on behalf of the applicant have duly considered the cumulative impact of previously approved solar farms in the area and that currently proposed and have contended that, as shown in the photographs deposited with the application, views of the solar farm would be partial and very limited by virtue of the screening and topography of the application site. It is also contended that the approved solar farm closer to Eakring village would be the larger of the two schemes and that the proposed development would be viewed as a more distant element only from footpaths to the west and north west of the village and viewed beyond the larger approved scheme. Motorists would also only gain fleeting views for a very limited duration. Taking this into account, I am of the opinion that the cumulative visual impact of these two schemes would be very limited in extent and duration and would not be so significant to justify refusal on these grounds.

Impact on Highways Network

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst SP 7 encourages proposals which are appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.

The Traffic and Transport statement within the Environmental Report identifies that the majority of vehicle movements would occur during construction and decommissioning phases each typically taking place over a three month period. The Statement also identifies that all material deliveries will be scheduled and managed and delivery vehicles, which will be standard HGVs, will access the site via the A614 and Deerdale Lane. It is estimated that there will be 136 HGVs expected during construction, typically an average of 3 a day. A reduced level of activity would be expected during the decommissioning phase. There will be a designated car parking area within the site compound with no construction vehicles allowed to park outside of this area. The statement proposes that a Construction Management Plan be agreed with the District Council prior to construction works commencing.

I note the comments of the highway authority. Although I accept that there will be an impact on the highways network during construction but I am of the view that this would only be for a temporary period and would not be so significant and to justify refusal on these grounds. Subject to the inclusion of the suggested conditions from the highways authority, should permission be granted, I am satisfied that the proposal would not amount to a detrimental impact on highways safety.

Flood Risk

The NPPF directs development away from areas at highest risk of flooding employing a sequential approach. The application site falls within Flood Zone 1. Table 1 of the Technical Guidance to the NPPF outlines that all uses of land are appropriate in Flood Zone 1 and thus there is no need to apply the exception test. However there is a requirement for a Flood Risk Assessment (FRA) for development proposals on sites comprising one hectare or above. This should incorporate an

assessment of the vulnerability to flooding from other sources as well as from river and sea flooding and the potential to increase flood risk elsewhere. The policy aim within Flood Zone 1 is that local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond.

I am of the opinion that the proposed solar farm would be considered as being a 'less vulnerable' use. However, in line with the advice within the NPPF, it is important to ensure that the development would not have an adverse impact on the flood risk of the surrounding area.

The FRA deposited with the application identifies that the solar panels are anchored into the ground and no hardstandings are proposed. The rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. As a precautionary measure, given that there will be a small percentage increase in impermeable surface area from the construction of the substations and control buildings, any run off generated from these areas will drain to SuDS in the form of depression/swales systems.

I note that the Environment Agency has raised no objections to the proposal subject to the imposition of the suggested conditions, which I consider are reasonable.

Taking the above into account I am therefore satisfied that the applicant has adequately demonstrated that the development will not adversely impact on flooding or drainage.

Impact on Heritage Assets

There are no designated heritage assets actually within the site, although there are a number of assets in the immediate vicinity including the conservation area of Eakring, listed buildings within Eakring and the Rufford Registered Park & Garden. I note the comments of English Heritage with regards to the criteria, against which the proposal should be assessed, the assessment of the archeological potential of the site and to the application being determined on the basis of national and local policy and the council's specialist conservation advice.

A Cultural Heritage Statement has been deposited with the application which considers the archeological evidence of the site and the designated and undesignated heritage assets. The Statement concludes that the potential for remains across the site is low, although a geophysical survey has revealed some remains of an unknown date, which are considered to have no more than local significance.

Given the low potential for the proposal to affect archaeological remains I do not consider it necessary to attach any conditions requiring further assessment. I do however feel it necessary to attach an informative advising the applicant to independently contact County Colleagues.

I note the comments of the conservation officer whose assessment concludes that the proposal is not considered to result in any harm to the setting of Park Lodge, a Grade II Listed Building nor be unduly prominent to the setting of the Grade II Registered Park and Garden at Rufford Abby Park or other heritage assets sited within it. Similarly it is concluded that the proposal will not have any direct or indirect impact upon any designated or undesignated heritage assets or the undesignated Rufford Stud Farm.

Taking these comments into account I am satisfied that the proposal, by virtue of the modest height of the panels and infrastructure, the topography of the site and the distances to the nearest

heritage assets, would not have any detrimental impact on any heritage or historic assets.

Impact on Ecology

An Ecological Appraisal comprising a Desk Study and Extended Phase I Habitat Survey has been deposited with the application. This concludes that given the sale of the proposal and nature of the site, the proposal is deemed unlikely to result in negative ecological impacts beyond a minor magnitude for some species at the parish/local geographical scale with a change in land use potentially giving some species a positive impact. The magnitude of these impacts is considered insufficient to pose a significant risk to the conservation status of any habitats or species recorded within the focus area.

I note the comments of the Nottinghamshire Wildlife Trust (NWT) particularly with reference to mitigation measures to be secured by condition. Subject to the imposition of appropriate conditions relating to mitigation for protected species and biodiversity enhancements, I am satisfied that the proposal poses no significant risk to ecology. The proposal is considered to be in accordance with Core Policy 12, Policy DM7 and the NPPF in respect of ecological matters.

I note the comments received from the NWT regarding the Ecological Assessment and risk based assessment of the potential impact on night jar and woodlark and the absence of Birklands Ringing Group. Wild Frontier Ecology (WFE) on behalf of the applicant has confirmed that although the Birklands Ringing Group have failed to respond, the provision of further data would not have altered the Ecological Assessment. Based on information supplied by NWT, the possibility that woodlark and nightjar are present in Cutts Wood has been duly considered. It is contended that the application site is an arable field and therefore unsuitable nesting habitat for such species and that field margins on site are not particularly suitable foraging habitat. I am mindful that nesting birds are protected by separate legislation and whilst it appears unlikely that any nesting birds will be found during construction works, given that written confirmation has been received from WFE that through implementing best practice mitigation and by carrying out construction works outside of the bird breeding season there is no realistic potential for any impact to occur, I consider it would be reasonable to attach a precautionary condition to require that mitigation measures as outlined in the Ecology Assessment and as confirmed by WFE are fully implemented.

Impact on Amenity

Consideration of the impact of development on the amenity of neighbouring land uses is a long standing consideration in the planning process. Indeed Policy DM5 states that development proposals should have regard to their impact on the amenity of surrounding land uses and where necessary mitigate for any detrimental impact.

I am mindful that the application site falls within the open countryside with surrounding residential development being sparse in nature. The nearest residential property is Rufford Stud Farm some 270m to the north of the edge of the application site. I note the comments received from Environmental Health and consider that by virtue of the low lying nature of the development and the limited output in terms of noise emissions and the glare hazard analysis it is not considered that the proposal would have a significant adverse impact on neighbouring land uses and thus the proposal accords with CP9, Policy DM5 and the NPPF.

Design and Security

New security fencing around the site perimeter is proposed together with associated landscaping and CCTV. No specific details of the proposed fencing nor the CCTV cameras or their mountings have been submitted. I therefore consider it reasonable to attach a condition, should permission be granted, requiring the submission and written approval of such details to prior to the commencement of any development to safeguard the visual amenity and openness of the countryside.

I note that details of any proposed lighting have been submitted and would be unlikely to be required; as such I consider the imposition of a condition to prevent lighting to be unnecessary.

Overall, I consider that the security measures proposed by this application are adequate and take into account the requirements of Section 17 of the Crime and Disorder Act whilst balancing the need to protect the open countryside from visual harm.

Other Matters

No safeguarding concerns have been raised by consultees regarding this installation. There are no licensed aerodromes, airports, traffic control or military sites within 5km of the site and in any event the solar voltaic panels would be non-reflective, and therefore dazzle to pilots would not be an issue. Consequently, I am satisfied that there would be no adverse aviation impacts.

Conclusion

Both national and local planning policy place great emphasis on the creation of energy through renewable schemes where the impacts of the development are (or can be made through appropriately worded conditions) acceptable. I am of the opinion that the proposed solar farm would contribute towards energy production and I am satisfied that no significant adverse impacts have been identified which would outweigh this benefit.

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 plans reference:

- Site Location Plan (Scale 1:50 000)
- OS Site Layout – drg. No. EP1144 OS 14012015 (dated 14-01-2015)

- Site Aerial View – drg. No. EP1144 AV 14012015 (dated 14-01-2015)
- OS Site Map DNO – drg. No. EP1144 POC 14012015 (dated 14-01-2015)
- General Arrangement Plan – EP1144 GA 14012015 (dated 14-01-2015)
- Mounting Structure Detail - EP1144 MOUNT 14012015 (dated 14-01-2015)
- Ballast Mounting Structure Detail - EP1144 BMOUNT 14012015 (dated 14-01-2015)
- Road Detail Plan - EP1144 Road 14012015 (dated 14-01-2015)
- Typical Transformer Detail (Figure 8) deposited on the 19th January 2015
- Typical Substation Detail Equipment (Figure 9) deposited on the 19th January 2015
- Fence Detail - EP1144 FENCE 14012015 (dated 14-01-2015)
- CCTV Detail - EP1144 CCTV 14012015 (dated 14-01-2015)

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

Notwithstanding the details shown on the plans hereby approved no development shall be commenced until precise details of the associated inverters, transformer and substation units, CCTV equipment (including the pole mountings) and security fencing, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and all must be so maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

04

Notwithstanding the details within the General Arrangement Plan – EP1144 GA 14012015 (dated 14-01-2015) 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.
- An implementation and phasing programme.

Reason: In the interests of visual amenity and biodiversity.

05

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing programme. Any trees/shrubs which, within a period of twenty five

years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved landscaping scheme shall be implemented in full.

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

06

No development shall be commenced until a Construction Traffic Management Plan, associated with the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

Reason: In the interests of highway safety.

07

Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance.

08

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Wallingford Hydro Solutions Ltd on the 23rd January 2014 and the following mitigation measures detailed within the FRA: 1. The access and maintenance track shall consist of a crushed stone surface. 2. The grass cover is to be maintained beneath and between the solar panels. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent any increased surface water runoff from the site.

09

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate that the proposed development will incorporate an appropriate rural SuDS scheme to prevent any increased surface water runoff from the site.

Reason: To prevent any increased surface water runoff from the site.

10

The development hereby approved shall be carried out in strict accordance with the Mitigation Measures outlined within Ecological Appraisal carried out by Wild Frontier Ecology dated December 2014 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 and in the interests of maintain and enhancing biodiversity.

11

Development shall not commence until a Biodiversity Management Plan (BMP) has been submitted to and approved in writing by the local planning authority. The provisions of the BMP shall be adhered to throughout the lifetime of the development.

Reason: In the interests of biodiversity and ecology.

12

Development shall not commence until precise details of any lighting are submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details of the lifetime of the development.

Reason: In the interests of visual amenity.

13

If the solar farm hereby permitted ceases to operate for a continuous period of 12 months then a scheme for the decommissioning and removal of the solar farm and ancillary equipment shall be submitted within six months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason: In the interests of visual amenity.

14

The planning permission hereby granted shall be for a temporary period only, to expire 30 years and six months 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 and in accordance with the applicants expressed intent.

15

Not later than six months before the date on which the planning permission hereby granted expires, the solar farm and ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with a scheme to be submitted to the Local Planning Authority.

Reason: In the interests of visual amenity.

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 hereby approved as the development type proposed is zero rated in this location.

02

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

03

The applicant is advised that the mitigation measures approved under condition 8 of this permission should not be altered without the prior notification of the Environment Agency to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.

04

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

05

The applicant is advised that SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

06

Before any works are commenced on site the developer is advised to contact Nottinghamshire County Council's Archaeology Section, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ (tel: 0115 9772129) to discuss the proposals and their implications for any archaeological remains which may be present on site.

BACKGROUND PAPERS

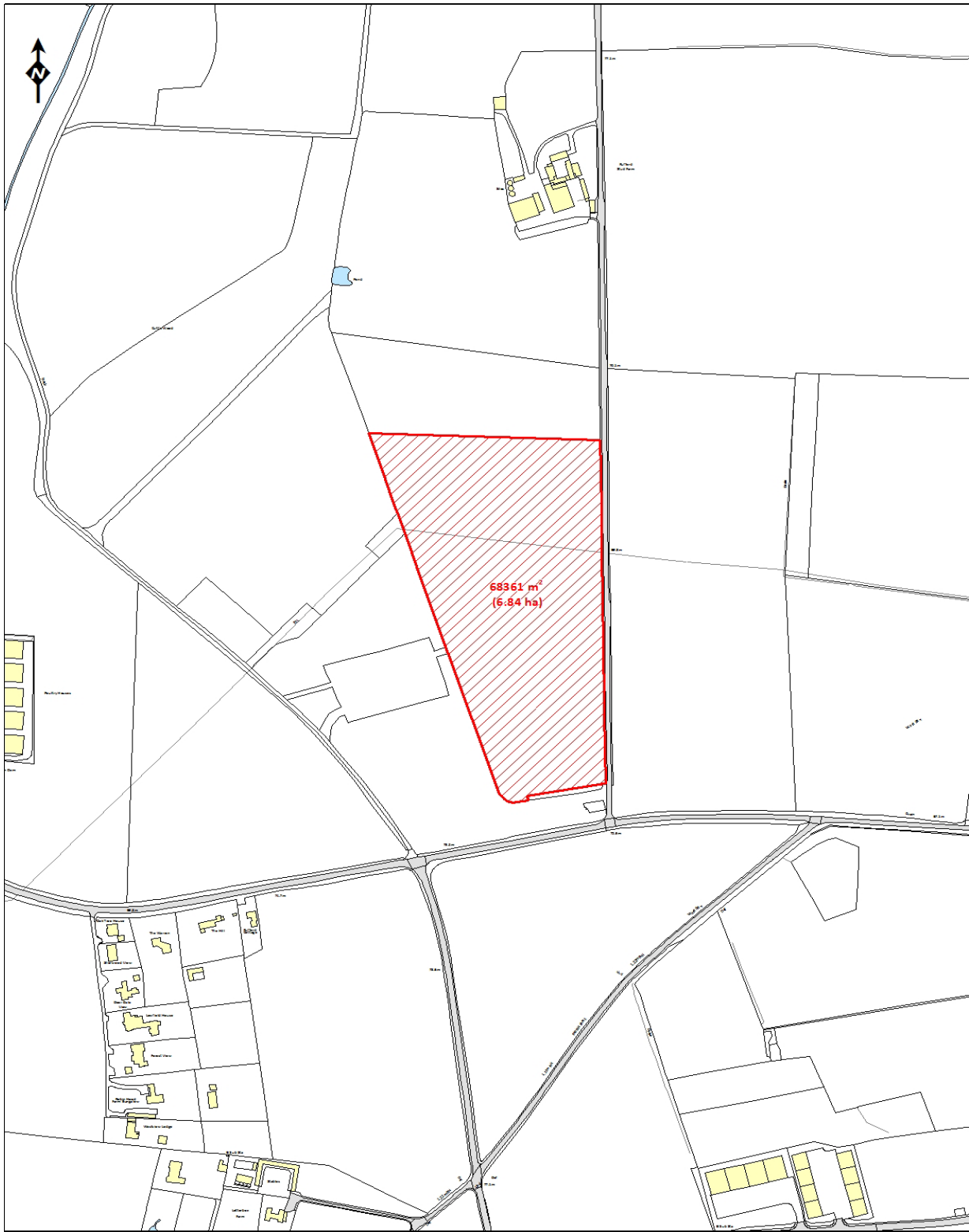
Application case file.

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 - 15/00083/FULM



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PLANNING COMMITTEE – 5 MAY 2015

AGENDA ITEM NO. 15(a)

APPEALS A

APPEALS LODGED (received between 24 March 2015 and 20 April 2015)

- 1.0** Members are advised that the appeals listed below 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.

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/D/15/3002941	14/01563/FUL	Brooklands Ricket Lane Blidworth Mansfield NG21 0QW	Householder application for the erection of a two storey extension & alterations	Householder Appeal
APP/B3030/W/15/3006252	14/01469/OUTM	Land At Southwell Road Farnsfield Nottinghamshire	Outline Planning Application for the Erection of up to 48 Dwellings (Access Only)	Public Inquiry

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

APPENDIX B: APPEALS DETERMINED (APPEALS B)

App No.	Address	Proposal	Decision	Decision date
14/01471/FUL	15 Red Lane Lowdham Nottingham NG14 7AU	Householder Application for Construction of Two Storey Side and Rear Extensions to the main dwelling	DISMISS	08.04.2015
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	DISMISS	16.04.2015

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

