

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, 11th August 2015 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Minutes of the Planning Committee held on 4 th August 2015.	To Follow
3. Declarations of Interest by Members and Officers	
4. Declaration of any Intentions to Record the Meeting	

PART 1 - ITEMS FOR DECISION

5. High Gables, Lower Kirklington Road, Southwell (15/00475/OUTM) (Site Visit: 9.20am – 9.30am)	1 – 33
6. Land Adjacent to Cover Point, Halloughton (15/01023/FUL) (Site Visit: 9.40am – 9.50am)	34 – 47
7. Cover Point, Southwell Road, Halloughton (15/00676/FUL) (Site Visit: 9.40am – 9.50am)	48 – 59

8.	Existing Buildings to the Rear of No's 1 and 2 Church Lane, Morton (15/00505/FUL) (Site Visit: 10.00am – 10.10am)	60 – 70
9.	Yearsley Group, Belle Eau Park, Bilsthorpe (15/01135/FULM) (Site Visit: 10.30am – 10.40am)	71 – 91
10.	Land at 60 Main Street, Coddington, Newark (15/01038/FUL) (Site Visit: 11.00am – 11.20am)	92 – 110
11.	Maxeys Farm Shop, Hockerton Road, Kirklington (15/00745/FUL)	111 – 118
12.	St. Marks Place Shopping Centre, St. Marks Place, Newark (15/00599/FUL)	119 – 129
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14.	40 and 41 Market Place, Newark (15/00601/LBC)	138 – 145
15.	43 and 44 Market Place, Newark (15/00603/LBC)	146 – 152
16.	46 Market Place, Newark (15/00604/LBC)	153 – 157
17.	47 Market Place, Newark (15/00605/LBC)	158 – 162
18.	24 Stodman Street, Newark (15/00607/LBC)	163 – 170
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PART 2 – ITEMS FOR INFORMATION

None

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.

NOTES:-

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

Application No:	15/00475/OUTM	
Proposal:	Site for a maximum of 12 dwellings with point of access onto Lower Kirklington Road to be determined.	
Location:	High Gables, Lower Kirklington Road, Southwell, Nottinghamshire, NG25 0DX	
Applicant:	Mr Graeme Wyles	
Registered:	31 March 2015	Target Date: 30 June 2015

The Site

The site comprises c. 0.71 hectares of land to the north of Southwell within the defined built up part of the town. The application site contains High Gables which is a two storey dwelling fronting Lower Kirklington Road and a field bound in the most part by hedgerows to the rear. The site generally falls from south to north with the spot levels ranging between 36.51 AOD on the south boundary to 29.81m AOD at the north east corner of the site.

Existing residential development is located immediately to the south and east of the site. The site is situated to the rear of dwellings fronting Lower Kirklington Road and to the rear of dwellings located along Orchard Close. The majority of the nearby dwellings are two-storey detached properties. Open countryside is located to the north and west of the site.

The Southwell Trail is located 100 metres to the north. Public footpaths linking Lower Kirklington Road to the Southwell Trail are located to the north and west of the site (beyond the hedgerows and adjoining smaller parcels of land). An allocated area of Public Open Space including a children’s play area to the rear of Norwood Gardens is located approximately 150 metres to the east of the site (as the crow flies). The site is located approximately 1km to the north west of Southwell District Centre.

The site forms part of a wider allocated site for housing (So/Ho/5) in the Allocations and Development Management DPD 2013.

Relevant Planning History

56890584 Erect bungalow – permission 24.07.1989

56881445 Erection of bungalow and garage – permission 22.02.1989

56870628 Residential development – refused 19.10.1988

The Proposal

Outline consent is sought for the erection of a maximum of 12 dwellings (8 market houses and 4 affordable houses). All matters are reserved for subsequent consideration apart from access. High Gales is a two storey dwelling located on Lower Kirklington Road which would be demolished to enable access to the site (between Redroof and No. 122 Lower Kirklington Road).

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

The Masterplan indicates the following housing mix:

	Affordable	Market	Total
1 Bed Bungalow/Maisonette	2	-	2
2 Bed Bungalow	2	4	6
3 bed	-	-	0
4 Bed	-	-	0
5 Bed Detached House	-	4	4
Total	4	8	12

The Masterplan indicates a cul-de-sac layout with a turning head located towards the north of the site. The larger 5 bed dwellings would be located to the west of the internal access road and would include the provision of detached garages. A surface water attenuation pond (c. 130m²) would be located adjacent the northern boundary of the site. Six bungalows would be located to the east of the internal access road with their rear gardens backing onto the rear gardens of dwellings located along Orchard Close.

All properties would be 1, 2 or 2.5 storey in scale.

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

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

Departure/Public Advertisement Procedure

Occupiers of 16 neighbouring properties have been individually notified by letter. A site notice has been displayed close to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
Core Policy 13 – Landscape Character

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

Policy So/Ho/5 – Southwell – Housing Site 5
Policy So/HN/1 – Southwell Housing Need
Policy So/PV – Southwell Protected Views
Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 - Developer Contributions
Policy DM4 - Renewable and Low Carbon Energy Generation
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance PPG (March 2014)

Newark and Sherwood Affordable Housing SPD (June 2013)

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

Draft Southwell Neighbourhood Plan 2015 –

The Draft Neighbourhood Plan has been subject to a period of public consultation and so can be given a degree of weight within the decision making process. The NPPF states that decision-takers may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans (including Neighbourhood Plans) according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Draft plan still represents an early stage in the process. As a result the full extent to which there are unresolved objections to relevant policies is not known, although I am aware that the District Council has set out a number of concerns. In terms of the degree of consistency with the national planning policy and strategic elements of the development plan there is clear overlap with two of the 'basic conditions' which any Neighbourhood Plan must meet in order to move through to referendum.

Firstly whether regard has been given to national planning policy and the advice contained within national planning policy guidance. Secondly whether the content is in general conformity with the strategic policies contained in the development plan (defined in Appendix E of the Allocations & Development Management DPD). On this matter I would draw your attention to the District Councils comments on the Draft Plan. The response set out that whilst many elements would likely meet these tests there are significant areas where this is not the case. In light of this the Draft Neighbourhood Plan is likely to need to be amended to address these areas of concern and potentially also those raised by other stakeholders. As I understand it this process is currently underway.

Taking account of the above my view is that it is still only possible at this stage to attach limited weight to the emerging plan within the decision making process. Though I would consider it appropriate, in cases where the Draft Plan has had regard to national policy and is in general conformity with strategic aspects of the development plan, to take account of the 'spirit' of what the emerging Plan is seeking to achieve. Remaining mindful of course that detailed wording and emerging policy approaches may be subject to further change.

Consultations

Southwell Town Council (STC) – object to the application. The Committee felt that there was a number of issues where the application fell down including the piecemeal nature of the application. STC felt that it was very hard to evaluate and assess the need for amenities and facilities when the planning approach is of a piecemeal nature. The Planning Committee felt that a more coherent plan was required which would concur with the Neighborhood Plan. Requests for further information on the flood risk and other drainage issues IE combining foul water with surface water was also made in order for the Committee to assess flooding issues. The Committee also felt that the number of houses considered for this development was not in keeping with NSDC and Southwell's position on effective and efficient use of land and a more coherent development plan for the sites proposed for new builds should be made. The Committee also stated that the application's report and papers contained many factual errors regarding the site and more local information should be collated by the developers. The omission in the archaeology report regarding the Roman road was a pertinent error. There also needed to be much more information regarding the access to the site as the current proposal does not take into consideration the speed and busyness of Lower Kirklington Road and the potential risks access at this point may bring. This

route into Southwell is seen as the gateway into the town and the reduction in open space and greenery would also have a major visual impact on this aspect of Southwell.

Environment Agency – Low risk no comments.

Severn Trent Water – No objection subject to a condition relating to the disposal of surface water and foul sewage.

Southwell Civic Society - This site should not be viewed in isolation but in conjunction with the proposals in the NSDC Allocations exercise for So/Ho/5 as a whole. This is particularly true in relation to a number of issues: -

- 1) Amenity Space - none provided in this application.
- 2) A comprehensive biodiversity appraisal and mitigation plan, especially in relation to the destruction of High Gables and hedges H5, H6 and H7.
- 3) The archaeological assessment, which surprisingly makes no mention that, the site lies on the route of the roman road linking Ad Pontem with the Osmanthorpe Fort, near Kirklington, and the Derbyshire lead mines.
- 4) The flood risk assessment, which is inadequate. We disagree fundamentally with the The Environment Agency's curt response, "*Low risk no comment*".

The flood risk assessment should be agreed with the Lead Flood Authority, Nottinghamshire County Council, to fit with its Flood Mitigation Strategy for Southwell and the whole of site So/Ho/5. Whilst the particular area identified in this planning application does not appear to have a surface water flooding problem, site So/Ho/5 is shown on the EA map to be subject to this. There should be provision in the planning application to ensure the development does not exacerbate the problem elsewhere. In the Flood mitigation provisions, for the area identified within this planning application, the surface water discharge rates should be related to the impermeable surface area designed for the site.

The initial provision should be related to a 1 in 100 year 6 hour rainfall event and a limit to which the restricted discharge rate will cope, to justify the statement at para 5.11 of the FRA that "An overall proposed maximum restricted discharge rate of 5l/s in the 1 in a 100 year climate change event would not therefore increase run off rate in the 1year event and would offer significant reduction in more extreme events."

- 5) The proposed access is situated close to a dangerous blind summit on Kirklington Road. The Master plan shows that the access road is not wide enough for even one footway. This is unacceptable for 12 houses and would be completely irresponsible if this was the access for the whole site. Planning permission has already been given for a mini-roundabout at the junction of Lower Kirklington Road with Kirklington Road. The application title states "with point of access onto Lower Kirklington Road to be determined." With so little clarity the application should be refused.

Nottinghamshire County Council (Highways Authority) –

Comments received 13.05.2015:

Further to my comments dated 24 April 2015, I am now in receipt of access drawing GW100/100/P and confirmation that it is intended for the access to be 5.5m wide. Future maintenance of the private access should be considered and it may be necessary to secure some form of maintenance agreement under a Section 106 Agreement. A Section 106 Agreement could also cover the following points:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the access road is to remain private.
- The erection of road signs indicating that the access road is private and the maintenance of such signs in perpetuity.
- The provision & maintenance of adequate street lighting and drainage
- Provision to make clear to potential purchasers of the dwellings the status of the access road and what this will mean to them in practice
- Details of the future maintenance of the access road e.g. setting up of a maintenance company;
- Indemnity against the future petitioning by residents to adopt their access road under Section 37 of the Highways Act 1980. This indemnity should normally be a legal covenant placed on the properties to prevent petitioning.
- The clear marking, by concrete edging, boundary posts or similar, the boundary between the private access road and the publicly-maintained highway.

Subject to the above and conditions relating to access details, visibility splays, surface water and a bin collection point, I have no objection to the proposal.

Comments received 07.05.2015:

I am aware of the proximity of this access with potential accesses serving So/Ho/4 and So/Ho/5. I do not consider that this proposal jeopardises the delivery of the other two accesses.

Comments received 24.04.2015:

This is an outline planning applications that seeks approval of the access. However, no detailed plan showing how the access is formed at Lower Kirklington Road has been submitted. This should be rectified to allow full assessment to be made prior to any approval being granted. The access drawing will need to demonstrate that visibility splays of 2.4m x 120m to the right/west, and 2.4m x 65m to the left/east can be provided. Also the plan should show kerb radii etc. Notwithstanding the above, there is slight confusion over the design of the private access road itself. The Illustrative Masterplan shows a 5.0 m carriageway but the Design and Access statement states 5.5m. Clarification should be sought. Attention should be drawn to Section DG18 of the 6C's design guide - www.leics.gov.uk/6csdg for further guidance on the design and principles of private accesses of this nature. Lighting and drainage are particular issues that will require attention. Also a bin collection point should be established near to the mouth of the junction with Lower Kirklington Road. I await further information before suggesting suitable planning conditions.

Nottinghamshire County Council (Archaeology) – No objection subject to a condition requiring an archaeological scheme of mitigation.

Nottinghamshire County Council (Lead Flood Risk Authority) -

Comments received 20.07.2015 in response to a query that the future drainage scheme for this site would not prejudice the delivery of housing on the wider allocated site:

It looks like this site is going to be self-contained within its own boundary and all drainage will be routed to pumping stations. The wider site So/Ho/5 looks like it might be able to be drained to local watercourses on the north-western and north-eastern boundaries. In this regard, development of the high gables site will have no effect on the future sites that I can envisage at this stage.

Comments received 20.07.2015:

Following discussions and receipt of the amended flood risk assessment, I am satisfied that development of the site may be achieved in a way that would not increase the flood risk to 3rd parties. Additionally, I think that the proposed planning condition is suitable as a development control requirement. In this regard we can withdraw our previous comments and replace with the request that the suggested pre-commencement condition is added to any planning permission for the site.

Comments received 12.05.2015:

1. The site slopes from south to north. Natural drainage would tend to follow this route ending up on the track that leads to Malt Cottage & Hopkilm Cottage. It could flow straight over the track but maybe also follow the track towards the houses.
2. There may be some private drainage that isn't shown.
3. The FRA says that the impermeable contributing area produces about 4 l/sec. The overall site to be restricted to 5 l/sec if discharging to sewers or watercourses. If they can use infiltration that would be even better. Needs investigating and tests need doing on the site. One of the conditions we'd ask to be imposed is a thorough investigation.
4. Flood risks. Possible pluvial risk from the south – an indicated surface water route through the development site.
5. The FRA is rather brief when mentioning flood risks. It fails to mention the significant overland flows that occurred during 2013 as a result of the Halam Catchment becoming overloaded and the various pluvial flows that originated within Southwell due to run-off from developed areas.
6. Total gross area of 0.70ha. Assuming 0.45ha is impermeable. Based on 5-7.5 l/sec/ha for discharge then would expect 350m³ of storage (approx.) for a 100yr + 30% storm. They appear to have under-estimated the storage. They need to answer the questions: How are they going to manage the run-off from the remainder of the site bearing in mind it has an appreciable gradient and also how are they going to manage pluvial flows entering the site?
7. Pumping surface water is not a good idea but maybe no other option here. The consequence of failure is significant so some redundancy in the design will be required along with stand-by power generation perhaps. The maintenance agreement will be critical.

Nottinghamshire County Council (Waste) - As per comments by NCC (Strategic Planning), a bin presentation point needs establishing at the junction with Lower Kirklington Road.

Nottinghamshire County Council (Strategic Planning) –

Bus Service Support - The County Council has conducted an initial assessment of this site in the context of the local public transport network. At this time it is not envisaged that contributions towards local bus service provision will be sought.

Infrastructure - The County Council reserves the right to consider appropriate enhancements to bus stop infrastructure in the vicinity of the development. Further information about specific enhancements can be discussed with the developer by direct contact with Transport & Travel Services. The County Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development. Further information can be supplied through developer contact with Transport & Travel Services upon receipt of the full planning application.

Landscape and Visual Impact - The Landscape and Reclamation team have no objections to the proposal from a landscape and visual impact point of view. The requirements of the Arboricultural Implication Assessment (dated 20 March 2015) to provide protection to BS 5837:2012 to the existing trees should be included as a planning condition. Only trees identified in the AIA should be removed and as stated in Design and Access Statement other trees and hedgerows should be retained and reinforced to supplement the existing boundary treatments to help protect the residential amenity of neighbouring properties. In order to maintain the character of the site, new trees and shrub species to be planted should be selected from the species list for the Mid Nottinghamshire Farmlands Landscape character area (but should not include Ash). In addition in order to strengthen the landscape character of the area, additional Damson (*Prunus domestica*) should be planted as part of the planting proposals, as well as Apple (*Malus sylvestris*). A landscape proposals drawing should be provided as a planning condition.

Nottinghamshire County Council (Education) – With regard to the above application I can confirm that the proposed development of 12 dwellings would yield an additional 3 primary and 2 secondary places. Based on current projections, the primary schools are at capacity and cannot accommodate the additional 3 primary places arising from the proposed development. We would therefore wish to seek an Education contribution of £34,365 (3 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

I assume that any requirement for secondary provision will be covered by CIL.

Natural England – No comment – standard advice issued.

Nottinghamshire Wildlife Trust – We have reviewed the Ecological Appraisal (FPCR, November 2014) and have the following comments.

In general, the wider site is assessed as having limited ecological value, although hedgerows were noted as being of more importance. We would support retention of hedgerows as appears to be indicated on the illustrative masterplan. Gapping up of the hedgerows should be undertaken using native, locally appropriate species and ongoing management should be put in place which seeks to maintain height and a dense structure.

Building B1 has been found to contain a bat roost – most likely consisting of a small number of brown long-eared bats and a small number of common pipistrelle bats. An EPS licence will be

required from Natural England prior to any works commencing. Section 4.20 of the report suggests that further survey work will be required – we believe that this refers to the dawn surveys listed in Section 5.6, which will form part of the mitigation strategy. We are therefore happy that these do not need to be carried out before the application is determined.

Section 5 of the report gives a mitigation strategy and two potential replacement roost options. At present, they are given as an ‘either or’ scenario – either a new roof void in one of the new buildings, or 12 bat boxes placed on trees around the site. We suggest that a combination of both options would be preferable – the tree-mounted boxes can be erected prior to works on the existing building to ensure continued roost opportunity. The new roof void would be closer to a ‘like-for-like’ replacement for the loss of the existing roost.

We would like to point out that, depending on the period of time which elapses between this outline application and any detailed submissions, an updated ecological survey may be required to assess any changes which may have occurred.

Additional biodiversity enhancements, as encouraged under the NPPF, would be welcomed. These could take the form of bird boxes, reptile/amphibian refugia or wildlife areas around the proposed attenuation pond. This latter feature should be designed so as to hold an area of permanent water which would maximise biodiversity benefit.

We support the recommendations in Section 4.9 for use of bat friendly lighting and Section 4.10 for maintenance of RPAs to protect trees.

Finally, no removal of hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Trent Valley Internal Drainage Board – No objection. The site is located outside of the Board’s district but within the Board’s catchment. The applicant states that surface water will be disposed of via sustainable urban drainage systems (SUDS) discharging to a mains drainage system. Prior to planning permission being granted the Board recommend that the use of SUDS is agreed with the Lead Local Flood Authority (LLFA). Furthermore, if the authority responsible for the mains drainage system cannot confirm that there is spare capacity within the system to cater for the proposed development the applicant should resubmit amended proposals demonstrating how surface water will be drained. The authority responsible for the mains drainage system should note that the Board’s written consent would be required prior to any alterations to the mains drainage system which would result in increased flows to the Board’s drainage district. If the use of SUDS discharging to a mains drainage system is not agreed the applicant should resubmit amended proposals demonstrating how surface water will be drained.

NSDC (Parks and Amenities) – As a development of 10 or more properties this proposed scheme will need to make a contribution to public open space in the form of children’s playing space. I note from the illustrative masterplan for the site that no POS is shown and there will thus need to be a contribution to the provision/improvement and maintenance of off-site children’s playing space in the vicinity of the development. In this case the Norwood Gardens play area and

recreation ground lies within 500m walking distance of the proposed development and would thus be an obvious off-site location. I note that the proposed development includes a surface water attenuation pond and an appropriate mechanism for ensuring that this is properly maintained will need to be put in place.

NSDC (Community Sports and Arts Development) – I have no objection to the proposed development but it will require a contribution towards Community facilities in the Southwell area as per the current SPD at £1,181.25 per dwelling anchored at December 2013 plus indexation as appropriate at the point of payment. Furthermore the contribution should be allocated to community facility infrastructure improvements as identified in the Southwell Neighbourhood Plan the details of which will be determined by the Parish Council.

NSDC Strategic Housing – no comments received.

NSDC Conservation - The proposal site is located at the edge of the town off Lower Kirklington Road (north side). There are no designated heritage assets within the site, and none within close proximity. The nearest noteworthy designated heritage assets include the former mill complex at Maythorne (various Grade II listed structures) and Norwood Park (comprising the significant II* hall and various estate elements).

There are a number of non-designated heritage assets in the wider area. The Heritage Gateway records 2 features of interest close to Maythorne Farm to the northwest of the proposal site, including a nissen hut and wash house associated with a Second World War decontamination building and search light emplacement (PastScape ID 1411915 and 1411840). The garden and parkland remnants of Norwood Park, furthermore, is considered to be an unregistered park and garden (PastScape ID 320268).

The former Southwell railway line runs parallel to Lower Kirklington Road on the north side of the proposal site. Although closed since the latter half of the 20th century, the route is now part of the Southwell Trail, and therefore offers important views of Southwell's rural landscape.

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7).

Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that decision-making takes account of the significance of heritage assets. Key issues to consider in proposals for development affecting heritage assets are proportion, height, massing, bulk, use of materials, land use, relationship with adjacent assets, alignment and treatment of setting.

The submitted outline seeks only to agree access at this stage with all other matters reserved. The proposal requires the demolition of High Gables to provide a means of access through to the rear of the site. This dwelling has no intrinsic architectural or historic interest, and is otherwise not considered to be a heritage asset. The access arrangements, as proposed, will not be unduly prominent within the street context in this case.

The development will consist of 12 new dwellings of single and two storey height. Given the relative distance from any of the heritage assets identified above, the scale of the development is unlikely to be harmful to any heritage assets. Topography and green infrastructure, furthermore, will likely ensure that the development is not unduly prominent from longer views, particularly

when viewed from Norwood Park and on approach to Southwell from the northwest. Nonetheless, careful consideration should be given to reinforcing/maintaining green infrastructure within the site in order to maintain the rural setting of the town, Norwood Park and Maythorne former mill complex.

There do not appear to be any formally identified areas of archaeological interest within the site or in immediate proximity. However, the remnants of historic fields along Lower Kirklington Road provide some interest within the context and setting of this important historic town. Historic mapping, for example, suggests that the proposal site formed part of Norwood Field which has historic landscape significance (see Sanderson extract attached- note the proximity of extensive hop yards). In this context, the County Archaeology Team should be consulted. The submitted archaeological assessment suggests that the likelihood of any significant buried cultural heritage is low, and in the absence of any better evidence, I would concur with this assessment. Nevertheless, a watching brief may be a sensible consideration in this case.

NSDC Access Officer – General observations.

Representations from 10 local residents, neighbours and interested parties have commented on the application. The comments are summarised below:

Principle

- This is a greenfield site. There are very many brown field sites throughout Newark and Sherwood suitable for housing development;
- This is an expansion of the town boundary into the countryside;
- The site is a long distance for elderly people who may be attracted to bungalows to access local amenities and there is only a bus once on two days a week that pass near the site;
- On the rural edges of the town there is a tradition of small cottages. There is not a shortage of 5 bedroom detached houses in Southwell. There is a need for starter homes;
- The layout may prejudice and sterilize land to the rear of The Beacon;
- Approval of piecemeal applications did not underpin the site allocation and any under delivery here will add pressure to release other sensitive sites in the town to meet housing targets.

Highways

- The proposed access is very narrow and unsafe;
- In the early 1980s an application was made to build a number of dwellings on this site at the time High Gables had not been built & the access to the site would have been where High Gables now stands. The application was turned down on the grounds that the access to and from the site was dangerous in view of the volume & speed of the traffic.

Character

- Overdevelopment of the site – too dense;
- There is no precedent for 2.5 high houses in this locality;
- There is no tradition of bungalows with maisonettes on the first floor;
- The low density of 11 dwellings net may force higher densities in more sensitive "edge" locations and compromise landscape setting.

Natural Environment

- Flood risk/increased surface water run-off;
- Surface water may unnecessarily use capacity in sewers when natural flow to the Greet are possible;

- This site has become an important corridor for species of wildlife. Bats, owls, wrens, voles and newts are some of the species which rely on this site being undisturbed and without light pollution;
- squeezing in these buildings will damage the existing periphery trees and result in a loss of amenity;
- The large drainage ditch within the plot contains the outfall point of a 1.2mts wide culvert that was installed 20 years ago by NSDC and Severn Trent. The culvert is designed to bypass rainwater from the north catchment which is approx. 2 square miles, including all the golf course etc. The field regularly floods during medium rain fall and severely floods during heavy rain fall. Any flood risk FRA must take this into account and I would suggest that the pipe is extended to the Greet.

Amenity

- Loss of privacy due to close proximity of access road to neighbouring houses and gardens;
- The bungalows/maisonette would be too close to the eastern boundary with existing dwellings.

Other

- Timing of the application would have been quite deliberately chosen to be at the time when there were to be possible changes of Committee personnel together with the maximum distraction of the Elevations;
- The application process appears to have been rushed;
- Boundary dispute;
- The information presented in the application is inaccurate in regards to the information on public transport.

One letter of support received stating that the application site is an eyesore in its present condition with the use of traditional, locally inspired architecture supported.

Comments of Business Manager, Development

Principle of Development

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

The proposal site is located in Southwell which is a Service Centre, as defined under Spatial Policy 1 of the Core Strategy (adopted 2011). A site wider than the application site has been allocated for residential development through the DPD and has been identified to provide for around 60 dwellings. In allocating the site for housing the council has identified that the site is sustainable and within the defined built-up area of the settlement, and as such accords with the overarching strategic growth policies of the adopted Core Strategy. The principle of development in this location has therefore been established through the sites allocation in the Allocations & Development Management DPD, with Policy So/Ho/5 setting out a detailed approach for the

bringing forward of the site. This states that the wider site is allocated for residential development providing around 60 dwellings and will be subject to the following:

- Cooperate with the infrastructure provider to carry out an assessment of the drainage infrastructure required to serve the development, the impact on the local drainage network serving the site and the identification of appropriate measures to ensure that there is adequate capacity in the local drainage network to serve the development;
- Appropriate design, density and layout which addresses the sites gateway location and manages the transition into the main built up area. In order to assimilate the development, provision should be made, in accordance with the landscape character, for the retention and enhancement of the sites existing landscape screening;
- Preparation of an appropriate Transport Assessment as part of any planning application to identify the impact on the development on the highway network. This assessment should specifically include the impact of the sites access onto Lower Kirklington Road/Kirklington Road junction, the achievement of acceptable visibility and the provision of appropriate mitigating measures;
- The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;
- Provision of appropriate landscape buffering to the Southwell Trail within the design and layout of any planning application;
- Development will be required to maintain and enhance the current provision of Rights of Way which traverse the site; and
- Pre-determination archaeological evaluation submitted as part of any planning application and post determination mitigation measures secured by condition on any planning consent are likely to be required reflecting the high archaeological potential of the site.

Paragraphs 47 and 49 of the NPPF states that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that *"...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*.

The principle of the development is considered acceptable and the delivery of housing is a significant material planning consideration. As at 1st April 2014 the District had a housing supply of 6.83 years. The Council has been assessing the 2014/15 position by gathering relevant information, which has now been completed. Whilst not yet formally published it is true to say that as of 2014/15 the Council cannot demonstrate a 5 year land supply against the adopted Core Strategy housing target (adopted pre-NPPF).

Members may be aware that the NPPF when published introduced a requirement to define housing targets by reference to Objectively Assessed Need (OAN) via collaborative working (the duty to cooperate) with neighbouring Authorities. This Authority, in collaboration with Ashfield

and Mansfield District Council's has commissioned work on a Nottingham Outer Strategic Housing Market Assessment (SHMA), which is the vehicle from which an OAN is derived. The draft SHMA has identified an OAN figure of 454 dwellings per annum from 2013-2033. Whilst at an early stage of consultation it is clear that if this were to be the Council's housing target (which it is currently not) the Council would have a lower overall housing requirements and annual requirement and thus, in Officers submission, would achieve a 5 year supply. For the purposes of this application, at this time, I would suggest that Members note the absence of a 5 year supply based on delivery of currently adopted targets and weigh this in a planning balance.

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

Consequently, the principle of residential development on this site is considered acceptable and is central to meeting the settlements housing needs forming part of the identified 5 year housing land supply for the District. This is subject to an assessment of the relevant site specific criteria set out in Policy So/Ho/5 and all other relevant considerations including the relevant aspects of national policy and the District's development plan. Given that the application concerns only a portion of the wider allocation a key consideration is whether the proposal is likely to inhibit the subsequent full delivery of the wider allocation or whether it would contribute to the piecemeal delivery of the allocation and so potentially compromise the delivery of necessary developer contributions and planning obligations. This assessment is set out below.

Housing Numbers, Density and Mix

The National Planning Policy Framework which seeks to ensure sites '*deliver a wide choice of high quality homes....and.... plan for a mix of housing...*'. Policy So/HN/1 seeks to address housing need issues within Southwell and reflects the need for smaller properties to accommodate an ageing population as well as young people wishing to stay in the area. Accordingly the policy, subject to local site circumstances and viability, seeks to secure the majority of new housing on allocated sites as one or two bedroom units in line with identified housing needs.

The scheme promotes a maximum quantum of development (12 dwellings) lower than the broad figure quoted in Policy So/Ho/5 (60 dwellings) as a consequence of the application site occupying c.0.71 Ha out of the overall allocation of 3.7 Ha. At 12 dwellings the density of the proposal would be broadly consistent with that of the allocation and the remainder of the allocation would need to be built at a similar density in order to achieve the 60 dwellings required by Policy So/Ho/5.

The proposal represents a density of 24 dwellings per hectare (when excluding non-developable areas). This is lower than the envisaged delivery suggested in the Core Strategy of 30 dwellings per hectare. Indeed, it is acknowledged that the allocation of the site was made at a fairly low density

level due to the edge of settlement location, the density and character of the adjacent housing development, irregular shape (with areas that are realistically non-developable), location of public rights of way, requirements for an appropriate level of buffering to the Southwell Trail, screening along the western extent and likely open space requirements were all factors which led to the identification of a broad level of development with certainty of delivery. Overall, the density of development is considered to be acceptable and represents efficient use of land particularly when taking the allocated density into account.

Given that the development would result in the demolition of High Gables, the proposal at its maximum would only result in 11 net additional dwellings. A development of less than 12 dwellings on this site would not be considered to represent an effective and efficient use of land and it is therefore unlikely that a reserved matters application for less than 12 dwellings would be acceptable.

Concern has been expressed about the lack of coherency and integration between different parts of the wider site if sections of the allocation are brought forward separately. The current application would inevitably result in two distinct sites with two separate vehicular access points. This lack of integration is not in itself considered to be an issue provided that the delivery of the remainder of the site is not compromised. Should this scheme be approved it would still allow a density of at least 24 dwellings per hectare which would achieve the overall allocation of 60 dwellings overall (having regard to buffer and likely open space requirements if on-site), which is still reasonable in the context of land efficiency and character. Indeed, it is considered that the remainder of the allocation is capable of achieving an even higher density than this should this be deemed acceptable. The cumulative impacts of the development are considered further in relation to the site specific issues set out below.

The 12 dwellings would deliver a range of 1, 2 and 5 bedroom accommodation. 30% of the units would be affordable with 4 no. 1 and 2 bed units being provided. The remaining 8 open market units would include 2 and 5 bed dwellings. Two thirds of the dwellings proposed would therefore be one or two bedroom units which is considered to comply with the aims of Policy So/HN/1.

I would therefore conclude that the density and mix housing units proposed would comply with the aims of the NPPF, Core Policy 3 and Policies So/HN/1 and So/Ho/5.

Impact on Visual Amenity including the Character of the Area

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

Policy So/Ho/5 requires an *'Appropriate design, density and layout which addresses the sites gateway location and manages the transition into the main built up area'*.

Core Policy 13 in the NSDC LDF states that 'The District Council will expect development proposals to positively address the implications of the Landscape Policy Zones in which the proposals lie and

demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area'. The site lies within the Mid Nottinghamshire Landscape Character Area, in landscape Policy zone MN PZ 38 Halloughton Village Farmlands. The landscape policy for this policy zone is to conserve and reinforce because of the good condition and moderate sensitivity. Suggested policy actions of relevance to this application include:

- Conserve and reinforce hedgerows;
- Ensure new planting takes into consideration the medium and longer views across the shallow ridgelines around Southwell which allow views across to the Minster and landscape beyond;
- Conserve the local built vernacular and reinforce this in new development;
- Conserve and reinforce the rural character by concentrating new development around the existing settlement of Southwell.

Policy So/PV seeks to protect views of and across the principal heritage assets of the Minster, Holy Trinity Church, Archbishop's Palace and Thurgarton Hundred Workhouse with 'view cones' having been defined on the Policies Map. Outside of these areas those proposals which have the potential to negatively impact on the views will not normally be acceptable. Factors such as scale, height, location and the scope for mitigation are all important considerations. The proposed site is located outside of but close to a view cone from the north of the Town. It is considered that the scale of proposed development is unlikely to detrimentally impact on this view. It is important that the scale of the development be adequately assessed during the reserved matters stage.

Given that the scheme is outline, the detailed design of the development including layout and landscaping are reserved for subsequent approval. The development would inevitably have a negative impact on the landscape and the character of the surrounding area by virtue of the fact that a predominantly greenfield site would become a housing site. However, the indicative Masterplan submitted with the application indicates the retention of existing hedges, shrubs and trees where possible. This would minimize views of the site from the surrounding open countryside which in any event, would be set against the backdrop of the existing built form of Southwell. The site is located to the rear of existing dwellings on Lower Kirklington Road and it is not therefore considered that this part of the overall allocation would be highly visible on entry into Southwell. Views from the public rights of way close to the site are also likely to be minimal due to existing levels of landscape screening which surround the site and paths themselves.

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

Impact on Highway Safety

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

High Gables would be demolished to provide a 5.5 metres wide single access road to the site off Lower Kirklington Road. Although the application is outline, it is considered likely that adequate parking can be accommodated on site with details to be agreed at the reserved matters stage. The indicative Masterplan shows that the majority of parking would be provided to the front or side of the properties with detached garages serving four of the proposed dwellings.

Policy So/Ho/1 requires consideration of the site access onto Lower Kirklington Road including the achievement of acceptable visibility and the provision of appropriate mitigating measures.

It is also crucial that the proposed access arrangements for the application site are not considered in isolation from those for the remainder of the allocation and the needs of the allocation east of Kirklington Road (So/Ho/4). In this respect the policy wording for So/Ho/4 and So/Ho/5 is quite clear and requires assessment of the impact of the sites on the Lower Kirklington Road/Kirklington Road junction, achievement of acceptable visibility and the provision of appropriate mitigating measures. This reflects an appreciation that the points of access for So/Ho/4 and So/Ho/5 would be closely related to one another and to prevent a scenario where the early delivery of one site precludes the other from being brought forward at a later stage.

An Access Strategy Statement (prepared by Armstrong Stokes & Clayton) has been submitted with the application. It concludes that a safe access can be provided in this locality to serve the development. A 5.5 metre wide access with 2 No 2 metre wide footways around the radii are provided. Thereafter will be a shared surface with turning heads for refuse vehicles. Visibility spays of 2.4m x 65m and 2.4m x 125m.

The County Highways Officer raises no objection to the application subject to conditions and is aware of the proximity of this access with potential accesses serving So/Ho/4 and So/Ho/5 and they do not consider that this proposal jeopardises the delivery of the other two accesses.

It is not therefore considered that the proposed development would result in any parking or traffic problems subject to conditions in accordance with the requirements of Spatial policy 7 and Policy So/Ho/5 of the DPD.

Impact on Flood Risk and Drainage

Policy So/Ho/5 requires the developer to *'cooperate with the infrastructure provider to carry out an assessment of the drainage infrastructure required to serve the development, the impact on the local drainage serving the site and the identification of appropriate measures to ensure that there is adequate capacity in the local drainage network to serve the development'*. Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *'necessary mitigation as part of the development or through off site measures where necessary.'* Core Policy 9 requires new development proposals to pro-actively manage surface water.

The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses and no floodwater storage mitigation measures is therefore proposed.

Foul Drainage

In relation to foul drainage, the FRA confirms that it would be necessary to provide an on-site packaged pump station to pump flows along the route of the proposed access road to the 225mm combined sewer in Lower Kirklington Road.

S106 of the Water Industry Act 1991 enables a developer to require a connection to public sewers, notwithstanding any capacity issues. It is incumbent on the provider (in this case Seven Trent Water) to ensure that the public mains sewerage system is able to accommodate the additional demand including additional demand in periods of heavy rainfall from surface water run-off which are not dealt with otherwise by, for example soakaways. Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved.

Surface Water Drainage

Since the severe flood risk event of July 2013, Nottinghamshire County Council as Lead Local Flood Authority (LLFA) has taken the lead on the investigation into the flooding and the production of the Southwell Flood Alleviation Plan. One of the main components of this work has been the production of a Flood Model of the Southwell area. This model is owned by the County Council but is managed by their consultants AECOM (formerly URS) and is now available to assist the LPA (albeit not published). It is intended to provide the mechanism for testing what are the most effective flood alleviation works that can be implemented to help mitigate flooding in the town. It is anticipated that Flood alleviation options will be consulted on in summer 2015 (subject to satisfactory peer review).

The latest formal position of the Local Planning Authority (agreed some 18 months ago) was not to determine any new or pending (a site which has not yet been to the planning committee) planning applications on an allocated site until such time that either the NCC flood studies (including the flood model prepared by URS) are published and responded to, or unless an applicant can demonstrate to the satisfaction of NSDC, the Environment Agency, NCC LLFA, and Severn Trent Water, that flooding issues can be adequately addressed. Whilst the wider study is yet to be published Members will be aware that the hydraulic flood model is available to the LPA and applicants to obtain flow information. The model does not, however, assist in coming to a view on an individual site in terms of flood risk management. Only an FRA can do this.

The submitted Flood Risk Assessment (FRA) prepared by Armstrong Stokes and Clayton recognises the concerns in view of recent flooding events in Southwell. In relation to surface water drainage, the FRA states that *'Lower Kirklington Road, around its junction with Leeway Road and Kirkby Close, was subject to overland/surface water flooding in July 2014. Whilst unconfirmed, this flooding appears to have been related to blocked/ineffective gullies or a blocked/deficient receiving drainage system. Several other similar previous incidents, due to pluvial flooding and the general overloading of the Halam Catchment, that have affected Southwell are also noted'*. The FRA further states that the overall risk of overland surface water flooding to the site is low in reality due the presence of a dense wooded area along the western boundary and a track/driveway running alongside. This would inevitably act as a conduit/channel, directing overland flows past to the north in extreme conditions.

The Lead Local Flood Authority (LLFA) has reviewed the proposal and the submitted FRA (which was subsequently revised in July 2015 to take on board their initial comments which highlighted that the site may be susceptible to flooding via overland surface water flows, running south west to north east). An attenuation based surface water strategy with a restricted discharge to the public combined sewer on Lower Kirklington Road is proposed. Surface water drainage would drain to the proposed attenuation pond. Ultimately surface water would be pumped back into the combined sewer in Lower Kirklington Road. As with the foul drainage, a gravity connection will not be viable and it would be necessary to provide an on-site packaged pump station to pump flows along the route of the proposed access road to the sewer.

The FRA also confirms that *'whilst the overall risk of overland surface water flooding to the site is considered to be low based on the information available, as a precaution, it is recommended that a low level clay bund is incorporated along the length of the western boundary to ensure any potential overland flows are directed around the new development'*. Permeable paving for the construction of driveways and private parking areas would also be promoted at the detailed design stage.

The LLFA are satisfied that development of the site may be achieved in a way that would not increase the flood risk to 3rd parties subject to a condition requiring 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.

Summary

Overall, subject to conditions, it is considered that the applicant has demonstrated to the satisfaction of NSDC, the Environment Agency, LLFA, and Severn Trent Water that flood risk and surface water management issues associated with the site can be adequately addressed in the design and layout of the scheme. The application is therefore considered to be acceptable in accordance with the requirements of Core Policy 9 and Policies DM10 and So/Ho/5. It is essential that a comprehensive maintenance regime for both of the proposed pumping stations is agreed and is in place prior to first occupation and would be a requirement of the S.106 Agreement.

Impact on Ecology Including Trees and Hedgerow

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

An Arboricultural Implication Assessment including Tree Survey (prepared by Coppice Landscapes 20 March 2015) has been submitted with the application. This identifies the mature hedgerow along the existing site boundaries to be the most significant feature. Elsewhere the site contains a small number of fruit trees, hedgerow trees and shrub bed material. Small sections of hedgerow at the main entrance and in an area which currently divides the garden of High Gables with the field to the rear would require removal to enable the development. Otherwise, the more significant lengths of mature hedgerow along the boundaries would be retained. A condition requiring details of tree/hedgerow protection measures during construction works is recommended.

Five trees would also require removal. These are classed at Category C trees. Category C trees tend to be smaller trees or ones considered to be of low quality. They may have a limited life

expectancy or contribute very little to the amenity of the locality. Such trees should not normally be considered as a constraint against development and their removal will generally be acceptable. Replacement planting would be a requirement of the landscape scheme (and would be a matter for consideration during the subsequent reserved matters stage).

An Ecology Survey (prepared by FPCR) has been submitted with the application. The Ecological Report concludes that no significant impacts from redevelopment are expected. Habitats on the site are of limited botanical value.

Nottinghamshire Wildlife Trust are satisfied with the result of the additional Ecology Report and raise no objection to the proposed development overall. They have however identified that High Gables has been found to contain a bat roost – most likely consisting of a small number of brown long-eared bats and a small number of common pipistrelle bats.

Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. An EPS licence will be required from Natural England prior to any works commencing. As such, it is necessary to consider the likelihood of a license being granted as part of the determination of this application by applying three tests which are the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.

In this case, the removal of High Gables is required to enable access to the proposed dwellings which will contribute to the delivery of a housing allocation. Section 5 of the Ecology Survey report gives a mitigation strategy and two potential replacement roost options. At present, they are given as an 'either or' scenario – either a new roof void in one of the new buildings, or 12 bat boxes placed on trees around the site. Notts Wildlife Trust suggest that a combination of both options would be preferable. On this basis, it is considered possible that the favourable conservation status of the species can be maintained subject to conditions to ensure that these mitigation measures are implemented.

Having assessed the impacts of the proposal upon nature conservation and protected species, it is considered that subject to conditions securing the mitigation set out in the submitted Ecology Report which include a replacement roost in a new roof, the provision of bat and bird boxes and a lighting scheme to minimize light spillage and works outside bird breeding season, the proposed development is unlikely to have any adverse impact upon the favourable conservation status of bats or ecology. In addition, the proposed balancing pond area could also be designed to benefit wildlife (and will be a matter for consideration during the subsequent reserved matters stage).

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

Impact on Residential Amenity

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

The majority of separation distances between dwellings indicated in the illustrative Masterplan appear to meet common practice separation distances. Six single storey bungalows are indicated along the eastern part of the site. As a consequence the amenities of adjacent two storey dwellings located along Orchard Close are unlikely to be adversely affected by the proposed development. A two storey building contains two 1-bed units would be visible on entry into the site from Lower Kirklington Road. The illustrative Masterplan states that whilst it would have dual aspect, its east facing elevation would be blank to ensure no overlooking towards the rear gardens of dwellings along Orchard Close. The detailed design of the dwellings including the position of habitable room windows and their heights would need to be approved at the reserved matters stage.

Having carefully assessed the scheme I am satisfied that the design of the proposal could be developed so that no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5 and Policy So/Ho/5 of the DPD.

Impact on Archaeology

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

Policy So/Ho/5 requires '*pre-determination evaluation and any necessary post determination archaeological mitigation measures secured by condition on any planning consent reflecting the medium archaeological interest of the site*'.

An Archaeological Desk-Based Assessment has been submitted with the application (prepared by Pre Construct Archaeology Ltd). It concludes that the potential of finding prehistoric deposits, remains from the Roman period, Saxon period, Medieval period and post medieval period is low. The Conservation Officer concurs with this view although highlights that the remnants of historic fields along Lower Kirklington Road provide some interest within the context and setting of this important historic town. Historic mapping, for example, suggests that the proposal site formed part of Norwood Field which has historic landscape significance (see Sanderson extract attached-note the proximity of extensive hop yards).

I note the comments of Southwell Town Council and Southwell Civic Trust in relation to the roman road. However, there is no evidence that the Roman Road goes directly through the site according to the Historic Environment Record (HER) and National Monument Record (NMR). Assuming the Roman Road follows the existing roadway and the housing development is set back from this, the advice received is that the archaeological impact is likely to be limited in this case. However, given the possibility of further archaeological finds, the County Archaeologist and Conservation Officer raise no objection to the application subject to a condition requiring a scheme of archaeological mitigation to be submitted for approval prior to the commencement of development of site. Subject to this condition the proposal is therefore considered to raise no issues under Core Policy 14 and Policies DM9 and So/Ho/5 of the DPD.

Developer Contributions

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

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

This would need to include the following contributions:

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met. In this case the Council's Housing officers have confirmed that they would expect that this site will achieve 30% affordable housing. Based on a net increase of 11 dwellings this would amount to 4 affordable homes.

Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership). It is therefore proposed that of the 4 affordable units, 2 will be shared ownership (2 bed units) and 2 will be rented (1 bed units). A Registered Provider will be identified at the Reserved Matters stage.

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

Community Facilities

The SPD sets out that a development of 11 dwellings would equate to a community facilities contribution of £12,993.75 plus indexation (£1,181.25 per dwelling). The community facility contribution would be used to support community facility infrastructure improvements as identified in the Southwell Neighbourhood Plan, the details of which will be determined by the Town Council. It is recommended that this full amount be required as part of the S.106 Agreement in accordance with the requirements of the SPD.

Education

Nottinghamshire Country Council have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the additional 3 primary places arising from the proposed development. An Education contribution of £34,365 (3 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development is required. It is recommended that this full amount be required as part of the S.106 Agreement in accordance with the requirements of the SPD.

Open Space

In accordance with the requirements of the SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the outline masterplan for the site shows a limited area of public open space albeit an area containing a SuDS balancing facility is proposed. The SPD also requires all residents to live within 300 metres of an area between 0.2Ha and 1Ha in size and in this case, the Norwood Park and Recreation Ground are within this distance. The Parks and Amenity's Officer has advised that it is considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children's playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at (£903.22 per dwelling) plus £1004.50 per dwelling towards maintenance costs that would need to be agreed as part of any legal agreement which equate to a total contribution of £20,984.92. It is recommended that this full amount be required as part of the S.106 Agreement in accordance with the requirements of the SPD.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. This proposal would comprise a net increase of 11 new dwellings. At an average of 2.4 persons per dwelling this would add 26 to the existing library's catchment area population. The nearest existing library to the proposed development is Southwell Library. The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a standard stock figure of 1,532 items per 1,000 population. The County Council therefore seek a developer contribution for the additional stock that would be required to meet the needs of the 26 population that would be occupying the new dwellings which at £10.53 (cost per item) = £419.43.

Summary Developer Contributions

A summary of the likely developer contributions/S.106 requirements based on a net addition of 11 dwellings is set out in the table below.

Affordable Housing	30% on site provision (4 units)
Open Space / Children's Play Area	Management and maintenance of on-site open space/SuDS balancing facility/pumping stations by an on-site management company (prior to occupation). Commuted sum towards the provision for children and young people (£903.22 per dwelling) plus £1004.50 per dwelling towards maintenance costs = £20,984.92
Education	£34,365 to provide 3 additional primary places (at £11,455 per place)
Community Facilities	£12,993.75 plus indexation.
Libraries	£419.43

As the application site relates to a smaller part of the overall allocated site, concern over the potential for under delivery of the developer contributions and planning obligations necessary to support the level of development anticipated through the site allocation has been expressed. Where a contribution is triggered by a low level dwelling threshold then providing that the proposal is proportionate and the remainder of the allocated site can meet the outstanding level of development these concerns could be addressed. However where the threshold is higher or can be triggered by development that places extra demand on local infrastructure then bringing a site forward in a piecemeal fashion could result in the loss of contributions and obligations necessary to support the cumulatively larger site. For example, a site of 50 or more dwellings triggers a transport contribution and a site of 100 or more dwellings would trigger a health and outdoor sports facilities contribution. In this case it is likely that cumulatively a trigger for 50 units may be hit. That does not mean that a contribution cannot be sought on the basis that the Council's SPD makes clear that even for a lower trigger appropriate sustainable transport contributions will be required where appropriate. At the present time NCC do not seek a payment, even in the knowledge that this sits within a wider housing allocation.

Southwell Neighbourhood Plan

Whilst my view is that it is only currently possible to attach limited weight to the emerging plan I do consider it appropriate, where the Draft Plan has had regard to national policy and is in general conformity with strategic aspects of the development plan, to take account of the 'spirit' of what the emerging plan is seeking to achieve. Given that the application is outline in nature, with the precise nature of development being reserved for subsequent determination, this exercise is likely to only be feasible on matters of a strategic nature where there is the necessary detail. The applicant should nevertheless be informed that the Neighbourhood Plan is progressing and that it will ultimately form part of the development plan. Clearly the potential implications of this for future proposals will increase as matters progress.

The Draft Plan includes a site allocation policy (Policy SS5), which largely mirrors that included in the Allocations & Development Management DPD (Policy So/Ho/5); some of the emerging content would not however be relevant to a proposal concerning only part of the wider allocation.

Turning firstly to the proposed highways requirements the wording of the NP's site allocation policy is very similar to that of Policy So/Ho/5 and so I would refer you to my previous comments on this issue. Should you be satisfied that suitable access arrangements can be provided for and that the remainder of the allocation, along with the further allocation east of Kirklington Road, could continue to be brought forward then I would conclude that the proposal accords with the spirit of the emerging Neighbourhood Plan.

In respect of the proposed self-build requirement I am unaware of any evidence to support the retention of a minimum of 10 plots across the allocation for this use. Furthermore even were this evidence to exist I am unconvinced whether as presently worded the policy would have given sufficient regard to national policy or indeed be implementable.

There are also a number of proposed site specific requirements which whilst relevant to this portion of the site cannot be fully considered at this stage given the level of detail associated with the outline application. With the precise form of development being a matter reserved for subsequent determination the requirements concerning pedestrian and cycle access, positioning

of back gardens relative to that of existing adjoining properties and the need for a robust survey of trees within the site to guide the design and layout are all issues which cannot be fully considered at this stage, though I do note that a tree survey has been submitted. On this basis apart from the concerns relating to access and the comprehensive delivery of the allocation the proposal would appear to accord with the spirit of the emerging site specific policy.

Additional emerging strategic content includes Policy HE1 'Housing Type and Density' which seeks to set mix and density requirements for brownfield and greenfield sites to secure smaller dwelling types and accommodations suitable to meet the needs of the elderly. However the evidence in support of the emerging policy is unclear and it is questionable whether sufficient regard has been given to the NPPF or if the approach is in general conformity with the development plan. However the intention behind the draft policy is to deliver a housing mix which reflects local needs. Accordingly should you be satisfied that the current proposal and any subsequent detailed scheme would be able to satisfy Policy So/HN (see previous comments) then I would conclude that the proposal meets the spirit of the Neighbourhood Plan on this matter. Policy HE2 'Affordable Housing' would set a minimum 35% affordable housing contribution. Whilst there is evidence to support this target from the Housing Needs and Market Affordability Study the policy as presently written is insufficiently flexible to take account of cases where there are concerns over viability and is yet to be subject to examination. Accordingly should you be convinced that the proposal is consistent with the revised affordable housing thresholds then I would again be of the opinion that the proposal accords with the emerging Plan.

Policy HE3 'Open Space in New Residential Developments' would carry the requirement that an open space/play area will be provided as the focal point for all of the allocated sites, where off-site provision is appropriate the plan seeks to steer contributions to types of deficient open space. Clearly the level of detail included as part of the outline application is insufficient to consider whether the design and layout has been developed with an open space as its focal point. It should be noted however that in respect of open space provision in connection with new development the NP is in broad alignment with the development plan. Accordingly should you be minded to recommend approval then I would refer you back to my previous comments on developer contributions and planning obligations.

Detailed elements of the proposed approach for securing public transport contributions as set out in Policy TA2 'Public Transport Connectivity' are not compliant with developer contributions regulations and the threshold has now been raised to 11 dwellings. In respect of this aspect I would again refer you back to my previous comments on developer contributions and planning obligations.

TA3 'Highways Impact' sets out a draft approach to secure mitigation and improvement measures to address highway impact from new development. A range of specific junction improvements are also identified including the Kirklington Road/Lower Kirklington Road junction. In identifying these junctions it is questionable whether sufficient regard has been had to national policy and guidance and if this is in general conformity with strategic policies in the development plan. Clearly the impact on these junctions from the application would need to be demonstrably linked in order for such contributions to be sought. The adopted site allocation policy carries requirements over the access arrangements for the site, whilst Spatial Policy 7 provides the basis for assessing and addressing the highway impact from new development. Ultimately it is the eventual Transport Assessment and input from the Highways Authority which will indicate whether contributions towards the upgrading of the junctions mentioned in the Draft NP are necessary. Assessment of

the proposal against relevant national and development plan policy therefore provides the basis for meeting the broad thrust of TA3.

Policy DH6 'Protected Views and the Setting of Southwell' has not had regard to national policy and guidance and is out of general conformity with strategic policies of the development plan. Policy So/PV provides the basis for the assessment of this aspect of the proposal and I would refer you back to my previous comments on this matter.

On the basis of the above aside from concerns relating to the comprehensive delivery of the site allocation and its access arrangements I consider that the proposal would accord with the strategic elements of the emerging Southwell Neighbourhood Plan.

Conclusion

Paragraph 14 of the NPPF provides a clear presumption in favour of sustainable development provided that the benefits of issuing planning permission are not outweighed by significant and demonstrable harm. As an allocated site, the principle of residential development on this site is established and I am satisfied that the proposal accords with the Development Plan and all other relevant material considerations. This scheme will deliver housing in a sustainable settlement and contribute to the Council's 5 year + housing supply. Subject to approval of reserved matters, the proposal would not have any adverse impact upon visual or residential amenity, highway safety, drainage and flood risk, ecology (including protected species) or archaeology.

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

RECOMMENDATION

That outline planning consent is granted subject to:

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

01

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

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

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

02

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

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

03

The development hereby permitted authorises the erection of no more than 12 dwellings.

Reason: To define the planning permission as the technical studies and indicative plan submitted as part of the application assume a maximum number of 12 dwellings.

04

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

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site in accordance with Core Policy 14 and Policies DM9 and Policy So/Ho/5 of the DPD.

05

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

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

06

No development shall be commenced until a scheme for ecological enhancements in accordance with the recommendations of the Ecological Appraisal (by fpcr dated November 2014) and recommendations of the Nottinghamshire Wildlife Trust (in their letter dated 17.04.15) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme. For the avoidance of doubt, this scheme shall include details of a replacement roost(s), the provision of bat boxes and the provision of reptile/amphibian refugia or wildlife areas around the proposed attenuation pond.

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

07

Notwithstanding the submitted Arboricultural Implication Assessment (by Coppice Landscapes Dated 20 March 2-15), prior to the commencement of the development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting indicated as to be retained and future management thereof shall be submitted to and be approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerows and trees (which are shown on the Illustrative Masterplan as being retained) unless otherwise agreed at reserved matters stage. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity and visual amenity of the site in accordance with the aims of Core Policy 12 and 13 of the Newark and Sherwood Core Strategy (2011) and Policy So/Ho/5 of the DPD.

08

Any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any located nests must then be identified and left undisturbed until the young have left the nest.

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

09

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

10

Reserved matter submissions for any phase or any use shall be substantively in accordance with EM2834-011/A Illustrative Masterplan (revised plan received 06/05/15) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt in accordance with the aims of Policy So/Ho/5 of the DPD.

11

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9 and Policy So/Ho/5.

12

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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken and provide two forms of surface water treatment.
- Details to show the outflow from the site is limited to the maximum allowable rate i.e. greenfield site run-off.
- Provision of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the requirements of Core Policy 9 and So/Ho/5 of the DPD.

13

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

Reason: To reduce the risk of pollution during the construction phase in accordance with the requirements of Core Policy 9 and Policy So/Ho/5.

14

The shared private driveway shall be laid out to a width of not less than 5.0 metres and shall provide for vehicle parking and turning areas in accordance with details first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: In the interests of highway safety in accordance with Spatial policy 7 and So/Ho/5 of the DPD.

15

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in accordance with Spatial policy 7 and So/Ho/5 of the DPD.

16

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no.GW100/100/P are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.25 metres in height.

Reason: In the interests of highway safety in accordance with Spatial policy 7 and So/Ho/5 of the DPD.

17

No part of the development hereby permitted shall be occupied until the access driveway is constructed in accordance with drawing GW100/100/P (or any alternative drawing that is first submitted to and approved in writing by the LPA) and include provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: In the interests of highway safety and to ensure surface water from the site is not deposited on the public highway causing dangers to road users in accordance with Spatial policy 7 and So/Ho/5 of the DPD.

18

No part of the development hereby permitted shall be occupied until a bin collection point has been established close to Lower Kirklington Road in accordance with details to be first submitted to and approved in writing by the LPA.

Reason: To enable safe and convenient access for refuse collection in accordance with Spatial policy 7 and So/Ho/5 of the DPD.

Prior to the occupation of the dwellings hereby permitted, details of any external lighting shall first be 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 amenity and biodiversity in accordance with Policy CP 9 of the Core Strategy and Policies DM5 and DM7 of the Allocations and Development Plan Development Plan Document (DPD).

Notes to Applicant

01

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

02

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

03

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

04

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

05

In order to carry out the access construction you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David.Albans@nottsc.gov.uk for details.

06

Please note that you will need to apply for a Mitigation License (EPS Licence) if your work will have impacts on European protected species that would otherwise be illegal. Please use the following link for further information: <https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>

BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Kirsty Cole
Deputy Chief Executive



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Application No:	15/01023/FUL	
Proposal:	Erection of new dwelling with separate garage and associated works to trees	
Location:	Land adjacent to Cover Point, Halloughton, Nottinghamshire, NG25 0QP	
Applicant:	Mr C Armstrong	
Registered:	12 June 2015	Target Date: 7 August 2015

The Site

The site lies in the hamlet of Halloughton, a small settlement in the open countryside. The dwellings here are located along a single track, narrow country lane in a mature vegetated landscape. The site lies within the Conservation Area.

The application site has previously formed part of the curtilage of the adjacent dwelling known as Cover Point, a single storey modern property located to the west of the site; this adjacent site is also subject to a planning application for a replacement dwelling which is currently under consideration and is before members as part of this committee agenda (planning reference 15/00676/FUL).

The application site comprises an area of elevated lawn set behind a mature and established hedge and vegetation. A brook runs in front of the plot and passes to the south of the site. Vehicular access to the site is over this brook. A land drain also lies to the north of the site which separates the plot from the neighbouring property to the north, Home Field whose curtilage encompasses the site to the NE and NW.

Relevant Planning History

The site has been subject to planning history for residential development, including an extant permission for the erection of a new dwelling. The details of the application are detailed below,

12/00385/FUL - Erection of new dwelling with integral garage and associated landscaping works. This application was refused by the LPA under delegated powers on 25th May 2012 for the following reason:

Halloughton is identified in the Settlement Hierarchy of the adopted Newark and Sherwood Core Strategy Development Plan Document (Core Strategy) 2011, as an 'Other Village'. As such, it falls to be assessed against Spatial Policy 3 (Rural Areas) which requires proposals to be assessed against five criteria; location, scale, impact, need and character. In addition, the National Planning Policy Framework (NPPF) states that LPA's should avoid isolated new homes in rural areas, indicating that the erection of dwellings should be strongly justified.

The hamlet of Halloughton comprises a low density ribbon form of development in the open countryside. It has no local services and at approximately 3km from the nearest Service Centre is fairly remote from other settlements with limited access to public transport. The application has failed to demonstrate that there is a locally proven need for the dwelling beyond that need which is personal to the applicant. In the opinion of the Local Planning Authority the proposal therefore represents an unjustified erection of a dwelling in an unsustainable location, contrary to both SP3 of the Core Strategy, which forms part of the Development Plan and contrary to the NPPF which is a material planning consideration.

The applicant subsequently appealed to the Planning Inspectorate against this decision and the Inspector concluded that;

The proposal would represent sustainable development in line with the objectives of national policy and core strategy policy SP3, which seeks to ensure that development in rural areas is appropriate in terms of location, scale, need, impact and character.

As such, the planning application was allowed on appeal, with consent granted on 17th April 2013.

The site also has a historic planning application for the erection of a new dwelling:

42840078 - Erection of one bungalow (refused 28th February 1984).

The Proposal

The current proposal seeks full planning permission for the erection of a two-storey dwelling to form a three bedroom property with a detached two-bay open fronted garage.

The proposed dwelling is traditional in design, seeking a cottage-like style, rectangular in shape with single storey side additions to each side. The dwelling will have maximum dimensions of 7.2m depth and 22.2m width and will have a maximum eaves height of 5.1m and maximum ridge height of 8.7m.

The proposed garage will be sited some 6m to the west of the dwelling and will have maximum dimensions of 5.9m width and 5.9m depth. It will be set within the slope of the land and will therefore have a maximum ridge height of 6.5m.

It is proposed that the main dwelling will be brick and pantile in construction with painted timber windows with the single storey elements being timber clad (western element) and glazed (eastern element).

The proposed garage will be timber clad with clay pantile roof.

The application also seeks the removal of several trees which were previously approved by the Planning inspector.

Departure/Public Advertisement Procedure

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

displayed near to the site and an advert has been placed in the local press which was published on 25th June 2015. The overall date for the expiry of comments is 28th July 2015.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 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 and Development Management DPD Adopted July 2013

Policy DM4: Renewable and Low Carbon Energy Generation

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Halloughton Parish Council – Object to the proposal for the following reasons,

The height and scale of the proposed property will be an over-intensification of the small site, exacerbating the risk of flooding at a known flood point, impact on neighbouring properties and the adverse visual impact on the street scene in this rural conservation village.

NSDC Conservation Officer – Following amendments to the proposal, no objection (full comments below)

NCC Highways Authority – No objections are raised to the proposal.

NCC Flood Team (Lead Local Flood Risk Authority) – No comments have been received to date.

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

Trent Valley Internal Drainage Board – No objections are raised to the proposal.

Severn Trent Water – No comments have been received to date

East Midlands Electricity – No comments have been received to date

External Tree Officer – No comments have been received to date

Nottinghamshire Wildlife Trust – No objections have been raised to the proposal

Neighbours/Interested Parties – Representations have been received from 2 local residents/interested parties, one raising objection and the other supporting the proposal. Details of the letters are summarised below,

Support-

- The development would be in-keeping with the area it is being set in.

Objection-

- The proposed roof would be 3 times higher than that approved and would have overshadowing and overbearing impacts upon neighbouring properties
- Reduction in tree/shrub coverage by 50% would mean a reduction in privacy, loss of character to the Land Drain boundary and to the road
- No recognition has been made that the road has flooded 4 times in the last 6 years.

Comments of the Business Manager, Development

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

Principle of Development

Halloughton has been identified as an 'Other Settlement' in the Settlement Hierarchy as defined by SP1 of the Core Strategy. It has no 'defined' settlement boundary and is a hamlet in the open countryside with no facilities and very limited access to public transport. This proposal therefore falls to be assessed against SP3 of the Core Strategy. This provides that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character. SP3 requires that new development should be within the main built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.

It has already been established by the Planning Inspector that the principle of development on the site for a new dwelling is acceptable in accordance with Policy SP3. It was concluded that the site represented appropriate development for the following reasons,

1. The proposal, whilst not a response to a proven need for a particular type of housing in the area, would make some contribution to meeting local housing needs as defined by national policy;
2. The site lies half a kilometre from regular bus services between Southwell and Nottingham.

However, journeys made by car are likely to be short and a single dwelling would not generate a high number of journeys. The NPPF advises that the approach to assessing the travel implications of development should take account of wider objectives relating to rural areas, and that development in one village may help to support services elsewhere and;

3. The site is towards the centre of the hamlet, has a road frontage and development around it, therefore it was considered to be within the built-up area of the hamlet, and as such appropriate for a single dwelling.

Given the above conclusions made by the Planning Inspector in 2013, taking into account the Core Strategy and NPPF, I consider that the principle of development is acceptable and therefore the main issues to discuss in this assessment relate to design, amenity, the Conservation Area and the highway. I am mindful that local policy has been updated since the previous approval with the adoption of the Allocations and Development Management DPD but in this instance I am of the view that there are no policies within this document which deem the principle of the development to be unacceptable.

Impact on Character

The overall character of this part of Halloughton Conservation Area is mixed, with a range of building types, ages and styles, but broadly falling into historic C18 and C19 farmsteads, with c1960s residential infill. The overriding character however is informal, low density and dominated by green landscaping. In this particular plot the site is screened by mature trees and tall hedgerow species, providing a solid green buffer to the road and giving a real sense of spacing between buildings. This is an important part of the semi-rural, green and informal character of the lane as it winds through Halloughton.

The proposed new build structure in style leans more towards the traditionally detailed structures in Halloughton and is of an attractive overall appearance with detailing to eaves and windows. The mixture of single and double storey also helps break up the overall mass. The chimneys give the roof scape a traditional feel; it contrasts with the modern appearance of the dwelling under the extant permission. One local resident and Halloughton Parish Council have raised objections in relation to visual amenity, the former also raising concern over the loss of vegetation from the site. Since these comments were received, the proposal has been amended following concerns also raised by the internal Conservation Officer in relation to the vegetation along the front of the site. The Officer's main concerns are detailed below,

My concern with this application rests with the fact that a lot of the street frontage vegetation would be lost and the building will be more than glimpsed from the public realm. The sense of green spacing between buildings will be greatly reduced by this development. This has the effect of suburbanising this section of Halloughton Road, which given its current very pleasant semi-rural qualities will erode the character and appearance of the conservation area.

Whilst it was considered that the appearance of the building was acceptable when read on its own, without improvement to the landscaping and greenery, it would suburbanise this section of

road and reduce important green spacing between buildings and therefore fail to meet the minimum test of preserving the character and appearance of the Conservation Area.

Upon receipt of the amended plans, the Conservation Officer has offered the following additional comments,

The extra landscaping has made a noticeable difference to how visible this building will now be from the public realm. In addition, the setting back of the property further into the plot, in combination with the taller front hedge and the fact that the road is at a slightly lower level, will, I believe, further obscure the site from eye level on the road. The building will not be fully hidden, but will be glimpsed and softened by green landscaping both in front and behind the building. While the roof will be the most visible feature, this does of course rake away from the public realm. The building is also of such a width that there will be substantial greenery to either side of the building between adjacent houses.

I appreciate the previous application was felt to be substantially hidden from the road, although I think inevitably there would have been glimpses of the white render, across a wider façade, albeit a lower height, than this revised scheme. I believe there is more building visible with this application but the use of natural materials and a design in keeping with the local vernacular will make the building more readily accepted by the eye than a modern design. I think there will be little net difference to the sense of development/suburbanisation above and beyond the approved scheme.

I think this is a finely balanced scheme compared to the already approved scheme, any increase in visibility here is countered by a more traditional and more neutral design, and a wider green wedge on either side of the building. For these reasons I have no objection to the revised proposed scheme, subject to careful landscaping conditions and good natural materials, to be secured by condition.

In this instance, I concur with the Conservation Officer's response and would agree that the additional landscaping and relocation of the dwelling will limit the visibility of the dwelling from the public realm; whilst I accept that the proposed dwelling will be glimpsed from the highway, on balance I am of the view that this visibility is unlikely to result in significant harm upon the Conservation Area, which in part is owed to the agreeable design of the dwelling.

The amendments to the application show that the landscaping of the site, along with tree retention, will remain as that approved by the Planning Inspector in 2013. The proposed landscaping at the time of the previous application was considered acceptable by the case officer and as such their comments remain relevant to this application. For reference, the previous case officer report concluded the following with respect to the vegetation,

The tree survey identifies that the scheme would involve the loss of several trees. Most of these are small ornamental trees that are dead, dying, in fair or poor health. Only two trees (an Ash and Field Maple) that are proposed to be removed have been identified as category B2. Given the level of tree coverage to remain, I do not consider that there is an argument that the loss of these trees would have an adverse impact upon the Conservation Area. There would be many other trees to be

retained which would still provide good screening in the interests of maintaining the character and appearance of the Conservation Area.

The site currently benefits from a large number of trees and large shrubs/hedgerows which significantly screens the site from the public realm and is an established character of the street scene. The proposed removal of a significant number of these trees is therefore a not ideal but it is accepted that a number of the trees are of poor quality and the site would essentially retain its existing screen of mature vegetation around its perimeter. I am also mindful that the trees proposed to be removed were permitted under the previous application, therefore I must attach weight to this fall-back position. It is also noted that hedgerows along the boundary will be increased in height to offer more screening, which is welcomed. I do however consider it beneficial for visual amenity that conditions relating to the landscaping of the site and the minimum height of the hedgerow be imposed upon the permission, should the Council be minded to approve the application.

Impact on Amenity

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

The new property would be located approximately 20m (at its closest point) from the property to the north-east (Home Field) and 40m from Cover Point to the south-west (as existing), which would be its two nearest neighbours. It is noted that impact upon neighbouring properties has been raised as a concern by a local resident and the Parish Council.

Having considered the points raised, I consider that the distances to neighbouring properties together with the proposed height of the dwelling, the location of the proposed dwelling and the existing screening to be retained would ensure that there is sufficient distance to meet the needs of privacy and to avoid adverse impacts such as overshadowing and having an oppressive presence. The orientation of the dwelling is such that whilst there are windows proposed on each elevation, they will not directly overlook the neighbouring dwellings, although I note there will be some overlooking of the neighbouring gardens. However, the gardens of the adjoining properties are substantial and as such I do not consider this overlooking likely to be detrimental to the amenities of these neighbours given the large area of private amenity space available to these occupiers.

Impact on Highways

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

Vehicular access to the site is as existing (via the previous access for Cover Point). The plans submitted suggest ample space for the parking of several vehicles on hardstanding (although this

is not indicated) and two spaces within the carport itself. There is also sufficient space within the site for vehicles to turn, enabling vehicles to enter and leave the site in a forward gear.

The Highways Authority raise no objections to the proposal as the dwelling will be served by an existing access which previously served Cover Point. I therefore conclude that the proposal accords with SP7 and DM5 in this regard.

Ecology

Given the site's location in a semi-rural area surrounded by mature trees and the loss of a tree there is potential for bats to be present at the site, a matter which the Nottinghamshire Wildlife Trust have commented upon and have advised that the applicant be made aware of their responsibility regarding roosting bats. NWT also seek ecological enhancements within the development design, including planting native species of a local provenance and/or installation of bird/bat boxes in accordance with paragraph 118 of the NPPF and BS42020 which require developments not to result in a net loss of biodiversity and encourage enhancements so as to seek a resulting net gain. These enhancements can be conditioned, should the Planning Committee be minded to approve the application and as such I consider that the proposal would in that event accord with CP12 and DM7.

Flood Risk and Drainage

It is noted that flood risk and drainage matters have been raised by a local resident and the Parish Council.

Core Policy 9 expects development proposal to pro-actively manage surface water. Core Policy 10 requires new development to minimize its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk. The site is not located within Flood Zones 2 or 3 but is located close to a brook and within an area known to have drainage issues.

This development is small-scale in that it relates to a single dwelling and it is unlikely to result in a material increase in surface water flooding or drainage issues. The Lead Flood Risk Authority has been consulted on the application and their comments are awaited. However it is not expected that their comments would be insurmountable and any additional works/information could be subject to conditions if necessary.

Conclusion

Based upon the assessment above, it is concluded that the principle of a new dwelling in this location has already been established by the Planning Inspector and there has been no planning policy introduced since the previous decision which would lead the LPA to a different recommendation. As such, the main issues to consider related to design, the Conservation Area, amenity and highway safety, along with ecology and flood risk and it is considered that, following amendments, the proposal is acceptable in terms of local and national policy and therefore, subject to conditions, it is recommended to the Committee that the application should be approved.

RECOMMENDATION

That Members resolve to approved full planning permission subject to:

- (a) the conditions shown below and;**
- (b) the Lead Flood Risk Authority confirm there are no insurmountable drainage matters and that any further requirements can be adequately dealt with by condition.**

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,

- 2052/2 Rev.G (received 22nd July 2015)
- 2052/3 Rev.F (received 10th June 2015)
- 2052/4 Rev.F (received 10th June 2015)
- 2052/7 Rev.A (received 10th June 2015)
- 2052/9 Rev.B (received 22nd July 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

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

- Facing materials
- Bricks
- Roofing tiles

- Cladding

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

04

No development shall be commenced until the trees and hedges shown to be retained within 2052/2 Rev.G have been protected by the following measures:

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

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

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

05

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

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

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants 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 existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

08

The hedge along the south-eastern (front) boundary shall be retained at a minimum height of 1.5 metres for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any hedgerow which dies, is removed or is seriously damaged or diseased shall be replaced by hedgerow of a similar size and species, or otherwise first approved in writing by the local planning authority.

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

09

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

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

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

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

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

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

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

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

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) in the interests of residential amenity and preserving the character and appearance of the Conservation Area.

10

No removal of vegetation should take place between 1st March and 31st August inclusive (bird breeding season), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed in writing by the local planning authority prior to the commencement of vegetation removal.

Reason: In the interests birds, their nests and eggs which are protected by the Wildlife and Countryside Act 1981 (as amended).

Notes to Applicant

01

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

appropriately dealt with the development may be unauthorised.

02

If protected species are found to be onsite (such as great crested newts, reptiles, badgers) either prior to/during works, then work must cease immediately and the advice of an ecological consultant obtained. Any hedgehogs or amphibians (excluding great crested newts) found during works should be moved with a gloved hand to an area of suitable habitat away from works.

03

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.

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

04

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

BACKGROUND PAPERS

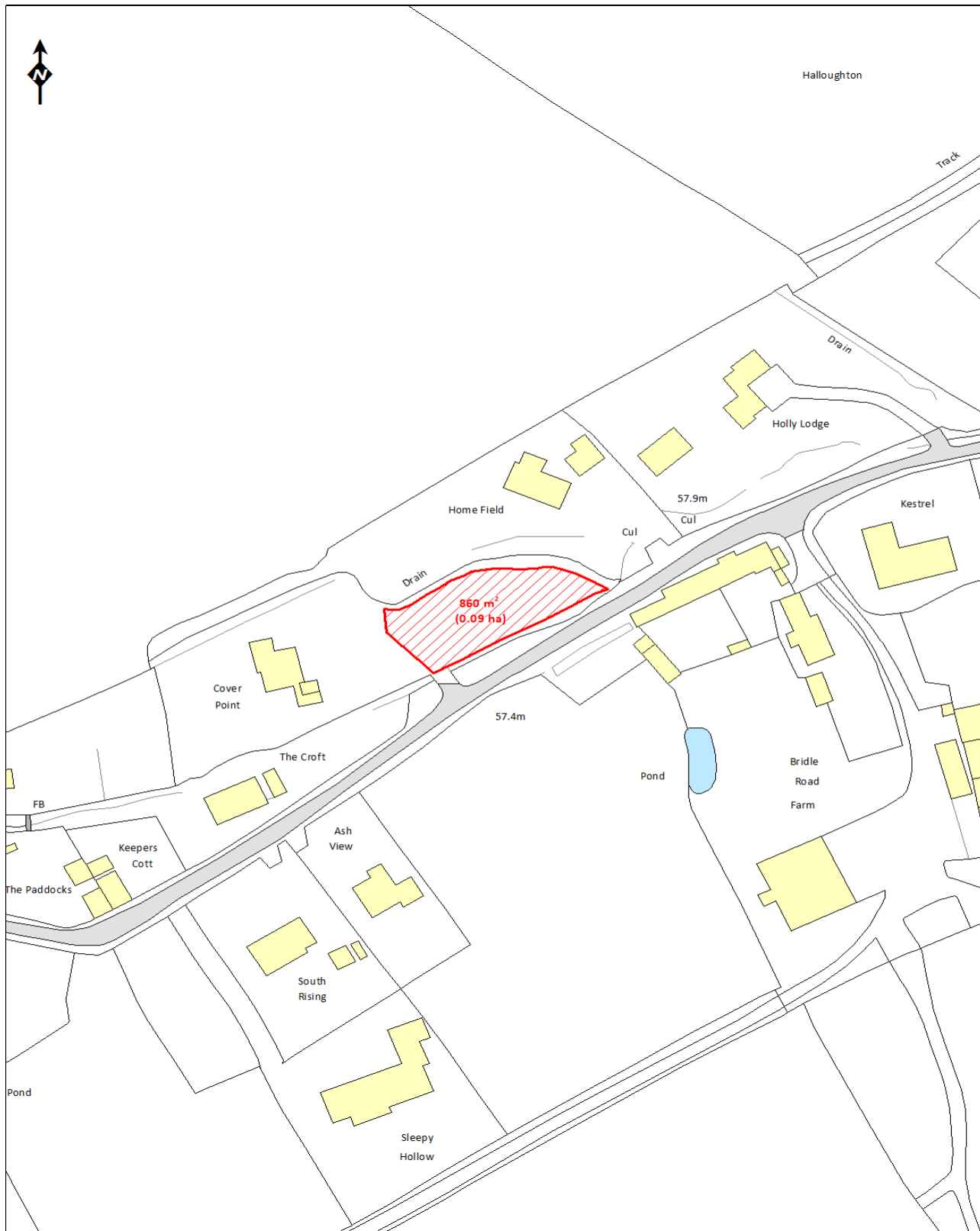
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/01023/FUL



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Application No:	15/00676/FUL
Proposal:	Demolition of existing 3 bedroom 1970s property including double garage and outbuildings. Construction of new four bedroom house with double garage
Location:	Cover Point, Southwell Road, Halloughton, Nottinghamshire
Applicant:	Mr Kevin Allwood
Registered:	24 April 2015 Target Date: 19 June 2015
	Extension of Time Agreed in Principle

The Site

The site lies within the hamlet of Halloughton, a small settlement in the open countryside around 3km from Southwell. The dwellings here are located along a single track narrow country lane in a mature vegetated landscape. The site lies within the Conservation Area.

The application site comprises a modern (1970's) bungalow known as Cover Point and its gardens which are located primarily to its east and west. There are various trees within the application site and around the periphery which largely screen the development from the roadside.

Vehicular access to the site is from the eastern corner of the site over a culverted brook. The site immediately to the west formerly comprised part of the garden curtilage of the property but has since gained planning permission on appeal for a dwelling and is now separate from the application site.

A property known as The Croft (dormer bungalow) lies to the south between Cover Point and the roadside.

Relevant Planning History

12/00385/FUL - Erection of new dwelling with integral garage and associated landscaping works on land within the garden to the east. Refused under delegated powers as contrary to SP3 but was allowed on appeal.

13/00900/FUL – Proposed new access to Cover Point (to serve the existing bungalow) was approved 5th September 2013 under delegated powers and has now been implemented. The previous/original access to Cover Point would now serve the plot to the east.

15/01023/FUL - Erection of new dwelling with separate garage and associated works to trees on land within the garden to the east. Currently pending consideration; to be determined by the Planning Committee in due course.

The Proposal

Full planning permission is sought for the demolition of the existing bungalow and the erection of a replacement two-storey dwelling with a contemporary flat roof design. Proposed materials include timber cladding, render and metal panels and powder coated metal framed windows.

The replacement would have a T shaped footprint with its narrowest span c7.57m being closest to the road which projects back into the site by c24.6m to the north. The dwelling would be two storey with the majority of the building being c5.2m in height. However the widest section across the northern boundary is higher (at just over 8m) but is set on a lower ground level (by c0.5m).

At ground floor the proposal comprises hall, open plan kitchen/dining area (full height), snug and living room with an attached double garage gym, utility and w.c. At first floor is a master bedroom with dressing room/en-suite and balcony looking east, three further bedrooms with en-suites, two of which would have a shared balcony looking west plus a study and bathroom.

A tree survey accompanies the application which confirms that one oak tree in poor condition would be removed from the north of the site.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Halloughton Parish Council – Object

‘The Village Meeting instructed me to pass on its objections to the new plans on a number of points. The new design, it was felt did not take into consideration the area’s Conservation status. Both the non- traditional style of the proposed building and the visual impact it would have with the two storey aspect of the design, were areas for concern. The Village was given its present status due to the amount of tree cover and the scattered and relatively hidden nature of many of the buildings, (including the present bungalow). Neighbours were concerned with the first floor balconies taking away their existing privacy both in their dwellings and gardens. It was felt that any loss of tree cover would exacerbate this issue especially in winter time. A further point was the additional flood risk, as the neighbouring properties have suffered flooding issues at times, and it was felt inappropriate for such a large family house, which if fully occupied, could have 4 bathrooms and 5 WCs discharging into the Village stream at a known flooding point. Residents had thought that NSDC had limited all additional capacity in the Village until mains drainage was added. The planning application was put to a vote and opposition was unanimous. The Chairman, Mr Elliott, asked for a site meeting with the district planners as proposals alongside this site were also discussed at the Meeting. These proposals together would have a very significant impact on Halloughton’s street scene.’

NCC Highways Authority – This application is for a replacement dwelling with double garage, following demolition of existing. The site is of sufficient size to adequately accommodate this proposal, therefore, there are no highway objections.

NCC Lead Flood Risk Authority – Comments awaited.

Conservation (NSDC) – No objection. Detailed comments are contained within the appraisal section below.

Trent Valley Internal Drainage Board – No objection. The site is located outside of the Board’s district but within the Board’s catchment. The suitability of new soakaways, as a means of surface water disposal should be of an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority.

Nottinghamshire Wildlife Trust – Provide comments that the application has the potential to impact upon bats and suggest that a preliminary bat survey should be conducted prior to determination.

Access and Equalities Officer (NSDC) – Makes general observations on the proposal.

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

- This proposal would harm the character and appearance of the Conservation Area;
- Would object to modern design if it was accessible to the public or in a more visible location;
- Existing bungalow is in keeping with the properties of the village whereas the proposed

dwelling will stand out like a sore thumb, design is not in keeping with other properties;

- First floor balconies will result in loss of privacy;
- Concerned regarding flood risk and that the size of the property will adversely affect the drainage of surface water and effluent discharge (there is no main drainage in village).

Comments of the Business Manager

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

Principle of replacement dwelling

The principle of replacement dwellings is acceptable and a long established material planning consideration. The existing dwelling is of modern construction (c1970's) and has no architectural merit despite its location in the Halloughton Conservation Area. It forms part of a substantial wave of development in the village at the time which infilled between historic farmsteads. It is unobtrusive being set back from the street front and not particularly visible from the public realm. Its impact is neutral upon the character and appearance of the area and therefore its demolition is considered to be acceptable and its replacement is acceptable in principle.

Design and Impact on Character of the Conservation Area

The design of the proposal is contemporary with a contemporary palette of materials. The Conservation Officer has assessed the scheme and raises no objection as detailed below:

The application site is located within Halloughton Conservation Area. The building is a c1960s/70s bungalow, of no particular known architectural or historic interest. It forms part of a quite substantial wave of development in the village at this time, infilling between historic farmsteads. This building, like most of the other buildings of this age, are quite unobtrusive, being set back from the street front, being low in level and impact, and set within generally large and mature plots. The overriding character of Halloughton is of a quiet, rural, low density and informal village. This building is only partially visible from the public realm and currently makes a neutral contribution to the character and appearance of Halloughton Conservation Area.

I have no in-principle objection to the demolition of the bungalow, subject to the nature of the proposed replacement, especially where the overriding character of the area can be retained.

While the proposed new structure is two storeys tall it retains a low profile by being flat roofed and predominantly horizontal in emphasis. While the traditional buildings in the village have a pitched roof a new structure here is not seen directly alongside any traditional building and does not, in my opinion, need to mirror vernacular architecture in order to necessarily be successful. The taller sections of the property are to the rear of the plot, away from the road, and are still well within tree cover height and will not I believe be intrusive or even necessarily visible.

The north east elevation of the building will be the most visible, glanced up the driveway. This will present a simple and crisp elevation which will be limited in impact and probably more attractive than the current double flat roofed garage which is the most visible part of the existing building here. The choice of materials, timber cladding, render and metal panels, are modern but are not

overly intrusive and there are plenty of other painted or rendered buildings in the village. The proposed green roof will also keep the site low impact visually. The use of aluminium windows will be an improvement over the existing uPVC.

I appreciate the loss of one important specimen tree, but if there can be careful emphasis on retaining the strong boundary trees and greenery in any landscaping condition I think the proposed new build will have limited visibility and impact on the character and appearance of the conservation area.

In summary I think the loss of the existing house is acceptable and the proposed new build will retain the current neutral qualities of this site and retain the overall character and appearance of the conservation area. I have no objections, subject to conditions.

I note the concerns of the Parish Council and residents in relation to character and appearance but I concur entirely with the views of the Conservation Officer in this instance. The proposal is such that it would not be particularly visible from the public realm and the part that may be glimpsed from the drive could potentially offer an improved visual appearance which arguably enhances the character and appearance of the Conservation Area. For these reasons I consider that the proposal achieves the objective of preservation in accordance with the Act and Policies DM9 and CP14 plus it accords with CP and DM5 of the Development Plan as well as the NPPF in this regard.

Impacts on Trees

There are number of mature trees both within and around the periphery of the site that are protected by virtue of them being within a Conservation Area. The tree report submitted in support of the application categorizes most of these as grade A and B (high and moderate quality) trees which are of visual important and/or make a contribution to the public realm and largely screen the site from public view. Only one tree (a mature oak) would be removed as part of this proposal (which is in a poor condition and is not suitable for retention) and from the north-eastern part of the site where there are other mature trees which would remain visible and add to the character and appearance of the Conservation Area. I am satisfied that subject to tree protection measures to be employed at construction stage (see condition 5), the proposal would not be result in quality trees being felled and that the character and appearance of the Conservation Area would be preserved by the proposal. This accords with policies CP12, CP13, DM5 and DM7.

Impacts on Residential Amenity

It is noted that loss of privacy has been raised as a concern by neighbours and the Parish Council alike and the matter has been given careful consideration.

I am satisfied that there would be replacement dwelling would cause no overshadowing or over bearing impacts given it central setting within the plot and distances between dwellings.

The dwelling has been designed such that its main aspects would face east (towards existing trees and the vacant plot with an extant permission for a house granted on appeal) and west looking over its own private garden. At first floor to the southern end of the proposal would feature two bedrooms with full height doors leading onto a shared balcony on its west elevation. This is approximately 5m from the boundary with the neighbouring property 'The Croft' which could afford oblique overlooking towards the neighbours, albeit there is a holly hedgerow bounding the site with a row of intervening conifers within the site (to be topped to clear overhead power line).

However The Croft has only roof lights within the elevation facing the application site and any ground floor windows are obscured by the holly hedge. Its orientation is such that its gardens are orientated east and west (much like Cover Point). Given this relationship I consider it unlikely that the proposals, including the balcony would cause harmful direct overlooking of the neighbouring property. However as a precautionary approach the applicant has agreed to insert a privacy screen to the southern elevation of the balcony to avoid any perceived overlooking. This matter is controlled by Condition 8.

The balcony to the master bedroom would be located c3.8m from the site boundary to the north-east. This faces directly towards existing trees (mature English oak and ash) and vegetation within the site which are all to be retained, with the exception of one oak tree. Beyond the site is Home Field a residential property which is located over 40m from the common boundary where there are mature intervening trees also within the neighbouring site which are protected by their position within the Conservation Area. I give the distance between dwellings and the intervening trees significant weight in protecting against direct overlooking in this instance and find that this would not be an issue to warrant concern.

Other windows at first floor are set further away from boundaries and in any event look directly over its own garden causing no loss of privacy.

In summary I conclude that the proposal accords with CP9, DM5 of the Development Plan in terms of its impacts on residential amenity.

Highway Matters

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

Vehicular access to the site is existing (via a new access granted last year that has now been implemented on site) and from Southwell Road. The plans submitted show ample space for the parking of several vehicles on hardstanding and two spaces within the double garage itself. There is also sufficient space within the site for vehicles to turn enabling vehicles to enter and leave the site in a forward gear.

The Highways Authority raise no objections given that the proposal relates to a replacement dwelling and I conclude that the proposal accords with SP7 and DM5 in this regard.

Ecology

Given the site's location in a semi-rural around surrounded by mature trees, the loss of a tree and the age of the property and its outbuildings, there is potential for bats to be present at the site, a matter which the Nottinghamshire Wildlife Trust have commented upon. Taking the precautionary approach, a bat survey has been requested from the applicants so that the impacts upon protected species are known at the time of decision. This bat survey is awaited.

Assuming however that the survey once received indicates that either 1) there are no sign of bats present on site, or 2) that the impact on bats can be adequately mitigated and that conditions can be added to ensure that mitigation is achieved, I consider that the proposal would in that event accord with CP12 and DM7. It is therefore recommended that subject to the submission of a

survey/report prior to the determination of this application that can adequately deal with bats and measures to protect them, that it does not prevent Members from considering the scheme and coming to a resolution.

Flood Risk and Drainage

It is noted that flood risk and drainage matters have been raised by neighbours and interested parties.

Core Policy 9 expects development proposals to pro-actively manage surface water. Core Policy 10 requires new development to minimize its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk. The site is not located within Flood Zones 2 or 3 but is located close to a brook and within an area known to have drainage issues.

This development is small-scale in that it relates to a replacement dwelling and it is unlikely to result in a material increase in surface water flooding or drainage issues. The Lead Flood Risk Authority has been consulted on the application and their comments are awaited. However it is not expected that their comments would be insurmountable and any additional works/information could be subject to conditions if necessary.

Other Matters

Consideration has been given as to whether it is necessary to impose a condition requiring the existing dwelling to be demolished prior to first occupation of the replacement. However given that the replacement is on a similar footprint to the existing, this is not considered necessary and consequently there is no risk of the applicant benefitting from two dwellings by default.

Conclusion

The principle of a replacement dwelling is acceptable and the design and impact upon the character and appearance of the Conservation Area is considered to be acceptable. There are no adverse impacts on residential properties such that they would warrant a reason for refusal. Impacts on trees are considered acceptable as are highway/parking impacts. It is anticipated that the LFRA will confirm there are no insurmountable issues with flood risk and subject to the bat survey demonstrating either no impact or that impacts can be adequately dealt with via conditions, it is recommended to the Committee that the application should be approved.

RECOMMENDATION

That Members resolve to approved full planning permission subject to:

- (a) the conditions shown below; and**
- (b) subject to the bat survey revealing that any impacts on protected species can be mitigated and these are secured by conditions; and**
- (c) the Lead Flood Risk Authority confirm there are no insurmountable drainage matters and that any further requirements can be adequately dealt with by condition.**

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, references 03 E Proposed Plans (dated Dec 13) and 01 Location Plan (dated April 15) 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 part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

04

No development shall be commenced until a full schedule of external facing materials (including samples upon request) 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.

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

05

No development shall be commenced until the trees and hedges shown to be retained within Appendix A of the Tree Survey conducted by AT2 on 10th April 2015 have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crownspread of any tree;

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

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

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

06

No development (including demolition) or clearance works to hedgerows shall be carried out during the bird breeding season (1st March to 31st August) unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the local planning authority prior to any works to hedgerows being carried out. If nests are found no works to hedgerows shall be carried out until the young have flown the nests.

Reason: In the interests of maintaining and enhancing biodiversity.

07

No development shall be commenced until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

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

08

Prior to first occupation of the replacement dwelling hereby approved, details of a privacy screen to be installed on the south elevation of the proposed shared balcony shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be designed to avoid the ability to overlook neighbours to the south and shall include details of the design, height and materials. The approved privacy screen shall be implemented on site prior to first occupation and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing through a non-material amendment.

Reason: In the interests of residential amenity.

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

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

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

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

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) in the interests of residential amenity and preserving the character and appearance of the Conservation Area.

Notes to Applicant

01

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

02

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

03

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

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

Background Information

Application case file.

For further information, please contact Clare Walker on ext 5834.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00676/FUL



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Application No:	15/00505/FUL	
Proposal:	Change of Use of Existing Buildings to Form a Separate Dwelling	
Location:	Existing Buildings To The Rear Of No's 1 And 2 Church Lane Morton Nottinghamshire NG25 0UR	
Applicant:	John Hammond & Co	
Registered:	23 March 2015	Target Date: 24 June 2015
	Extension of Time Agreed until 06 August 2015	

The Site

The application relates to a site on the edge of the rural village of Morton which is within the Conservation Area and close to St Denis Church which is a Grade II* Listed Building. The application site sits behind two small traditional attached cottages which front onto Church Lane facing south. These properties benefit from small rear gardens and adjoining rear hardstanding providing off street parking. The application site includes an access from Church Lane which also provides access to the rear of the cottages. Further hardstanding is provided to the front of the existing adjoined outbuildings forming the rear boundary of the application site.

The larger outbuilding to the north is single storey and a smaller (and older) two storey element adjoins this to the east. This two storey building has a fully hipped roof whereas the single storey building benefits front a gable ended pitched roof which has three roof lights in the front roof slope and two in the rear servicing usable roof space. The single storey building provides three covered car parking spaces.

Relevant Planning History

06/01593/FUL – Demolition of dilapidated buildings, construction of car shelter building with ancillary residential accommodation and parking. Permitted 21.12.2006.

06/1066/FUL - Demolition of dilapidated buildings, construction of car shelter building with ancillary residential accommodation and parking (amended proposal) – Refused - 11.09.2006

05/01952/FUL - Demolition of dilapidated buildings & construction of car shelter building with adjacent parking areas – Permitted - 06.10.2005

The Proposal

Planning permission is sought for the change of use of the existing buildings to form a separate dwelling. In order to facilitate the change of use, two dormer windows (timber) would be added to the single storey front roof slope. Further to this, the first floor door to the front elevation of the

two storey building would be replaced with a window and a ground floor window to the single storey building will be made larger. No other external changes are proposed as a result of the change of use.

The ground floor of the single storey building would provide a kitchen/diner and access upstairs to a lounge, three bedrooms and a bathroom mainly provided in the roof space. One of the bedrooms would be provided in the first floor of the two storey element of the building internally joining up the two elements of the building. The ground floor of the single storey element would continue to provide three sheltered car parking spaces and as per the design and access statement, the ground floor of the two storey element would remain in use as storage for the recently constructed dwelling to the south of the application site.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 14: Historic Environment

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- SPD Conversion of Rural Buildings

Consultations

Fiskerton Parish Council – The parish council initially objected to the proposal but have since submitted a comment of support still raising their initial concerns as follows:

- The application represents over intensive development of the site.

- The property should remain in ancillary use as per the original planning consent conditions.
- In the previous application, the Conservation Officer was of the opinion that the dormer windows were too imposing and obtrusive in close proximity to other dwellings. It is noted that the current application seeks to install further dormer windows.
- Making property available for rent is not a material consideration when deciding a planning application.

NCC Highways Authority – There is an access in place which serves the existing three dwellings and a car shelter within the application site, suitable for three parked vehicles, which will be retained. No objection.

Environment Agency – Proposal is low risk. No comment.

Historic England – No comments received.

Conservation Officer – Support Proposal, comment provided in appraisal below.

A representation has been received from one local resident objecting to the proposal. The representation can be summarised as follows:

- Loss of privacy to rear of cottages in front of this.
- 3 bed dwelling means possible 3+ cars using the small driveway shared with current cottages, which increases road usage and possible safety issues for residents, dog walkers and children on bikes,
- House exit doors on to the driveway may cause danger for inhabitants.
- Congested dwellings (four in a small space) in a small area in a quiet village.
- Possible noise increase with family dwelling.

Appraisal

Principle of Development

The application site lies within Morton, an ‘other village’ in the District’s settlement hierarchy and therefore falls to be assessed under Spatial Policy 3. As the proposal relates to an existing building the penultimate paragraph of SP3 applies. This states *‘Within the main built-up area of villages consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues. The scale of such enabling development should be appropriate to the location of the proposal’.*

This policy refers to ‘farm buildings’ which this is not. However in taking a pragmatic view I consider that it is reasonable to utilise this strand of the policy for assessment. The key here is that it should be a scheme that secures environmental *enhancements* by its re-use as required by policy. I do not necessarily consider that this scheme would bring about enhancements but it would secure the long term use of a building, some of which has historical merit. Further assessment is set out below.

The site and outbuildings to be converted are located within the main built-up area of the village

which contains limited services. There appears only to be a public house, phone box and post box in the village. Public transport links are also limited with the closest rail station and bus routes being available in Fiskerton which is an approximate 15 minute walk away along a county road with no pedestrian pavements. As such, the future occupants of the proposed dwelling would need to rely on the use of a private car for day to day living. Therefore whilst the re-use of the building is sustainable, its location is less-so.

However it is considered that the two storey part of the building to be converted is a historic structure (a non-designated heritage asset) which contributes to the character and appearance of the Morton Conservation Area. The reuse of this building in a viable way would provide some benefit to the Conservation Area in this regard.

Further to this, it is stated by the applicant that the current proposed use of the building has not occurred (ancillary accommodation) as the rental of the cottages has continued with no interest in the ancillary accommodation offered. No evidence has been submitted to support this claim but in any case the change of use of the buildings would bring an unused structure into use (and a historic structure back into use) with only small alterations. Overall, it could be considered that some environmental benefits would be secured through finding a viable, long term use for the building and as long as all other planning issues (set out below) can be addressed, the application is considered appropriate in principle in line with SP3.

Visual Amenity and Impact of Heritage Assets

Due to the location of the site within the Morton Conservation Area the council's conservation team were consulted. Their comments are as follows:

"1 and 2 Church Lane are located within Morton Conservation Area (CA). The Church of St Denis to the southeast is Grade II* listed.

Legal and policy considerations

The proposed development is capable of affecting the character and appearance of the Morton CA. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the local planning authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of such areas. In addition, the locally important Church of St Denis is in close proximity, and impact on the setting of the church requires special regard in accordance with the objective of preservation as set out under section 66 of the Act. Such matters are of paramount concern in the planning process. In this context, case-law has established that 'preservation' means to cause no harm.

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). Local planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). Local planning authorities should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development in conservation areas and within the setting of heritage assets (paragraph 137). Planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and

- materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 64). Additional advice on considering development within the historic environment is contained within the PPG (notably in the section 'conserving and enhancing the historic environment') and within Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance.

The Council's adopted CA Appraisal (2003) identifies 1 & 2 Church Lane as being of Local Interest. For the purposes of the NPPF, these buildings contribute positively to the character and appearance of the CA.

Ultimately, the main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The existing outbuilding subject to this proposal was granted in 2006 (ref 06/01593/FUL).

The existing structure references traditional agricultural form and detailing. The proposed change of use will not result in any significant changes to the structure beyond the installation of two dormers (in the location of existing roof lights) and the insertion of a new window within an existing upper floor doorway within the adjoining 2 storey barn. The new window is not harmful, noting that the doorway will remain legible and the works are otherwise reversible. In addition, whilst the insertion of the dormers results in an overly domestic appearance (within the context of the original design approach), it is recognised that the catslide dormers reference the positive cottages on the lane, and that views of the rear yard are fairly restricted (although please note that the catslide dormers on the cottage range are not original features, and appear to be later 19th century additions, resulting in a quirky but attractive composition). In this case, it is felt that the development will not be unduly prominent to the street, and therefore not likely to cause any harm to the character and appearance of Church Lane. The development will cause no harm to the setting of the church, furthermore.

Overall, the development is considered to cause no harm to the character and appearance of the Morton CA, nor to the setting of any listed building. The scheme is therefore in accordance with the objective of preservation required under sections 66 and 72 of the Act. The development is also considered to be compliant with conservation policies contained within the Council's LDF DPDs and section 12 of the NPPF."

I am in agreement with the Conservation Officer's comments and I do not consider that the character and appearance of the Conservation Area or setting of the nearby listed building would be harmed by the proposed development. The proposal therefore satisfies policy DM5.

Residential Amenity

In accordance with Policy DM5, the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity, including overbearing impacts, loss of light and privacy. Given that the building would remain as existing with only the addition of two dormers, no loss of light or overbearing impact would be created by the proposal.

One comment from a neighbour has raised concerns about loss of privacy. Whilst the existing building is not occupied at present, it is capable of being inhabited as ancillary accommodation to either of the cottages so the use of the outbuilding as a separate dwelling would not impact on privacy any further than the potential current use. Further to this the outbuildings are approximately 22m from the rear of the adjacent cottages and it is considered that this distance is sufficient to maintain privacy for the occupiers of the cottages and the proposed development. The proposed dormers would replace existing roof lights which provided light into usable roof space. Although better views would be possible from the dormer windows it is considered that the impact of this over the existing situation is not significant. Taking into consideration the separation distance of approx. 22m, the impact from the addition of dormers would be acceptable.

Concern has also been raised that the development would have an adverse impact in terms of the number of dwellings, i.e. the space would be 'congested'. It is not considered that this would be the case as each individual dwelling has its own amenity space and off street parking. There are also ample separation distances between the cottages and the proposal building and the newer dwelling to the south and the proposal building.

Further concerns have been raised following consultation regarding the amenity of the future occupiers of the dwelling. One issue raised was that the occupants would exit the front door to the dwelling onto the drive and that this would be unsafe. Given that the drive would be their own drive and there is no passing traffic this arrangement is not considered unacceptable. Another issue raised related to the potential for a family to occupy the dwelling and create an increased in noise levels. It is considered that this would be no different than the current use of the building as ancillary residential use was permitted.

With regard to the amenity for the occupiers of the proposed dwelling, this scheme offers no private external amenity space. This is unfortunate given the dwelling would have three bedrooms and could be occupied by a family, albeit it is noted that the room sizes are very modest and may not appeal to a family. Any occupier would be aware of the lack of external space prior to occupation and the situation would be the same for many apartments or flats around the district even though this would be located in a more rural location with less accessible community facilities. This is a matter which needs to be balanced which is contained later in the report.

The proposal is therefore considered to be in keeping with Policy DM5.

Flood Risk

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will

seek to, amongst other criteria; locate development in order to avoid both present and future flood risk.

A very small part of the site is located within Flood Zone 2 and Morton is close to the river Trent therefore this part of the site is at risk of flooding. Given that the proposal is a conversion of outbuildings rather than a new build dwelling, it is not considered that it is necessary to apply the sequential text in this instance. In addition the part of the site that is within the flood zone is to the south east boundary whereas the building to be converted is to the north west of the site some 18 m away. The Environment Agency has raised no objections to the proposal as it is low risk.

A Flood Risk Assessment has been submitted with the application which confirms that most of the accommodation proposed will be on the first floor (other than the kitchen/diner) and that no new floorspace will be created. Taking into consideration all of the above points, it is not considered that the proposed development would result in any increased levels of flood risk for users of the site or elsewhere in accordance with the NPPF and Core Policy 10.

Highways

The site includes the existing access from church road which provides access to the building to be converted and the rear parking spaces that serve the cottages. Ample off street parking is provided within the existing outbuilding with 3 sheltered parking spaces and further hardstanding. Furthermore County council Highways have raised no objections to the proposed development, as it would maintain the existing level of parking.

An objection has been raised stating that that the development may result in up to 3 more cars using the existing driveway from Church Lane. It is considered that the three sheltered car parking spaces are already in place and therefore the potential for the spaces to be in use ancillary to the cottages. Given this existing situation the proposal does not increase the potential car movements to and from the site so no harm is caused by the proposal in this regard.

Other Matters

One comment received has stated that making property available to rent is not a material planning consideration. Whilst it is not in itself a material consideration, the property is currently vacant and bringing it back into use would be of benefit to the community.

Planning Balance and Conclusion

The site is located within the main built-up area of Morton and it is considered that whilst the proposal does not necessarily secure environmental enhancements, it would secure proposed longevity benefits of a historic structure located within a Conservation Area in accordance with the general thrust of Spatial Policy 3. Minor works are to be undertaken to the building and I am satisfied that these works would be acceptable to the setting of the adjacent listed building and the wider Conservation Area. The scheme is acceptable in terms of impacts to the residential amenity of existing neighbours. Whilst there would be no external amenity space provided for this three bedroom dwelling, I am also mindful that harm of not having this provision is limited and given the presumption in favour of sustainable development I conclude that on balance the scheme is tipped towards a recommendation of approval in this instance.

RECOMMENDATION

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

Conditions

01

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

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

02

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

Drawing numbers - 2068/1, 2068/2, 2068/3 & 2068/4

unless otherwise agreed in writing by the material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with Policies DM5 and DM6 of the Allocations and Development Plan Development Plan Document (DPD).

04

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

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

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

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

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

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

Or Schedule 2, Part 2:

Class C: The painting of the exterior of any building.

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) in order to safeguard the amenity of neighbours and to ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

05

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

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

Treatment of heads and cills

Any other external accretions including rainwater goods, extractor vents, flues or soil and vent pipes

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

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 no new floorspace is proposed.

02

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

BACKGROUND PAPERS

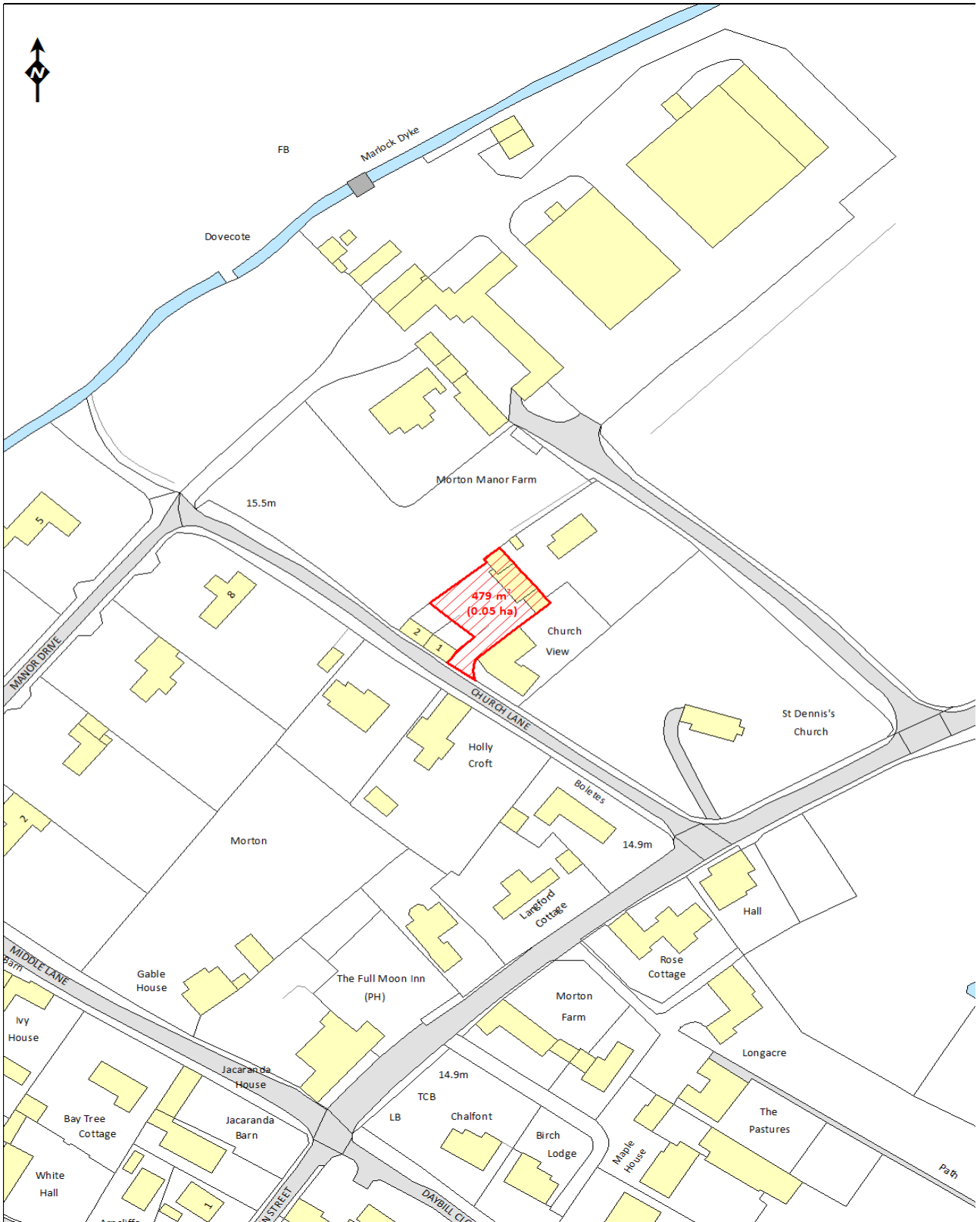
Application case file.

For further information, please contact 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 - 15/00505/FUL



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Application No:	15/01135/FULM	
Proposal:	Application for the Variation of conditions 2, 4, 6, 16, 17, 18, 19, 23, 24, 25 and 29 attached to planning permission 14/01782/FULM Erection of a total of 26,200sqm floorspace (GIA) for B8 use (storage and distribution) including 1,550sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works. The rationale behind the application is to allow amendments to the solar farm element of the scheme.	
Location:	Yearsley Group Belle Eau Park Bilsthorpe Nottinghamshire NG22 8TX	
Applicant:	The Yearsley Group	
Registered:	26.06.2015	Target Date: 25.09.2015

The Site

This application relates to a 13.22ha site which is located within the Open Countryside, to the east of Kirklington Moor. The site is in two sections. Part of the site is on an existing industrial area, known as Belle Eau Park, the other is a field which until recently has been used for agriculture. The main access to the industrial site is taken from Kirklington Road as is the access to the field.

The site is currently in use as a frozen food distribution centre which is run by the Yearsley Group. The site is found at the end of a controlled access road and as such the built form is set back from the road. The site accommodates three large warehouses and offices to the north-east of the site and there is a two storey workshop/office within the site. The remaining site is hard surfaced and provides a servicing area, informal storage, HGV and car parking for the business. The site also encompasses a field which sits to the south east of the access road, between the built form and the A617 Kirklington Road.

The application site is relatively flat. There is a steep embankment to the rear of the industrial building which forms the northern eastern boundary. The remainder of Belle Eau Park borders and extends beyond the northwest boundary of the site. There are a small number of houses adjacent to the Park and open fields adjoin all other boundaries of the site.

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area and Core Policy 13 of the Core Strategy identified the site as being within an area of poor condition with low sensitivity. There are trees within and around the perimeter of the site.

The site is not within or close to a sensitive area. The Redgate Woods and Mansey Common Site of Special Scientific Interest is the ecological designation in closest proximity to the site and is located

1km north east of the site. The closest heritage assets to the site can be found on the Hexgreave estate which is over 800m south of the application site. The entire site lies within flood zone 1 outside the functional floodplain.

Relevant Planning History

The site is subject to numerous historic planning applications although Members may recall the most recent of which given it was approved by Planning Committee in December 2014:

14/01782/FULM - Erection of a total of 26,520sqm floorspace (GIA) for B8 use (storage and distribution) including 1,750sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works.

The current application seeks to vary conditions in association with the above approval.

Since this approval the application has been subject to the following non-material amendment and discharge of condition applications:

15/00693/DISCON - Request for confirmation of discharge of conditions 3, 10 (Part 1 and 2), 15, 19 and 21 of planning permission 14/01782/FULM. Conditions discharged by letter dated 9th July 2015.

15/00508/NMA - Application for a non material amendment to planning application 14/01782/FULM ambient warehouse, elevations, parking and phasing. Decision deemed not material by letter dated 10th April 2015.

15/00239/DISCON - Request for confirmation of discharge of conditions 16 and 29 of planning permission 14/01782/FULM. Conditions discharged by letter dated 4th March 2015.

Other relevant applications include the following:

14/SCR/00061 - Erection of a total of 26,200sqm floorspace (GIA) for B8 use (storage and distribution) including 1,550sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totaling 2.2ha in size and associated works. (Planning Application 14/01782/FULM) –EIA not required

12/SCR/00007 - Screening opinion for installation of a wind turbine

12/SCR/00001 - Screening Opinion Request for proposed development of wind turbines

The Proposal

The current proposal has been accompanied by a covering letter dated 26th June 2015 which details the rationale behind seeking to vary 11 conditions of the original consent.

Since planning permission was granted, detailed design and additional work has been undertaken in respect of the layout and installation of the solar panels.

The existing levels within the field incorporate an embankment around the southern (Kirklington

Road) and south eastern boundaries which then slopes down towards the site of the ambient building, resulting in an uneven field with many undulations.

To operate efficiently, the solar panels must be uniform when laid out to ensure no shadowing occurs. At present, the proposed solar farm has to incorporate a mix of fill and different frame heights to try and overcome the uneven levels within the field and ensure the maximum efficiency of the solar panels.

In order to enable the panels can sit comfortably on the field, the levels on the field must be addressed. The proposed scheme therefore proposes to use the spoil from the construction of the ambient building to gradually grade the field down towards the fire road, creating a more level area on which the solar panels can be sited.

The submission goes on to detail the preferred amended wording to numerous conditions and in other instances refers to how original documentations have been amended to allow for the above. It is understood that due to timing constraints in terms of progressing the works to meet operational deadlines, the works have already commenced on site in accordance with the details of the current proposal.

To summarise, the conditions sought to be amended relate to the following:

Condition 2 – Approved Plans.

Condition 4 – Hard and Soft Landscaping.

Condition 6 – Arboricultural Method Statement.

Condition 16 – Treatment and removal of suspended solids from surface water run-off.

Condition 17 – Proposed Drainage Strategy.

Condition 18 – Flood Risk Assessment.

Condition 19 – Surface Water Drainage Strategy.

Condition 23 – Ecology Assessment.

Condition 24 – Biodiversity Management Plan.

Condition 25 – Solar Farm Materials.

Condition 29 – Archeological Mitigation.

The current application has been accompanied by numerous supporting documents to update the position taking account the current proposal, these include:

- Arboricultural Method Statement Amendment
- Biodiversity Management Plan

- Drainage Strategy and Attenuation
- Heritage Statement
- Landscape and Visual Assessment with Impact Statement
- Proposed Drainage Strategy

The application has also been accompanied by site sections to demonstrate the level changes proposed on the site.

Departure/Public Advertisement Procedure

Occupiers of forty 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 with an overall date for consultation expiry of 30th July 2015.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
 Spatial Policy 2: Spatial Distribution of Growth
 Spatial Policy 3: Rural Areas
 Spatial Policy 7: Sustainable Transport
 Core Policy 9: Sustainable Design
 Core Policy 10: Climate Change
 Core Policy 12 Biodiversity and Green Infrastructure
 Core Policy 13: Landscape Character
 Core Policy 14: Historic Environment
 Area Policy ShAP1: Sherwood Area and Sherwood Forest Regional Park

Allocations & Development Management DPD

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

Other Material Planning Considerations

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

- Landscape Character Assessment SPD

Consultations

Bilthorpe Parish Council – No comments received at the time of writing.

Kirklington Parish Council – No objection.

NSDC Planning Policy - The potential of these proposals to enhance biodiversity is welcomed. Beyond this, these proposals raise no policy implications.

NSDC Environmental Health (noise) – No additional comments to make in respect to noise nuisance.

NSDC Environmental Health (contaminated land) - No comments received at the time of writing.

Natural England – No comments to make.

Nottinghamshire Wildlife Trust - Thank you for consulting on the above VOC. We have reviewed the Biodiversity Management Plan submitted in respect of conditions 23 and 24 which seems to cover requirements for protected species, habitat creation and ongoing management. We have no objection to this variation of condition provided that the measures proposed in the Schedule of Works are followed for the lifespan of the development.

NCC Highways Authority – None of the conditions referred to relate to highways, therefore there are no objections.

NCC Archaeology – No comments received at the time of writing.

NCC Flood - The Environment Agency have already approved the drainage, no further comments to add.

NSDC Access and Equalities Officer – No observations.

NSDC Conservation Officer – I understand that the main alteration relevant to me and a consultee is the increase in height of the ground mounted solar panels.

Given my analysis on the degree of inter-visibility with heritage assets I think this amendment is very unlikely to cause any further heritage concerns. The asset most likely to be affected by this proposal is Hexgreave Hall (although this is more impact from within the setting rather than to the setting) and could hopefully be mitigated by strengthening the roadside boundary landscape around the solar panels.

Environment Agency – I refer to your letter dated 2 July 2015.

Condition 16

No objection to the variation.

Condition 17

No objection to the variation.

Condition

18

Providing the new building has a finished floor level of 150mm above ground level we would have no objection to a variation.

Condition

19

Whilst we have no objection in principle to the change of the surface water drainage strategy, to discharge the varied condition, the revised surface water drainage scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Internal Drainage Board - No comments received at the time of writing.

NATS - 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.

No letters of representation have been received from neighbouring / interested parties at the time of writing.

Comments of the Business Manager

Principle of Development

The extant permission which exists on the site establishes the principle of development insofar as the redevelopment of the site with a solar farm element at the south of the site fronting Kirklington Road. However it is acknowledged that the proposed change in levels could have implications to a number of factors which led to the determination of the extant permission and thus their re-consideration requires assessment in the determination of the current proposal. I

consider that the principal issues to which the change in levels has the most likely implications are as follows:

- Impact on Landscape
- Impact on Ecology and Biodiversity
- Impact on Flooding / Drainage
- Impact on Residential Amenity

Impact on Landscape

Notwithstanding the proposed changes in comparison to the previously approved scheme, part of the assessment in the consideration of the extant approval remains of direct relevance to the current proposal:

Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by, 'protecting and enhancing valued landscapes'. In addition to this, one of the twelve core planning principles outlined in paragraph 17 states that planning should, among other things, 'take account of the different roles and character of different areas.....recognising the intrinsic character and beauty of the countryside'.

Core Policy 13 expects development proposals 'to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area'. This policy identifies the application site as being within an area where the landscape condition is poor with low sensitivity and the recommended landscape actions are to 'create new features or areas where existing elements are lost or are in a poor condition'.

The site is identified within the Landscape Character Assessment as being within the Mid Nottinghamshire Farmlands area. The landscape condition for this area is assessed as being very poor as the 'area has an incoherent pattern of elements composed of arable fields, industrial buildings, busy roads, agricultural buildings, chicken sheds, and caravan sites; there are many detracting features including a section of the A614, Scrap yard and recycling area, caravan park, poultry houses, disused coal workings and industrial units. Overall this gives a significantly interrupted area'. The recommended Landscape actions are to create:

Landscape Features

- *Create new hedgerows and restore existing, seek opportunities to recreate historic field pattern where feasible, contain new development within historic boundaries.*
- *Maintain management of existing woodlands, plantations and pit planting, whilst enhancing tree cover and planting generally to create increased visual unity and habitat across the Policy Zone.*
- *Utilise existing industrial nature of site and create suitable agricultural/industrial developments.*

Built Features

- *Create new industrial economy within the area.*
- *Create new areas of planting in order to minimise impact of industry on character of Policy Zone.'*

Policy DM4 is relevant to the proposal. It requires 'renewable and low carbon energy generation project do not have a detrimental impact through their installation on the landscape character of the district arising from the individual or cumulative impact of proposals' and DM5 which states 'the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development'.

As with the previous application, the current proposal has been accompanied by a Landscape and Visual Impact Assessment (LVIA). This has been reviewed and updated to address the works progressing on site and the current proposal. The LVIA confirms that the existing topography (notwithstanding the ongoing works taking place currently on site) is generally flat, lying within a shallow valley that runs west to east. Open views are available from Kirklington Road with a small number of long distance partial and glimpsed views of the site from local public rights of way.

It is confirmed that the height of the solar panels is 1.83m and the maximum change from the existing field level is approximately 2.00m, located towards the central portion of the site. It is stated that the *'proposals aim to retain and enhance important existing landscaping features within and around the Site, including the mature trees, hedgerows and field boundaries.'*

Overall, the significance of effect in terms of topography is considered to be permanent, moderate to minor adverse. In terms of landscape character the overall significance is considered to be minor adverse.

I am mindful that the proposal would remain within the existing defined field boundaries and that the boundaries would be retained and where possible enhanced with additional planting. Taking account the policy actions of the area, and that the solar farm will remain to be positioned against the backdrop of the existing and approved industrial development, I do not consider that the alterations to the land levels now proposed will have a material impact on the landscape character of the area in comparison to the extant permission which exists. Indeed, the landscape impact from the proposed level changes would be acceptable even if the benefits of the solar energy generation were discounted. In reaching this judgement I have also considered the likelihood of cumulative impact of other solar farm approvals would concur with the statement within the LVIA that there would be no inter-visibility between other identified applications and the site.

Impact on Ecology and Biodiversity

Core Policy 12 seeks to *'conserve and enhance the biodiversity and geological diversity of the District'*. Area Policy ShAP1 ensures that ecological value of the Sherwood Area and Sherwood Forest Regional Park is maintained and enhanced by ensuring that development does not have a

detrimental impact on and protection of national, regional and, county and locally designated sites. Furthermore Policy DM5 states that *'significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided'*. Policy DM7 *Biodiversity and Green Infrastructure* is also of relevance in the determination of this application.

Condition 23 of the original permission required development to be undertaken in accordance with the originally submitted Ecological Assessment dated September 2014 and an additional letter dated November 2014. Condition 24 required the submission of a biodiversity management plan.

Commentary within the covering letter for the application states the following:

'The existing condition of the field provided limited opportunities to improve ecological value of the field. However, the redistribution of the spoil across the field will enable substantial biodiversity gains to the field and the scheme as a whole.'

'In raising the levels, existing and new habitats can be enhanced and maintained. The ground beneath the panels will be capped with soil and sown with a species-rich grassland seed mix. This species-rich grassland will offer opportunities for invertebrates, which in turn will offer foraging resources for bats, birds and small mammals.'

Nottinghamshire Wildlife Trust has been consulted on the current proposal which includes the submission of a biodiversity management plan previously requested by condition to the extant planning permission. They have confirmed that they would have no objection to the variation of condition application provided that the proposal is carried out in accordance with the proposed Schedule of Works submitted.

I am satisfied that the current proposal offers the opportunity to improve the ecological value of the site in comparison to the extant permission and thus the application is deemed to be compliant with Core Policy 12 and Policy DM7.

Impact on Flooding / Drainage

Core Policy 9 and Policy DM5 requires new development to pro-actively manage surface water and clearly the building of land levels within the site has the potential to effect the behavior of surface water. The site is situated entirely within Flood Zone 1 according to the Environment Agency maps and a review of the online mapping tool which shows risk of flooding from surface water reveals that the field to which the solar panels would be situated is at very low risk.

The current application has been accompanied by a Proposed Drainage Strategy as well as a Construction Phase Drainage Strategy Plan which has been updated from the plan agreed at discharge of condition stage to include the new proposed levels. It has been confirmed that the revised drainage strategy takes account of the National SuDS Standards which have come into force since the discharge of condition application.

The previous approval received no objection from the Environment Agency subject to the imposition of numerous conditions (relating to the entire site not just the solar farm element) many of which have now been discharged. The covering letter submitted to accompany the current application confirms that the scheme to treat and remove suspended solids from surface water run off has not altered from that which was previously agreed acceptable by the Environment Agency (condition 16 of the original approval).

Indeed comments have been received by the Environment Agency on the current application which raise no objection to the variation of condition application as submitted. It has been suggested within the received comments that there may be further work to do in terms of the surface water drainage strategy however clarification as to whether this has already been addressed in the most recent drainage strategy document is being sought. The outcome of these discussions will be presented to Members as a late item. The county council has also submitted comment as the lead flood risk authority confirming that they too have no objection to the proposal.

On the basis that the relevant consultees are satisfied with the development as presented, I find the proposal to be compliant with Core Policy 9 and Policy DM5 for matters of flooding and drainage.

Impact on Residential Amenity

In terms of residential amenity, the current application has been accompanied by a site section which demonstrates the relationship of the proposed development with one of the nearest residential neighbours; Belle Eau Farmhouse. Although this is more in relation to the juxtaposition of the proposed warehouse building, the block plan element of the plan is beneficial in that it shows that the solar farm will be to the south west of the proposed dwelling intervened by a belt of planting and the service road to serve the development. I therefore do not consider that the increase in land levels proposed (being up to 2m increase in comparison the extant approval) would have a material impact on residential amenity.

Other Matters

The increase in land levels to the solar farm element of the site also requires consideration of a number of other matters which were deliberated in assessment of the extant scheme.

I do not consider that the current proposal would have a materially different impact on the highways network. If anything there would be the opportunity to reduce the number of highways movements from the site as the spoil is being distributed internally within the site rather than being moved elsewhere.

The covering letter submitted to accompany the application has considered archaeological mitigation but confirmed that the current proposal does not alter the mitigation proposed and already undertaken which has been previously found to be acceptable through discharge of condition.

The current proposal if approved would essentially replace the extant permission and allow the applicant to continue works as intended by this current scheme. As such it is necessary to ensure that all conditions imposed by the extant permission are replicated or updated to reflect additional details which have been submitted either through a subsequent discharge of condition or through the current application.

I am conscious that the overall consultation date has only recently expired with the application being received in late June and therefore Members have been presented with a report which unfortunately does not include responses from all relevant parties. Any representations received between agenda print and the committee meeting will be reported to Members as a late item. The rationale behind presenting the application to Members at this stage of the process is in the interests of acknowledging the pressures that the contractors are working to on site. The proposal presents an opportunity for the expansion of an existing employer in the District and with this the benefit of job creation, albeit the landscape and visual matters are equally significant in terms of the requirement to be assessed.

Conclusions

The current proposal seeks to vary numerous conditions to an extant planning permission for the redevelopment of the Yearsley Group site in Belle Eau Park. The principal of the development has been established by the extant permission. It falls to Members to assess the current application in terms of whether the changes to the land levels at the solar farm element of the scheme are acceptable.

The increase in land levels (maximum increase of 2m) to grade the solar farm field allowing a more level site area for the solar panels to be situated has been assessed against numerous factors. No harmful impacts have been identified to the character of the surrounding landscape, flooding or residential amenity and it is acknowledged that the changes to the site levels presents an opportunity to improve the biological diversity of the site. No other harmful impacts have been identified which would prevent the approval of planning permission and therefore the application is recommended for approval subject to the following conditions.

RECOMMENDATION

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

Conditions

01

The development hereby permitted shall be carried out in accordance with the approved plans listed in Document Register B88350 submitted on 3rd December 2014 and Document Issue sheet D2255 submitted on 26 June 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.

02

The development hereby approved shall be constructed entirely of the materials details submitted 22nd April 2015 with reference to discharge of condition 3 to permission 14/01782/FULM.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with Core Policy 13 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management Document DPD.

03

Notwithstanding the details within the plan submitted 'Landscape Masterplan L.100A' within three months of the commencement of development, 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. These details shall include:

- o 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.
- o An implementation and phasing programme.

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

04

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 and in the interests of visual amenity and biodiversity in accordance with Core Policies 12 and 13 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management Document DPD.

05

The development hereby approved shall be carried out in strict accordance with the Arboricultural Method Statement Amendment (AMS) submitted by fpcr and dated June 2015 unless otherwise agreed in writing with the local planning authority.

Reason: In order to protect existing trees to mitigate the landscape impacts in line with Core Policy 13 of the Development Plan and Policy DM5 of the Allocations and Development Management Document DPD.

06

No development shall be started until all the trees within (or overhanging) the site, with the exception of those trees clearly shown to be felled on the submitted plan, have been surrounded by substantial fences which shall extend to the extreme circumference of the spread of the branches of the trees. Such fences shall be erected in accordance with the specification set out in Appendix B of the Arboricultural Assessment dated October 2014 and shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such fencing.

Reason: In order to protect existing trees to mitigate the landscape impacts in line with Core Policy 13 of the Development Plan and Policy DM5 of the Allocations and Development Management Document DPD.

07

The tree work hereby granted consent shall be carried out in accordance with the following British Standard B.S. No. 3998:2010 (Recommendations for Tree Work).

Reason: In order to protect existing trees to mitigate the landscape impacts in line with CP13 of the Development Plan and Policy DM5 of the Allocations and Development Management Document DPD.

08

All ground and vegetation clearance required as part of the development shall be undertaken outside of the bird breeding season (the breeding season is beginning of March to 30th September) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in line with Core Policy 13 of the Development Plan and Policy DM5 of the Allocations and Development Management Document DPD.

09

The development hereby approved shall be carried out in accordance with the Phase 2 Geo Environmental site investigation report, e3p dated March 2015 and the Remediation and enabling

works strategy, e3p, dated April 2015 with reference to discharge of condition 10 to permission 14/01782/FULM. If during the works any contamination is identified it should be assessed on a site specific basis in terms of the risk it poses to controlled waters.

Reason: In the interests of avoiding risk to controlled waters.

10

No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy of condition 9 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any remediation is undertaken in line with the agreed approach in accordance with Policy DM5 of the Allocations and Development Management Document DPD.

11

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any previously unidentified contamination is addressed and dealt with appropriately and the risk to controlled waters are adequately assessed in accordance with Policy DM5 of the Allocations and Development Management Document DPD.

12

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is evidence to suggest that historic contamination does exist at the site, although further and more detailed site investigation is required to determine the nature and extent of this. It must be ensured that if soakaway drainage is proposed, only clean water is discharged into clean uncontaminated ground in accordance with Policy DM5 of the Allocations and Development Management Document DPD.

13

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any residual contamination on site is not mobilised within the Principal aquifer beneath the site in accordance with Policy DM10 of the Allocations and Development Management Document DPD.

14

The development hereby approved shall be carried out in accordance with the scheme for oil and petrol separators which has been submitted with reference to the discharge of condition 15 to permission 14/01782/FULM. For the avoidance of doubt the agreed details are outlined on Drawing No HC-14154-[30]-001.

Reason: To reduce the risk of surface and groundwater pollution in accordance with Policy DM10 of the Allocations and Development Management Document DPD.

15

The development hereby approved shall be carried out in accordance with the scheme to treat and remove suspended solids from surface water run-off which has been submitted with reference to the discharge of condition 16 to permission 14/01782/FULM. For the avoidance of doubt the agreed details are outlined on Drawing No HC-14154-[40]-001 Rev. C.

Reason: To reduce the risk of surface water pollution in accordance with Policy DM10 of the Allocations and Development Management Document DPD.

16

The development hereby approved shall be carried out in strict accordance with the Proposed Drainage Strategy submitted by Russells Construction and dated 2 June 2015 unless otherwise agreed in writing with the local planning authority.

Reasons: To reduce the risk of surface and groundwater pollution in accordance with Policy DM10 of the Allocations and Development Management Document DPD.

17

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Final Report v1.0, October 2014) and the finished floor levels must be set no lower than 150mm above adjacent ground levels following re-profiling of the site.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy DM5 of the Allocations and Development Management Document DPD.

18

The development hereby approved shall be carried out in accordance with the Drainage Strategy and Attenuation Report carried out by Healey Consulting and dated June 2015 unless otherwise agreed in writing with the local planning authority.

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

19

Access to the solar farm for construction or maintenance purposes shall be taken as shown on drawing no. B8350-AEW-XX-XX-DR-A-561 Rv. P1 (submitted as part of permission 14/01782/FULM) and no direct access to the solar farm shall be taken from Kirklington Road.

Reason: In the interests of highway safety.

20

The application hereby approved shall be carried out in strict accordance with the visibility splay shown on plan reference Hard and Soft General Arrangement Plan (sheet 3 of 3) D2255 L.203 Rev. B. The area within the visibility splay referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height

Reason: In the interests of highway safety in accordance with Policy DM5 of the Allocations and Development Management Document DPD.

21

The development hereby permitted shall be carried out in strict accordance with the agreed Travel Plan dated and received 18 December 2014. The Travel plan shall be implemented in accordance with the timetable and targets set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy and Policy DM12 of the Allocations and Development Management Document DPD.

22

The development shall not proceed except in strict accordance with the mitigation strategy and approved timetable described in the Biodiversity Management Plan dated June 2015 unless otherwise agreed in writing with the local planning authority. The mitigation measures outlined should be retained for the lifetime of the development.

Reason: For the avoidance of doubt and to prevent harm to protected species in accordance with Core Policy 12 of the adopted Newark and Sherwood Core Strategy.

23

The solar farm hereby approved shall be built in accordance with the schedule of materials and specifications submitted and received 26th June 2015 unless otherwise agreed in writing by the Local Planning Authority. No part of the structure shall carry any logo or lettering other than as required for health and safety reasons.

Reason: In the interests of visual amenity Core Policies 10 of the Newark and Sherwood Core Strategy and Policy DM4 of the Allocations and Development Management Document DPD.

24

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.

Reason: In the interests of visual amenity Core Policies 10 of the Newark and Sherwood Core Strategy and Policy DM4 of the Allocations and Development Management Document DPD.

25

The development hereby permitted shall be carried out in strict accordance with the Phasing Plan outlined by the letter dated 18th March 2015 submitted as part of the non-material amendment application in line with permission 14/01472/FULM unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the complete delivery of the scheme in accordance with Core Policy 13 of the Newark and Sherwood Core Strategy.

26

The solar farm hereby approved shall remain associated with and generate electricity for the wider development hereby approved in accordance with a proportionate split which should be agreed in writing with the local planning authority.

Reason: To secure the renewable energy source in accordance with Core Policy 10 of the Newark and Sherwood Core Strategy.

27

The development hereby permitted shall be carried out in strict accordance with the Written Scheme of Investigation: Archaeological Strip Map and Record submitted by Prospect Archaeology and dated January 2015 which has been submitted with reference to the discharge of condition 29 to permission 14/01782/FULM.

Reason: To protect and preserve the heritage asset in accordance with Core Policies 14 of the Newark and Sherwood Core Strategy.

28

The 10 HGV and 6 18t spaces along the north west boundary of the site as identified on plan B8350-AEW-XX-XX-DR-A-503 shall be operated in accordance with para 6.2.4 of the noise assessment prepared by WSP dated 3rd October 2014 (submitted as part of permission 14/01782/FULM).

Reason: To safeguard the amenity of neighbouring occupiers in accordance with Policy DM4 of the Allocations and Development Management Document DPD.

29

The development shall not proceed except in accordance with the mitigation measures as recommend in the noise assessment prepared by WSP dated 3rd October 2014 (submitted as part of permission 14/01782/FULM). The proposed mitigation measures shall be carried out in accordance with an approved timetable which shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To safeguard the amenity of neighbouring occupiers in accordance with Policy DM4 of the Allocations and Development Management Document DPD.

Notes to Applicant

01

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

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

02

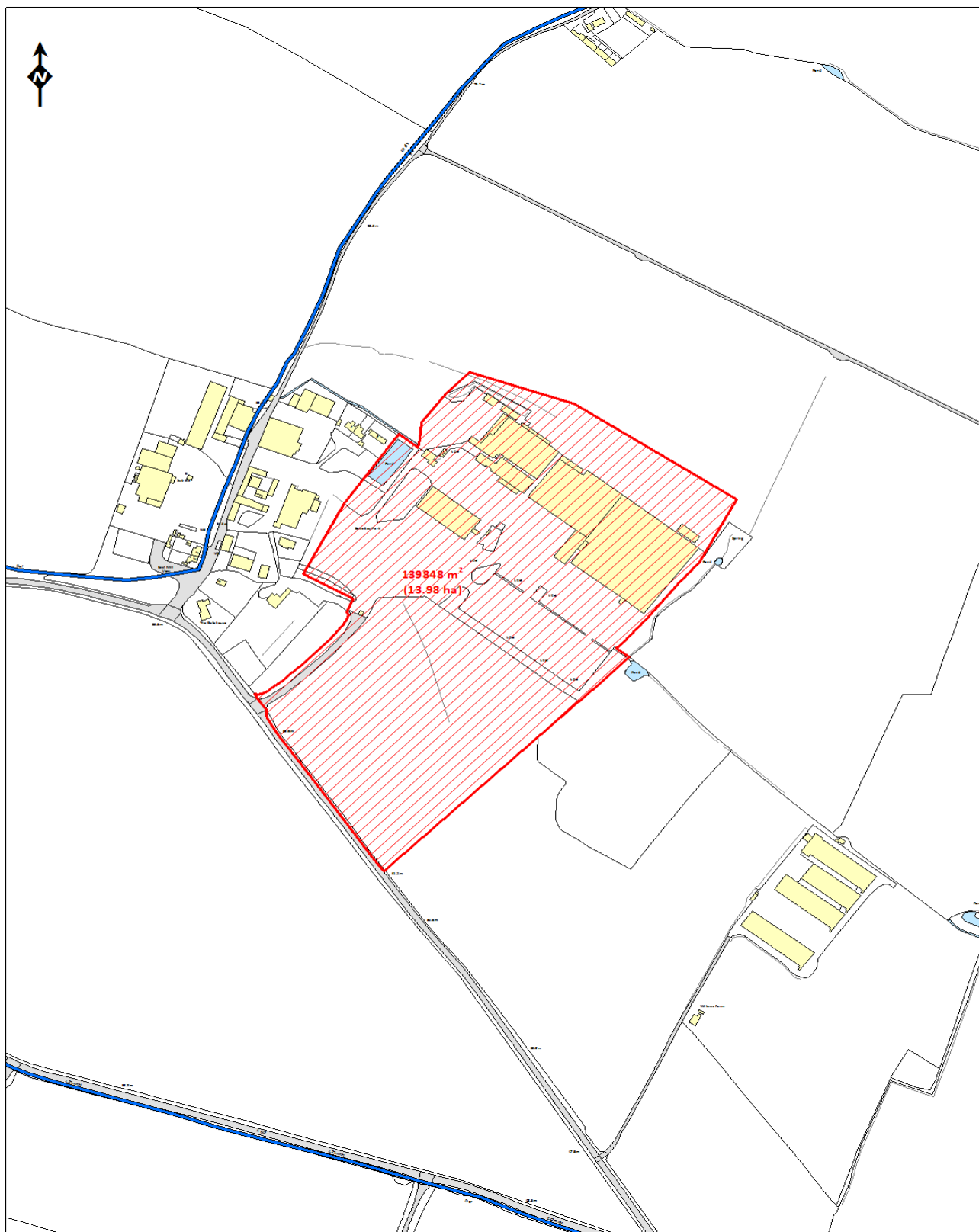
The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

Application case file.

For further information, please contact 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



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Application No:	15/01038/FUL		
Proposal:	Erection of 3 dwellings		
Location:	Land at 60 Main Street, Coddington, Newark, Nottinghamshire		
Applicant:	Mr D Burke		
Registered:	16.06.2015	Target Date:	11.08.2015
Extension of Time Agreed Until 14.08.2015			

The Site

The site comprises part of the garden for No. 60 Main Street which is located on the corner of Main Street with Morgan’s Close, just outside of, but adjacent to the Coddington Conservation Area to the west.

No. 60 Main Street (the host bungalow) is located immediately to the south of the application site. This is a modern gable bungalow constructed in light red brick and pantiles with a flat roof extension to its south side. Its north elevation would form the site boundary which currently has two windows serving a bathroom and lounge.

The application site forms part of the garden of the host property. It is mainly grassed with some limited areas of hard-standing forming a driveway through the site to the rear yard of the existing bungalow. There is a dilapidated corrugated metal outbuilding adjacent to the boundary with Main Street which is fenced off from the garden.

The site is bound to the roadside by close boarded timber fencing and a gate (serving a vehicular access) along Main Street with a conifer hedge (c2m high) alongside Morgan’s Close. Along the boundary with No. 2 Morgan’s Close is a close boarded timber fence that measures approximately 1.3m in height from the application site. This two storey dwelling (No. 2) sits at a lower land level than that the application site (by approximately 0.5 to 0.8m) and has two windows at first floor and one ground floor which do not appear to serve habitable rooms.

The character of the area is predominantly modern semi-detached bungalows and two storey dwellings to the north and east with traditional vernacular dwellings to the western side of Main Street which is within the Conservation Area. The property on the opposite corner of Main Street is a narrow gabled three storey dwelling which is Grade II listed.

Relevant Planning History

14/01020/FUL – Erection of 4 dwellings on this site. Refused under delegated powers on 12th August 2014 for 3 reasons, summarised as follows:

- (1) Adverse impact on setting of Conservation Areas by virtue of design, layout and scale. Over-intensive development of the site with large expanses of the external space being heavily engineered to the detriment of the area. The design approach being one large block of development set forward into the site is considered very urban and unsympathetic to the character of the area by being unduly prominent in the street-scene;
- (2) No proven local need contrary to SP3;
- (3) Adverse impact on residential amenity of the adjacent neighbour at no. 2 Morgan Close. This is due to the amount and proximity of the parking spaces which would be located on the boundary immediately adjacent to the neighbour's private garden which could lead to undue disturbance from car doors slamming and the revving of engines etc.

15/00139/FUL – Erection of 3 dwellings (resubmission of 14/01020/FUL). Refused under delegated powers on 12th March 2015 for 2 reasons, summarised as follows:

- (1) Proposal by virtue of its design, siting, layout and scale would adversely affect the character of the village, the setting of the Coddington Conservation Area and the setting of a grade II listed building known as The Laurels. The design approach is considered unsympathetic to the character of the area, having alien features that do not reference from the traditional features of the historic environment and is unduly prominent in the street-scene. The proposal represents an over-intensive development of the site with large expanses of the external space being heavily engineered to the detriment of the area.
- (2) failed to demonstrate a local need as required by Spatial Policy 3.

Since the latest refusal, the applicant has engaged in pre-application advice in an attempt to overcome the design issues described in reason for refusal(s) 1.

The Proposal

Full planning permission is sought for three dwellings on this site. These would be contained within an L shaped block located close to the corner of the site. Plot 1 fronts onto Main Street whilst Plots 2 and 3 front onto Morgan's Close.

The scheme has been designed with a layout to reference the plan-form of traditional historic buildings found elsewhere within the village. In particular Plot 1 is sited to front Main Street whilst Plots 2 and 3 form a subservient cross wing perpendicular to this fronting Morgan's Close.

Plot 1, a three bedroom dwelling, comprises a simple symmetrical (brick and pantile) building with an eaves height of 6m and ridge height of 9.8m (with a gable width of 7m) and chimneystacks at either end. The plans show the use of 4 over 4 sash windows to the site frontage.

Plots 2 and 3 (facing Morgan's Close) are more modest at c4.74m eaves height and 8.5m to ridge and each comprises two bedroom accommodation.

An Amended plan has been received which reconfigures the parking and garden arrangements at the site following comments from the Highways Authority. The proposal has been assessed on the basis of these amendments which are described below.

There are two vehicular access points proposed. The access off Morgan's Close would serve Plot 3 and has two parking spaces provided in tandem adjacent to the boundary with the host dwelling and No. 2 Morgan's Close, with a turning area within the site. A further access off Main Street is

proposed adjacent to the frontage of the host dwelling and this would provide 2 spaces in tandem for Plots 1 and 2 together with a turning area. Modest sized, private rear gardens would be located at the rear of each dwelling with the remainder of the site being block paved.

Departure/Public Advertisement Procedure

The occupiers of 7 properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press, expiring on 23rd July 2015.

Relevant Planning Policies

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
- Core Policy 14: Historic Environment

Allocations and Development Management Document DPD (adopted July 2013)

- Policy DM5: Design
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development

Other material planning considerations

- National Planning Policy Framework (NPPF) 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Local Development Framework – Spatial Policy 3 Guidance Note September 2013
- Coddington Conservation Appraisal

Consultations

Coddington Parish Council – ‘The Parish Council does not support the application. Three houses would be an over-development of the plot. The build line has been brought forward from the previous plan which would be an oppressive street view. Main Street is a busy road with a sharp bend adjacent to the site, and there is nowhere for any additional on-road parking in the vicinity. The front door of the end house faces on to Main Street close to the bend of the road, and could encourage cars to stop outside this entrance in a dangerous place. Councillors voted unanimously to reject the application.’

NCC Highways Authority – Initially objected on the grounds that the access point to Morgan’s Close was too narrow to allow vehicles to pass. Following negotiation with the Highways Authority the Agent has submitted amended plans reconfiguring the parking arrangements. The revised plan shows one dwelling is to be served by a new access onto Morgans Close, with 2 dwellings served by a new access onto Main Street. There are now no highway objections to the proposal

subject to conditions relating to surfacing, the provision of parking/turning area, visibility splats and dropped kerbs.

Conservation – Support the scheme. The Conservation Officer has provided detailed comments on this scheme which are contained within the appraisal section of this report. Previous comments are also of relevance which set out the legal and policy context as follows:

The proposal would affect the setting of The Laurels, a Grade II listed building (LB ref 1046029; designated October 1984). The proposal would also affect the setting of Coddington Conservation Area (CA) (the CA was originally designated in 1992; amended/extended in 2002 and 2006).

Legal and policy context

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving the listed building, including its setting. In this context, 'preservation' means to cause no harm.

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). Local planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). Local planning authorities should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development in their setting (paragraph 137). Planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- *establish a strong sense of place;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *address the connections between people and places;*
- *integrate with the historic environment; and*
- *promote or reinforce local distinctiveness.*

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 64).

Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance.

The setting of heritage assets is defined in the Glossary of the NPPF, and advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the PPG advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is often more extensive than the curtilage of a heritage asset. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. 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. 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. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.

The PPS5: Historic Environment Practice Guide remains a material guidance document. Paragraph 121 reminds us: "The design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather that they should together form a harmonious group."

Additional guidance on considering the setting of heritage assets is contained within the English Heritage document 'The Setting of Heritage Assets' (2011).

Heritage assets affected

The Laurels is a late 18th century house, constructed in red brick with a pantile roof. The frontage to main street includes a number of attractive architectural details, including a central doorway with overlight and blind traceried fan above. The building is complimented by a number of other historic buildings along Main Street, and is otherwise considered to contribute positively to the character and appearance of the CA. The village green on the north side of The Laurels contributes positively to the setting of the listed building, and is also a positive feature of the CA.

The Council's adopted CA Appraisal provides a useful summary of the CA's character and appearance. In particular, the Appraisal draws attention to the distinctive character of historic cottages and farmsteads along Main Street, as well as the negative aspects of some areas of modern housing. The Inn on the Green is identified as a building of Local Interest.

The modern housing stock to the east of The Laurels and adjacent to the green lies outside of the CA boundary. This housing stock is a mixture of single storey bungalows and 2 storey dwellings, and at best, they are considered to have a neutral impact on the setting of the CA. Historically, this land was largely open and characterised by fields and orchards (see map extracts attached). Notwithstanding the architectural form of these modern buildings (in contrast to the historic buildings that contribute positively to the CA), they are predominantly set within reasonably sized gardens which helps to maintain a sense of the openness of this part of village. The garden to 60 Main Street is prominently located, furthermore, and in the context of The Laurels, helps to reduce the impact of modern development on the setting and significance of this listed building.

Nevertheless, Conservation recognises that new development at 60 Main Street could be capable of preserving or even improving the setting of The Laurels and the CA.

Views along Main Street on approach from the Beckingham Road junction towards the green, Inn on the Green and The Laurels are positive, despite the encroachment of modern housing on the

east side of the roadway. Whilst the frontage of The Laurels is not prominent in this aspect, views eastwards from the Drove Lane direction allow you to appreciate the group of 18th and 19th century building culminating in The Laurels. The green is prominent in this view, and the modest scale of the nearby bungalows ensures that The Laurels retains a degree of primacy in the streetscape. The proposal site is otherwise prominent from the car park at the Inn on the Green and from the front and side of The Laurels....”

Conservations Assessment of the scheme is contained within the appraisal section of this report.

NSDC (Waste, Litter and Recycling) – Support ‘Providing that all containers from each of the properties are presented to the main road there should be no issues with waste collection. It needs to be made clear that refuse freighters will not access the block paved roadways.’

Access and Equalities Officer – Makes general recommendations

Neighbours – Two local residents have commented on the application; one to object and the other to support. Their comments are as follows;

Objection

- This is a beautiful and big enough village as it is without having these 3 developments. The Parish Council and Newark and Sherwood council planning have always opposed dwellings to be built. I hope these dwellings will not be able to be built, if this becomes the case then this opens a can of worms for other residents to take advantage. The person who wants to build these 3 dwellings doesn't even live in the village. Please do not approve these plans continue to oppose like you have always done.

Support

- I agree with the D&A Statement and Conservation Comments. I feel it is important the proposed development maintains the Conservation Area's character & the setting of nearby Listed Buildings. I support the traditional design of this 'edge of conservation area' infill development. In particular, I like the gable end where the proposed building turns the corner. I feel this will add interest to and fill the gap in the street scene.

Comments of the Business Manager

Principle of Development

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraphs 54 - 55 state that in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Coddington is not defined within the Core Strategy as a principal village or a main urban area as defined within Spatial Policies 1 and 2. As an 'Other Village' it falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan, as per the settlement hierarchy. Outside of principal and urban areas, new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These

relate to 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character. I discuss these below, incorporating other relevant matters.

Location

SP3 states that new development should be within the main built-up areas of villages which have access to Newark Urban Area, Service Centres or Principal Villages. This site lies on the corner of Main Street with Morgan's Close and is quite clearly within the main built up part of the settlement. With a primary school, village shop, post office and access to public transport I consider therefore that the proposal meets the SP3 criteria of 'location'.

Design, Scale & Character (including Impacts on Heritage Assets)

SP3 provides that new development should be appropriate to the proposed location and small-scale in nature. It also requires development to not have a detrimental impact on the character of the location.

I consider that this scheme can be viewed as small-scale relative to the level of development that has taken place in Coddington. Put into context, Coddington has a population of c1684 with 692 households (Census 2011). Taking into account completions and commitments (and taking into account that some households were completed prior to the Census) over the current development plan period the village has grown by 3.25% and this proposal would increase housing stock to 3.84% which I also consider to be small-scale appropriate for the size of the settlement.

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.

With the two previous schemes there were concerns that they represented an over-intensification of the site and because of the design and its adverse impact upon the character an appearance of the area, which includes the setting of a Grade II listed building and the setting of the adjacent Conservation Area (CA) immediately to the west. However the Conservation Officers concerns have now been met in full, who comments as follows:

"The revised layout references the plan-form of traditional historic buildings found elsewhere within the village, noting the enclosure to the street and the appearance of a traditional cross wing perpendicular to plot 1. The layout compliments the listed building opposite, and otherwise relates positively to the setting of the Coddington Conservation Area. The scale of the development is appropriate to the context of the listed building setting, and ensures that it complements rather than competes with the significance of the heritage asset. The form and appearance of the proposed dwellings references positive historic buildings found elsewhere within the village, noting the appearance of narrow gables, chimneys and brick detailing. The symmetry and vertical emphasis of fenestration on the primary frontage is positive, and shall be an attractive feature of views along Main Street in both directions (in views from the Green and on approach from the west, I find the development to be an enhancement to existing views). The cross wing forming units 2 and 3 appears to be subservient to the main house, enabling the development to not appear cramped within the context of the site. The materials palette compliments the design ethos. Precise detailing and finishing will need to be conditioned. Overall, I consider the proposal to be a sensitively designed development which relates positively to the historic environment in this case. The proposal will cause no harm to the setting of the listed building, and the objective of

preservation is therefore achieved in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme is also considered to be compliant with heritage objectives outlined under Policies CP14 and DM9 of the Council's LDF DPDs, as well as section 12 of the NPPF."

I fully agree with these comments. The proposal is designed so that the built form appears in plan form as one large unit, with the primary dwelling facing directly onto the Conservation Area and towards the listed building (The Laurels – a late 18th century house of red brick with a pantile roof). To the west and along Main Street there are a number of other historic buildings that contribute positively to the character and appearance of the Conservation Area. The village green on the north side of The Laurels contributes positively to the setting of the listed building, and is also a positive feature of the Conservation Area.

The Council's adopted Conservation Area Appraisal provides a useful summary of the CA's character and appearance. In particular, the Appraisal draws attention to the distinctive character of historic cottages and farmsteads along Main Street, as well as the negative aspects of some areas of modern housing. The modern housing stock to the east of The Laurels is a mixture of single storey bungalows and 2 storey dwellings, and at best, they are considered to have a neutral impact on the setting of the Conservation Area. Furthermore the site is currently bound by timber close boarded fencing and within the site, close to the road is a rather dilapidated and incongruous outbuilding which negatively impacts on the setting of the Conservation Area at present.

I share the view that the proposal in this form offers genuine heritage enhancements, through the removal of fencing and allowing the sites redevelopment to allow the more negative elements of the Conservation Area to be screened particularly from the north and on approach from the west. In this regard I find that the proposal meets the criteria with the NPPF agenda of delivering high quality built environments and equally presents the LPA with an opportunity for new development within Conservation Areas and within the setting of heritage assets to enhance and better reveal their significance as advocated by paragraph 137 of the NPPF.

The layout is such that two off-street parking spaces would be provided off Main Street for the 3 bedroom dwelling. These would be set back sufficiently into the site (partly adjacent to the host dwelling) to avoid them from being dominating in the street scene. For the smaller two-bedroom units accessed off Morgan's Close the 4 parking spaces would be provided to the rear of the site in a shared parking area, visible from the street-scene but does not cause any direct harm to the character of the area as this would be no different from many other parking arrangements across the district. Overall I am satisfied that the scheme in this regard has addressed my previous concerns.

The Conservation Officer has also commented that is approved, appropriately worded conditions will need to be utilised in order to ensure that the development takes the form envisaged by the Local Planning Authority in order to preserve the setting of the listed building and to achieve the wider heritage benefits of enhancement. These include:

- *Further details of all windows and doors, including design, method of opening and external finish. Timber, to be retained thereafter. No trickle vents on roadside elevations;*
- *All materials to be agreed. Roof tiles to be agreed (natural clay pantiles of a non-interlocking variety preferred);*

- *Further details of all headers, sills, eaves, verges, chimneys (to be retained), rainwater goods (mock cast acceptable- half round gutters on rise and fall brackets, round down pipes) and any other external accretion on roadside elevations (meter boxes, flues, vents etc) to be agreed;*
- *Boundary treatments to be agreed;*
- *Removal of permitted development rights for changes to front elevations and roof works etc.*

I am satisfied that subject to strict control regarding details the finer details that the enhancements could be secured by condition. Overall I am satisfied that the proposal meets with the criteria of scale and character of SP3, the design is high quality as required by CP9, DM5, and that the proposal would cause no harm to the setting of the listed building, and the objective of preservation is therefore achieved in accordance with the Act and Policies DM9 and CP14. Furthermore the proposal would bring about enhancements to the setting of the listed building and the adjacent Conservation Area. These would need to be delivered in their entirety and forms the basis of Condition 10 which the applicant has agreed to in principle.

Need

The NPPF states within its core planning principles under paragraph 17 that every effort should be made objectively to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Local authorities should take account of market signals, such as land prices and housing affordability, and take account of the needs of the residential communities. Spatial Policy 3 provides that new housing will only be permitted where it helps to meet an identified proven local need. Policy DM12 of the DPD sets out a presumption in favour of sustainable development to secure development that improves the economic, social and environmental conditions within the district.

The previous two applications considered the issue of local housing need, taking into account the applicants submissions on the matter, but concluded that the schemes failed to demonstrate sufficient evidence to robustly demonstrate a local housing need. They were in part refused on this ground.

As part of the most recent refusal (15/00139/FUL) the Parish Council whilst continuing to object appeared to accept that a smaller number of more modest units may serve the public interest. Their comments stated: *'Coddington Parish Council does not support the current plans for this site, but would welcome, in principle, two or three 2-bedroom houses to be built, which would, in accordance with SP3 guidance 6.1, 'serve the public interest'. The Housing and Marketing Needs Survey highlighted a shortage of affordable housing in the Winthorpe Ward, and this would be an ideal site for a modest development to address this need. Some Council Members felt that two semi-detached houses would be more in keeping for the village than three terrace houses.'*

The applicant has attempted to take some of these suggestions on board, in that whilst the scheme still promotes 3 dwellings, two of these are two bedroom dwellings (the third comprises 3 bedrooms). However since this decision, there has been a change of administration and a newly elected Parish Council have continued to object, albeit local need is not mentioned in their latest comments.

In relation to this latest application, a Design and Access Statement has been submitted which includes an appraisal relating to 'Local Need'. It appears that there is demand for smaller houses in

Coddington from conducting internet searches on Rightmove and Zoopla but this is not necessarily the same as need. In the absence of settlement specific housing needs survey, I remain of the view that insufficient evidence has been submitted to robustly demonstrate a specific local housing need for Coddington.

The applicant's submission contends that SP3, particularly the 'local need' criteria is at odds with the NPPF and cites an appeal at North Muskham that was upheld in 2012 in support of their case. However since this appeal decision the Council has published a Guidance Note which has been given some limited weight in subsequent appeal decisions (e.g. 13/00138/FUL – Land adjacent to 1 to 4 School Lane in Norwell) and we now have a collection of appeal decisions that sit in favour of our approach, including other sites in Coddington such as land adjacent to 4 Yew Tree Way (13/01623/FUL). The applicant's submission claims that the NPPG advocates that all villages are capable of accommodating some growth and this alone provides clear policy support.

The applicant suggests that these dwellings have been designed to provide low cost entry level accommodation in the village catering for a locally generated need. They point to the recently published district housing needs survey which identified a significant level of housing need in the Newark area also within Winthorpe Ward, within which Coddington is located. In response my view is that the very recently published NSDC Housing Needs Survey (HNS) cannot be used to point to a definitive local need in Coddington. For the purposes of the HNS, Coddington lies within the 'Newark Area' which comprises over 20 settlements including the service centre of Newark. This provides a very broad brush indication of market housing demand based on a survey of desires from existing and concealed households. This indicates that there is a demand for 772 x 2 bed dwellings and 863 x 3 bed dwellings. However as mentioned the Newark Area is large in area and contains settlements that are more sustainable than Coddington. It cannot be argued that this is sufficient to demonstrate a local need. No detailed parish survey has been undertaken to show a more specific need.

The application also sets out that Zoopla provides 'evidence of need' because as of 12/06/2015 there were only 3 properties for sale being all 4 and 5 bedrooms dwellings priced from £229,950k to £450k and there are no properties for rent. The applicant indicates that Zoopla suggests that 21 dwellings have been sold in the village over the last 12 months suggesting a high level of sales thus a high level of demand.

My internet search on Rightmove undertaken on 09/03/2015 indicated there are 7 properties for sale (one of which was a two bedroom dwelling for £215k with the others being 4 and 5 bed dwellings ranging from £225k to £775k). This indicates there *may* be a shortfall in *supply* which could lead to demand. However it is clear to me from the Guidance Note that accompanies SP3 that genuine local housing need should not be confused with the state of the housing market in a particular settlement and a particular point in time. The absence of 2 and 3 bedroom properties for sale would not necessarily constitute a local need, which is different to supply and demand. No village specific Housing Needs Survey has been produced by the applicant and for all these reasons I continue to hold the view that the local need has not been properly evidenced by the applicant and thus the proposal fails the Need criteria set out in SP3.

Impact (including residential amenity and highways)

SP3 states proposals should not have a detrimental impact on the amenity of local people. The NPPF and Development Management Policy DM5 also seek 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 nearest (non-associated) neighbour is no. 2 Morgan's Close located to the east. Its side elevation faces the application site and it sits on a lower land level (I estimate this to be between c0.5m and 1m lower). It has two first floor windows facing the site which appear to serve a landing and bathroom. There is a ground floor window with its top opener just visible above the fence line (due to land level differences) and its rear garden sits alongside the south-eastern corner of the application site.

I have carefully considered impacts such as overlooking, loss of light and overshadowing and given the distances between dwellings and because there are no habitable room windows that would cause direct overlooking, I consider that the scheme is acceptable. General disturbance to neighbours from vehicle movements and the parking of cars has also been considered. The parking for plots 2 and 3 would be provided parallel to the existing fence-line of No. 2 Morgan's Close and would mean that cars would be parked facing the fence-line of the host dwelling adjacent to its rear garden. With suitable boundary treatments, I consider that this arrangement, alongside the side of No. 2 and facing the host dwelling is acceptable and would be unlikely to interfere with amenity to such a degree that it would warrant a reason for refusal.

I consider therefore that the proposal is acceptable (in terms of residential amenity) and in line with SP3, CP9 and DM5 of the Development Plan.

Highways

SP3 states that new development should not generate excessive car-borne traffic from out of the area and should not have a detrimental impact on the amenity of local people nor have an undue impact on the highway network. Access and parking facilities serving the development also need to be considered under Policy DM5 of the DPD.

The Highways Authority initially raised concerns with the parking and access arrangements primarily because the access off Morgan's Close which was originally designed to serve two plots was too narrow to allow vehicles to pass one another resulting in an danger to highway users. However the agent has provided amended plans following negotiations with the Highways Authority which seek to address the concerns raised. The Highways Authority have verbally indicated that the amendments do overcome their concerns albeit this confirmation is awaited formally. Subject to the Highways Authority confirming they are now satisfied with the amended layout, and subject to reasonable conditions they request, it is anticipated that the proposal would meet with the requirements of both SP7 and DM5 and is acceptable in relation to highway safety.

Planning Balance and Conclusion

I have already concluded that I am satisfied that the proposal meets with 4 of the 5 criteria identified within SP3 (subject to the Highways Authority confirming they raise no objection to the scheme). Local Need is the matter which I consider has not been robustly evidenced. However I consider that there are other matters which need to be weighed in the balance in coming to a rounded view.

In this instance the proposal is one of very few where, in bringing about the scheme in its entirety, it would bring about genuine heritage enhancements through an improved setting for the

adjacent listed building and that of the Conservation Area. The site provides a real opportunity to enhance and better reveal the significance of the heritage assets in this location and would deliver a high quality scheme that respects its surroundings. I give significant weight to this element.

Therefore in considering the matters as a whole, I am persuaded that in the balance the enhancements to heritage outweighs that fact that the applicant has failed to demonstrate a proven local need. I also take the view that a lesser scheme (a reduced footprint and potentially a lesser number of dwellings) would be unlikely to screen the more negative influences to the Conservation Area in such an effective way and this justifies the provision of the 3 dwellings on this occasion. However this is only subject to the finer details of the design being secured through robust conditions to ensure that the enhancements are delivered in the way envisaged. Subject to these matters, I recommend approval.

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, Proposed Site and Block Plan DB 423-A311 Rev C, Proposed Dwelling Plans and Elevations DB 447-A312 Rev A, Site Location Plan DB 423-A310 Rev A unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until a full schedule of the external facing materials, namely bricks and roof tiles (samples to be provided upon request) 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.

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

04

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

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

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Chimneys

Soil and vent pipes

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

05

No development shall be commenced until details of the brick bond for the elevations facing Main Street and Morgan's Close have been submitted to and approved in writing by the Local Planning Authority. The approved brick bond shall be implemented in full.

Reason: To ensure that the development preserves the setting of the adjacent listed building and delivers an enhancement to the setting of the adjacent Conservation Area without which planning permission may not have been granted.

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.

means of enclosures including all boundary treatments (details to include, design, materials, height where appropriate etc);

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

07

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

The approved hard landscaping shall be completed prior to first occupation of any of the dwellings hereby approved.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of biodiversity, visual amenity and ensuring that the developments provides a suitable boundary treatment to preserve or enhance the setting of the adjacent Conservation Area and biodiversity.

08

Prior to first occupation of any dwelling hereby permitted, the parking spaces and turning areas shown on plan DB 423 – A311 Rev C shall be provided in materials to be first agreed in writing (as part of Condition 06) and shall thereafter be retained for the lifetime of the development. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: To ensure that adequate provision is made for off-street car parking to discourage on-street parking in the interests of highway safety and seeking to ensure that the character and appearance of the adjacent Conservation Area is preserved.

09

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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

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

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

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

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

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

10

No dwelling hereby approved shall be first occupied until all three dwellings approved by this permission have been completed and are fit for occupation.

Reason: To ensure that the development is delivered in a single phase in its entirety to bring about the enhancements to the setting of the adjacent heritage assets, without which planning permission may not have been granted.

11

No part of the development hereby permitted shall be brought into use until the vehicular accesses onto Morgans Close and Main Street have been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan (DB423-A311 Rev. C).

Reason: In the interests of highway safety.

12

No part of the development hereby permitted shall be brought into use until the visibility splays shown on site plan DB423-A311 Rev. C are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

13

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

Reason: In the interests of highway safety.

Notes to Applicant

01

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

02

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

03

In respect of the conservation conditions concerning architectural details, you are advised that it is expected that windows facing onto the Conservation Area would be timber with no trickle vents on roadside elevations. Roof tiles should be natural clay pantiles of a non-interlocking variety. Mock cast rainwater goods would be acceptable; half round gutters on rise and fall brackets with round down pipes are suggested.

04

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

05

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

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

06

The development makes it necessary to construct two vehicular crossings (1 from Morgans Close and 1 from Main Street) 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 tel: (0115) 993 2758 to arrange for these works to be carried out.

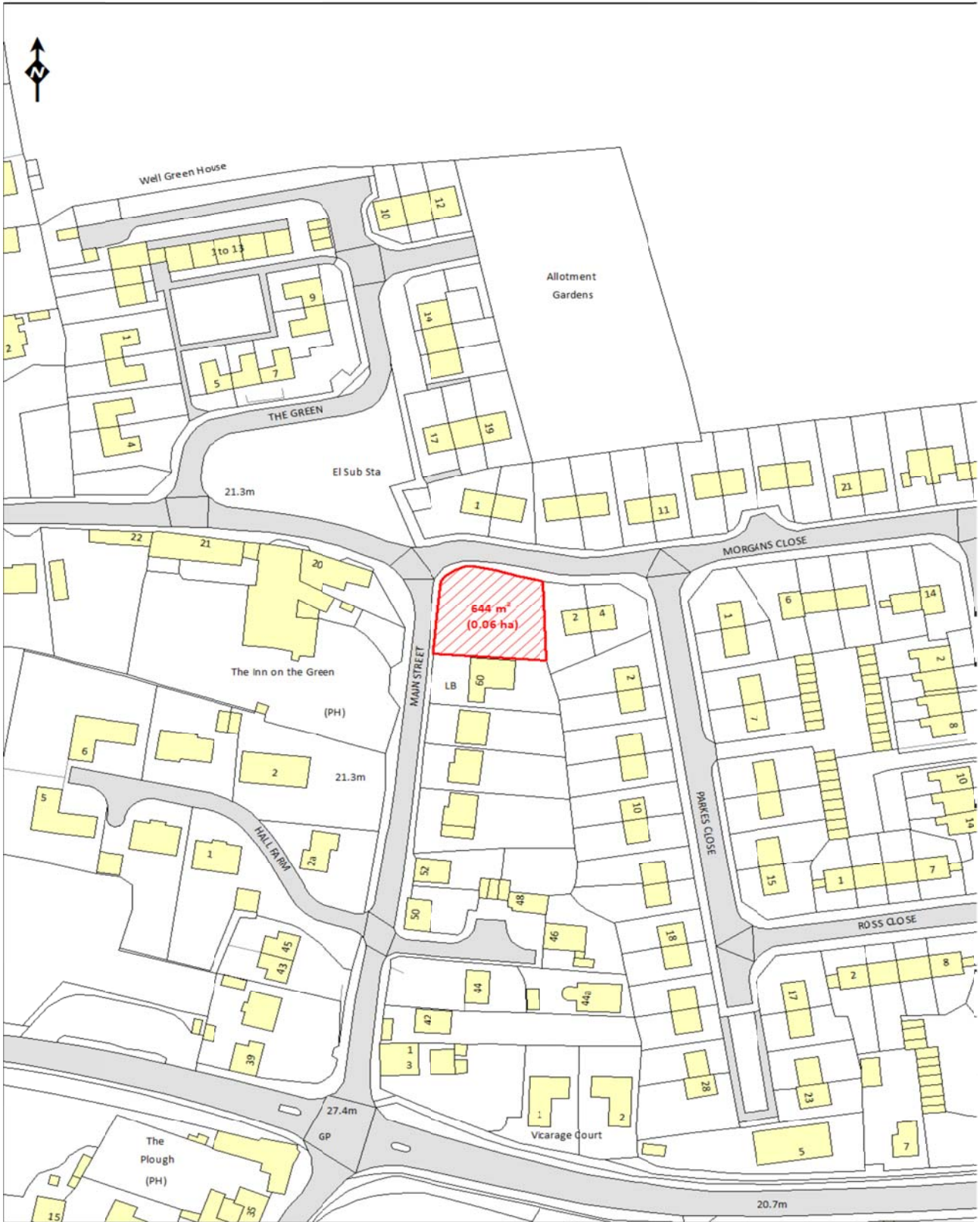
BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on Ext 5834

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

Kirsty Cole
Deputy Chief Executive



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Application No:	15/00745/FUL	
Proposal:	Extension to existing farm shop and a tea room	
Location:	Maxeys Farm Shop, Hockerton Road, Kirklington, Nottinghamshire	
Applicant:	Mr And Mrs Keith And Katharine Maxey	
Registered:	12 May 2015	Target Date: 7 July 2015

The Site

The application site is situated within the countryside and is located on the south side of the A617, between Hockerton and Kirklington. The site itself is set lower than the adjacent road and comprises a wooden built farm shop and car parking area as approved (at appeal) under 08/01982/FUL. To the rear of, and attached to the farm shop is a green metallic extension that was approved under 12/00563/FUL. The site surrounding the farm shop is open land used for horticulture. The surrounding area around the site is comprised of agricultural land interspersed with scattered farms.

Relevant Planning History

12/00563/FUL – Butchery preparation room, storage room, changing facilities, office – Approved.

08/01982/FUL – Erection of a farm shop and associated parking. The application was refused by planning committee on the 10th December 2008 for the following reason:-

“The proposal conflicts with Policies 1/1, 2/10 and 7/3 of the Nottinghamshire and Nottingham Joint Structure Plan and Policies FS1, NE6 and S14 of the Newark and Sherwood Local Plan and therefore would constitute an unsustainable form of development and an unwarranted visual intrusion within the countryside.”

08/01982/FUL – Erection of a farm shop and associated parking – Application Withdrawn July 2008

The Proposal

Planning permission is sought for the extension of the existing farm shop and the addition of a tea room incorporating a meeting room for business use. The proposed extensions will be predominantly L-shaped and have pitched roofs with maximum ridge heights of c7m. The proposed extension to the farm shop will have a floor area of 358m² and the tea room 265m². External materials are proposed as being oak cladding, straw bales and lime render to the walls and Sandtoft Old English pantiles and shingle to the roof.

Some 30 additional car parking spaces are proposed to the north east of the existing car park.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 6: Shaping our Employment Profile
Core Policy 8: Retail Hierarchy
Core Policy 9: Sustainable Design
Core Policy 11: Rural Accessibility
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 DM8 – Development in the Open Countryside
Policy DM11 – Retail and Town Centre Uses
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Landscape Character Assessment 2013

Consultations

Kirklington Parish Council – “Kirklington Parish Council has no objection to this proposal.”

Hockerton Parish Council – “At a village meeting on 2 June 2015, plans were presented, a vote was taken and the outcome was one of unanimous support for this application.”

NCC Highways Authority – “Whilst the application site is of sufficient size to accommodate additional development, there is no site plan showing the layout of the parking facilities. The information submitted states that an additional 40 parking spaces are proposed, and as a meeting room, tea room and shop are proposed to be on site, the plan is required to ensure adequate parking provision for both staff and visitors. Could this matter be addressed.”

Subsequent comments have been received as follows:-

This proposal will result in a total of 57 car parking spaces being provided. An additional 10 full time and 8 part time staff are expected. There are no alterations proposed to the existing access onto the A617 road. As such, there are no highway objections subject to the following:

No part of the development hereby permitted shall be brought into use until the car parking area has been constructed and made available in accordance with the details shown on drawing no. MFS/2015/01. Reason: In the interests of highway safety.

NCC Rights of Way Officer – “The developer should be aware that Hockerton FP3 runs along the access road access track to the farm shop and Brickfield Farm, but it will not be directly affected by the proposed extension.”

Nottinghamshire Ramblers Association – “I am responding on behalf of Nottinghamshire Ramblers. As long as Hockerton Footpath 3 is unaffected by this development we have no objection.”

Two representations have been received from local residents/interested parties supporting the proposal. The representations can be summarised as follows:

- Support local growing business.
- As with any successful business there is the need to grow and develop and this planning application represents this natural progression.
- Existing business was judged to be the best small farm shop in the UK by FARMA (the national association of farm retailers).
- By expanding the business, the shop will be able to increase sales of produce from the farm and from the local area; it will also be able to increase job creation within the local area.
- The expansion is sizable in relation to the business but in relation to farm retail businesses it is within a realistic scale.
- It is worth noting, that many industry experts believe it not possible to make a viable business from less than 50 covers in a coffee shop.

One representation has been received from a local resident/interested party objecting to the proposal. The representation can be summarised as follows:

- No need in this part of the district for another eating facility as the area is already well served in this respect.
- Proposal will place further pressure on existing such businesses which could be damaging to continued viability – e.g. Closure of The Spread Eagle Pub, in Hockerton.
- Concerns raised regarding having so much additional traffic to the site, off a very busy main road without significant highway alterations.

A 49 Page petition in support of the provision of a café/tea room on site has also been submitted. The Applicants design and access statement states that there are 1336 signatures of support.

Appraisal

Principle of Development

The proposal site is located outside of the centres and villages as defined by policy Spatial Policy 1 & Spatial Policy 2 of the Core Strategy and therefore falls to be considered against the sustainability criteria of policy Spatial Policy 3 relating to Rural Areas. Under this policy development away from the built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policy DM8 contains guidance on such applications which focuses on strictly controlling development in the open countryside to certain types of development of which there are 12. Rural diversification and employment use are considered applicable to this proposal.

It is considered that this proposal involves an increased level of rural diversification further developing and extending the existing farm shop on site. Policy DM8 states that proposals for rural diversification should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible. With this in mind it is important to consider the existing floor space of the original farm shop, its subsequent extension approved under 12/00563/FUL and the proposed new floor space that will be created by the proposed shop extension, tea room and associated facilities.

	Original floorspace	Existing extension	Proposed extension
Floorspace in Metres Squared	140	90	688 (358 shop ext & 265 Tea Room)
% increase over original	-	64.28%	491.42%
% increase over existing building	-	-	299.13%

(Measurements are external)

The table above demonstrates that the original farm shop has already been extended by 64.28 % (approved under 12/00563/FUL) and I consider this to be at the limits of what is proportionate to the existing business with respect to both the increase in scale of the new building (purpose built for the original farm shop) and with regard to the nature of the business. This existing extension has increased the floor area of the building by more than 50%, providing floorspace for a butchery preparation room, storage room, changing facilities and office. These uses are considered to be ancillary to the farm shop supporting its function.

The proposed development would increase the size of the already extended building by nearly 300%. It is considered that this size increase is grossly disproportionate to the original floor space of the farm shop (being nearly 500% greater) and therefore not in accordance with Policy DM8 in relation to rural diversification with regard to scale.

In considering the current proposal further in relation to rural diversification, I have considered some of the information submitted and assessed as part of the original planning application given that it refers to the nature of the business at that time, specifically the source of the goods that

would be for sale in the farm shop. Some 37% of goods were to be sourced from beyond the associated agricultural holding on site. This was considered acceptable by the inspector who allowed the appeal, thus granting planning permission. The Information submitted by the applicant with this current application states that approx. 100 separate suppliers currently provided goods for the farm shop and the proposed extension would facilitate further off site suppliers in providing goods. I consider that the nature of the business is therefore likely to be disproportionately expanded beyond the originally approved farm shop due to an increase in retail floorspace of 358m² which would result in the farm shop being more than double its current size. The proposed tea room (which includes a meeting room for public meetings or private hire) will be an additional use on site. The supporting documentation states that produce from the farm shop will be used to produce items for sale in the tea room. I consider this to be a rather tenuous link between the two uses and not proportionate in nature to the existing business.

Under employment uses of policy DM8, proposals for proportionate expansion of existing businesses will be supported where an ongoing contribution to local employment can be demonstrated. I note that a number of full and part time jobs are proposed by the applicant. However, as discussed above, I do not consider that the proposed extension is proportionate with regard to its scale nor its nature.

Policy DM11 seeks to support retail development of a scale proportionate to its location that increases rural sustainability, supports local agriculture or farm diversification in accordance with the aims of Core Policy 11. Again I refer to the above paragraphs where it is considered that this proposal is not proportionate to its location and whilst the existing modest farm shop might serve local need, the proposed expansion would in my opinion be of a scale which goes significantly beyond this and would not promote rural sustainability which would be contrary to these policies.

Overall I consider that the proposal is not complimentary and proportionate to the existing business in nature and scale and would be unsustainable in this location. The proposal therefore fails to accord with policies DM8 and DM11 of the Allocations and Development Management DPD as well as Core Policy 11 and Spatial Policy 3 of the Core Strategy.

Visual Amenity

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 34 (Hockerton Village Farmlands) which defines the landscape condition as being good and landscape sensitivity as moderate.

The landscape is characterised by a gently very undulating rounded topography with medium distance views to frequently wooded skylines, although often enclosed by vegetation and some low intensity farming with permanent improved pasture and riparian vegetation following the lines of streams and drains.

The policy action for this area is 'Conserve and Reinforce' with specific actions in terms of built features being focused on conserving the rural character of the landscape by limiting any new development around the settlements of Edingley, Kirklington, Hockerton and Normanton, maintaining the use of vernacular materials, style and scale and promoting measures for conserving and reinforcing the traditional character of existing farm buildings.

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the LCA.

The surrounding area has a very open character with the isolated pockets of development that do occur in the form of farm buildings being set back some distance from the road. The current farm shop is set back some 50m from the highway and is clearly visible. I consider that the formation of a much more substantial building closer to the highway (approx. 23m) with associated additional parking area would have a significantly detrimental urbanising effect on this part of the countryside which would not comply with the policy actions to conserve and reinforcing the rural character of the landscape identified within the LCA and would therefore fail to accord with Core Policy 9 and Core Policy 13 of the Core Strategy and policy DM5 of the Development Management and Allocations DPD.

Transport impacts

Spatial Policy 7 of the N&SDC Core Strategy supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. Development proposals should amongst other criteria minimise the need for travel.

It is considered that the proposed extension of the farm shop and provision of a tea room will attract more car borne travel. The site is not well served by public transport and all visitors will use private cars to access the facilities provided. The proposed extension will expand the scale of the farm shop allowing for a larger range of products to be offered for sale. It is considered that this will result in a more attractive retail offer which will increase car borne trips and potentially larger purchases. This is considered to change the nature of the business which will develop beyond its relatively modest scale. The addition of a tea room and meeting room for hire will further increase car borne trips. Overall I find that the proposed extension to the activity and the level of traffic likely to be generated to the site is unsustainable in this location with regard to the aims of Spatial Policy 7 and the NPPF.

The existing site access will be retained and additional car parking is proposed adjacent to the existing provision. I note that the Nottinghamshire County Highways Authority have raised no objections to the proposal subject to a condition requiring that no part of the development shall be brought into use until the parking area has been constructed and made available in accordance with details shown on the site layout. Notwithstanding this the overriding concerns as to the impact on the character of the area and the sites unsustainable location remain as set out above.

Conclusion

Overall I find the proposal would result in a disproportionate expansion of the existing farm shop in terms of its scale and the nature of the business. Due to this increase it is expected that there would be an increase in car borne traffic to a level which is unsustainable given the countryside location. The proposed development would also impact on the rural setting of the site by virtue of its scale and massing which would detract from the landscape character and openness of the surrounding countryside.

RECOMMENDATION

That full planning permission is refused for the following reason;

01

The District Council considers that by virtue of its nature and scale the proposed development does not compliment and is significantly disproportionate to the existing business and as a result would be unsustainable and inappropriate in this location. The scale and form of the proposal would also have a harmful impact on the visual amenity and landscape character of the open countryside setting. The proposal is therefore contrary to the guidance in the National Planning Policy Framework (2012) and the aims of policies DM5, DM8 and DM11 of the Newark and Sherwood Allocations and Development Management DPD (2013) as well as Core Policies 9, 11 and 13 and Spatial Policy 3 of the Core Strategy.

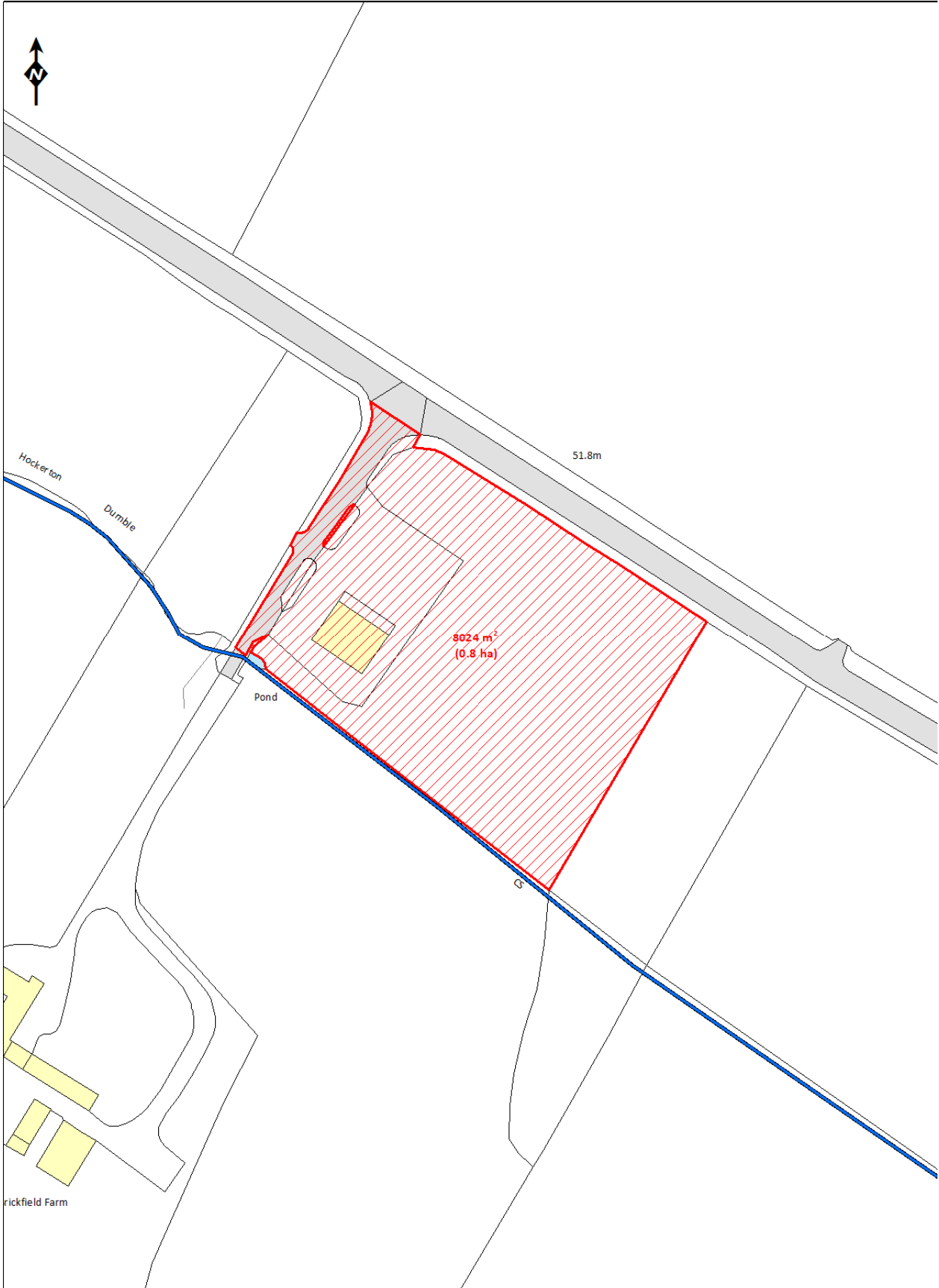
BACKGROUND PAPERS

Application case file.

For further information, please contact 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



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Application No:	15/00599/FUL	
Proposal:	Shopping Centre Rebrand with Public Realm Improvements including new painted facades, signage, painting, lighting, planting and seating.	
Location:	St Marks Place Shopping Centre, St Marks Place, Newark on Trent Nottinghamshire	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	21st April 2015	Target Date: 16th June 2015
	Extension of time agreed until 13th August 2015	

The Site

St Marks Place is a 1970's pedestrianised shopping centre comprising contemporary shopfronts and modern red brick and clad painted facades which is centrally located within Newark Town Centre and within the Newark Conservation Area. The Centre also falls within the Primary Shopping Frontage. It has a number of access points from the Market Place and Stodman Street to the north, Lombard Street to the south and Carter Gate to the east.

The access lanes to the north connecting the Centre to the Market Place are flanked by a number of Listed Buildings. The existing surfacing of the public realm within the Centre consists of a variety of finishes and style of pavers which are in very poor condition in places and have been poorly repaired. There is variety of street furniture (planters, bollards, lighting columns and seating) located around the public realm.

Relevant Planning History

An advertisement consent application has been submitted in conjunction with this application seeking consent for illuminated advertisement light boxes and non-illuminated signage – application ref. 15/00600/ADV.

6 no. Listed Building Consent applications have also been submitted in conjunction with the full planning and advertisement consent applications seeking consent for signage and the repainting of existing facades - application refs. 15/00601/LBC, 15/00603/LBC, 15/00604/LBC, 15/00605/LBC, 15/00607/LBC and 15/00608/LBC.

The Proposal

Full planning permission is sought for the rebranding and public realm improvements as outlined below:-

- Proposed replacement paving (phased development);

- Pockets of recessed LED lighting set within new paving;
- 3 no. planters and seating to Clinton Arms Court;
- Painted wall graphic at St Marks Lane;
- 4 no. Kiosk carts to Clinton Arms Court; and
- 7 no, planters (3 with light boxes above) and 4 seating (1 with light box above) to St Marks Lane.

Following discussions in relation to the proposed ground level lighting, painted walls and surfacing revised plans have been deposited on the 24th July 2015 which updates the details of the proposals.

Banners, signage and light boxes are also proposed as part of the improvements which are considered in the accompanying advertisement consent application (ref. 15/00600/ADV).

The painting of external facades and signage to some of the Listed Buildings flanking the access walkways is proposed as part of the improvements to the public realm. These are considered in the accompanying Listed Building consent applications (refs. as outlined above).

Departure/Public Advertisement Procedure

Occupiers of 225 properties have been individually notified by letter. A site notice has also been displayed near to the site and a press notice published.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

CP 8: Retail Hierarchy

CP 9: Sustainable Design

CP 14: Historic Environment

NAP1 – Newark Urban Area

Allocations & Development Management DPD

Policy NUA/TC/1 Newark Urban Area – Newark Town Centre

Policy DM5 – Design

Policy DM11 – Retail and Town Centre Uses

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Newark Town Council – Objections have been raised to some detail as outlined below:-

- The main concern was the colour scheme, particularly at the Clinton Arms entrance.
- The colours should be sympathetic to the historic environment and also reflect the historic period.
- There should be an interface between the old and the new parts of Newark.
- There should be no internally illuminated signs. The SPD was adopted 2 months ago and these type of signs are not permissible.
- Halo lighting was suggested as an alternative or uplighters.

Any additional comments received following reconsultation on amended plans will be reported verbally to Committee.

Newark Civic Trust – Support the proposal.

Historic England – Comments received generally relate to the proposed signage and Listed Building proposal. However with regards to the public realm it is noted that a large part of the historic core of the conservation area was resurfaced as part of a town centre public realm strategy which was originally adopted by the District, County and Town Councils in 1990's and has been used as a template for detailed design work to highway and footways. This strategy has been successful in both upgrading the visual quality of streets within the town centre and enhancing the quality of the conservation area. It is therefore disappointing that this approach has not been adopted in relation to the current application.

Historic England, however, to defer this element of the application to the Councils in-house conservation advice and would draw the authority's attention to various advice publications including *Street for all- East Midlands 2006* which outlines the general principles when considering new design in public realm and your own SPD on *Shopfronts and Advertisements*.

NSDC Conservation – It is considered that St Mark's Place makes a neutral contribution to the character and appearance of the wider Conservation Area. Its contemporary form and design is of its time and the applicant is seeking to re-brand and re-vitalise the existing environment with new materials, new signage, new lighting, painted facades, light boxes and new seating and planting areas.

According to the submitted Design and Access Statement, the new branding seeks to identify and represent features that are of importance and unique to Newark. The crenelated pattern with yellow background is to reflect the castle, the vertical striped pattern on a red background represents the market stalls, the up and down pattern on a blue background the River Trent and the diagonal striped pattern on a green background the surrounding countryside. These themes are reproduced in various ways throughout the proposals. Careful consideration has been given to the appropriateness of the modern vibrant colours proposed by the scheme, following comments received from the Town Council and the view of Conservation is that they are not considered to be detrimental in their context.

The proposals including re-paving the majority of the area with a new stone paving, introducing a recessed metal channel feature and concentrations of LED spot lighting within the surface. Within the more sensitive historic yard areas, where there are existing historic cobbles, bricks and tiling laid out on the ground surface (eg where the walkways are adjacent to the Market Place), these

should be retained. In all other areas, a new consistent natural stone paving surface would represent a visual improvement to the predominantly square concrete paving slabs that are currently in place. The proposals of lighting and a metal channel are contemporary additions that would add some interest to an otherwise featureless surface. Although the applicant did state during the early stages of the application that the new paving would be a York stone, it is understood that negotiations are continuing with the Highway Authority in terms of future maintenance and so therefore Conservation is satisfied that the end material can be conditioned at this stage.

The proposals also include the painting of some areas of modern brickwork within the shopping precinct with a white background, black signage and small areas of feature colours. The walls to be treated in this way are located on the Marks and Spencer building as a back stop at the end of walkways (eg St Mark's Lane and the access from Lombard Street). A thematic map is also proposed to be painted on a modern brick façade at the top of St Mark's Lane. Whilst this reduces the amount of red brick in the precinct which contributes to its character and historic red brick context, Conservation is satisfied that this small level of change would not be harmful to the overall character of the area. There is some concern, however, that some painted finishes can deteriorate over time and so to prevent harm to the appearance of the area in the future, it is recommended that a condition be imposed that requires a maintenance schedule to be submitted and approved. The painting and signs proposed to the side elevations of the narrow alleyways are considered separately in detail under the listed building consent applications, but following amendments through negotiation are considered to be acceptable in principle.

The seating and planting features to be introduced are contemporary in design in natural materials. Provided these features are to be fixed on top of the new paving in the Clinton Arms Yard and not on the historic brick surface (which is what the submitted plans show), Conservation would raise no objection.

The new signage proposed consist of a mixture of black metal signage at high level (the banner sign at the entrance to St Mark's Lane, three flag type signs along the Lombard Street access and three flag type signs along the access with Carter Gate), black painted signs, light boxes and non-illuminated shop front infills. The internally illuminated light boxes are situated along long blank walls of brick (eg St Mark's Lane). The information submitted with the application states that their dimensions in terms of depth from the wall would be 50mm. Whilst it is acknowledged that the adopted SPD seeks to restrict the use of internally illuminated fascia signs in the Conservation Area, it is considered that given their design and size, these light boxes are more akin to a shop window. The boxes should however, be as slim line as possible and precise details should be conditioned. The other concern that Conservation has is in relation to the light boxes and making sure that levels of illumination are minimal to prevent highly illuminated, garish and intrusive features within the Conservation Area. The submitted forms states that luminance levels proposed is 500 candelas per sq m, however, this should be reduce to a maximum of 200 by condition. The wrought iron effect signage depicts an historic industrial nature which is considered to be appropriate. Subject to a condition restricting levels of illuminance, Conservation raises no objection.

In conclusion it is considered that the proposals would represent an enhancement to the appearance of the Conservation Area and that the character of the historic rear yard areas would be preserved, in accordance with Section 72 of the 1990 Act and in compliance with the Development Plan and the NPPF. Special regard has been had to the setting of the listed buildings in the vicinity and it is considered that the scheme would not be harmful to their setting. Conservation therefore raise no objection, subject to conditions being attached should permission

be granted requiring that prior to commencement a full palette of external materials and finishes, a full maintenance schedule for all painted surfaces and full details of the proposed light boxes are submitted to and approved in writing by the District Council together with a condition restricting the levels of luminance of the light boxes and the siting of the new seating/planting areas.

NSDC Environmental Health – no comments have been received.

NCC Highways Authority – Initial holding objections were raised in relation to details of lighting, overhead signage and paving materials. Revised plans and details have been deposited and discussions held with the Highway Authority and the applicant and agent with regards to the proposed paving materials. Since much of St Marks Place is public highway maintainable by the County Council, the Highway Authority would need to be satisfied that chosen/agreed materials are easy to maintain, readily available and robust enough to take occasional vehicular use. No objections are raised to the paving proposals providing details of type, size and construction are submitted for approval. This could be secured by condition. It is expected that a commuted sum will need to be paid to the County Council for future maintenance of the paved areas within the extent of the public highway. This would be covered in the Section 278 Agreement.

With regards to the proposed ground level lighting, no objections are now raised. However, the ownership and maintenance of such lighting would remain with the applicant which could be secured through the licensing procedures under Section 50 of the New Roads and Street Works Act 1991 which allows for the installation, maintenance and removal of private apparatus within the public highway. It is understandable that the applicant may wish to select lighting options for aspheric purposes to achieve the ambience that the refurbishment is designed to achieve and the highway authority will work with them on this but there are, due to safety considerations for electrical installations and the safety of the public in the dark, various technical standards that will need to be met.

NSDC Access and Equalities Officer - It is recommended that the applicants attention is drawn to BS8300: 2009 Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice – and Inclusive Mobility together with the requirements of the Equality Act 2010.

One email of representations have been received from a local residents/interested party which relates to the proposed kiosks. This raises concern that the kiosk will obscure shop frontages and be detrimental to trade.

Comments of the Business Manager

The application relates to public realm improvements to a shopping centre within Newark Town Centre and the Newark Conservation Area. A number of Listed Buildings flank the site. The main planning considerations in the assessment of the application will be the design of the proposal and the impact on the designated conservation area and the directly adjacent listed buildings.

Principle of Development

The National Planning Policy Framework (NPPF) outlines the importance that the government places on securing economic growth and notes that local planning authorities should recognise town centres as the heart of their communities, pursuing policies to support their vitality and viability. Policy CP8 of the Core Strategy recognizes that that promoting the growth of retailing is important for maintaining the vitality and viability of existing centres and ensuring that they continue to act as a focus for the community.

Policy DM11 of the Allocations and Development Management DPD recognises that retail development is important to the District in both encouraging economic development and promoting sustainability. Within sub regional and district centres appropriate retail opportunities can encourage inward investment and thereby maintain and enhance their vitality and viability.

The principle of development is therefore considered to be acceptable subject to it not resulting in any undue impact upon the character of the area, the historic environment or highway safety.

An appraisal of the issues associated with this application is set out below.

Design

The NPPF attaches great importance to the design of the built environment, recognizing good design as a key aspect of sustainable development. Paragraph 61 of this document states that, although visual appearance is an important factor, securing high quality and inclusive design goes beyond aesthetic considerations and that planning decisions should address the connections between people and places and the integration of new development in the natural, built and historic environment.

Paragraph 58 recognises that planning decisions should aim, amongst other things, to ensure that developments function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live work and visit, support local facilities, respond to local character and history, reflecting the identity of local surroundings and materials, and that development should be visually attractive as a result of good architecture and landscaping.

Paragraph 64 adds that permission should be refused for development of poor design which fails to take the opportunities for improving the character and appearance of an area and the way it functions. Policy CP9 of the Core Strategy reflects this guidance and adds that development should be of appropriate form and scale to its context complimenting the existing built and landscape environments and take account of the need to promote safe living environments. Policy DM5 of the Allocations and Development Management DPD reflects criteria laid out within both the NPPF and CP9.

The design and form of St Marks Place and its public realm are of its time and the visual quality of the centre appears to have deteriorated over time. There is a lack of consistency in terms of the surfacing materials which currently comprises of a mix of paving slabs and paving bricks with areas of tarmac and some areas of cobble stones, much of which has been repaired and is uneven and of poor appearance. The existing street furniture in terms of bins and seating are in a poor state of repair. The result is that the public realm appears relatively unattractive and fails to reflect the quality of the adjoining Market Square and the wider conservation area setting of the site.

It is considered that the proposals result in a more contemporary feel to the area and will uplift the visual quality of the public realm and the Centre, enhancing the shopping experience. Consequently this would improve the way that St Marks Place functions and would enhance the viability and the vitality of the shopping centre.

Notwithstanding the above it is considered reasonable, should permission be granted, that a condition be attached requiring the submission and written approval of precise details of the

proposed kiosk carts, seating, planters and ground level lighting prior to the commencement of any development.

Overall, I am satisfied that the design and layout of the proposal is acceptable and that it will sit well within the context of St Marks Square and the wider town centre. The proposal therefore complies with the aims of Core Policy 9 and Policy DM5.

Impact on the Character and Appearance of the Conservation Area and Setting of Listed Buildings.

The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 132). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). Paragraph 132 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. Policy CP14 of the Council's Core Strategy and Policy DM9 of the Allocation and Development Management seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance.

I note the comments of the conservation officer and concur that currently St Marks Place makes little contribution to the quality, character and appearance of the Conservation Area. With regards to the proposed paving, as outlined in the design considerations this will create a new consistent surface, which will be a significant visual improvement. It is noted that the cobbled stone areas sited within the more sensitive historic yards are proposed to be retained. Although the proposed kiosk carts, planters, seating and lighting will be contemporary additions these will add visual interest to the public realm and given their siting and design would not, in my opinion, detract from the historic setting of the site.

For the reasons outlined above it is considered that the proposals will enhance the character and appearance of the conservation area whilst preserving the character of the rear historic yard areas together with the setting of the adjacent Listed Buildings and that the development will consequently improve the integration of St Marks Place within the historic environment.

The proposal therefore complies with the aims of the NPPF and Core Policy 14 and Policy DM9.

Highway Issues

Paragraph 58 of the NPPF states that planning decisions should aim to create safe accessible environments and places

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all. I am mindful of the initial concerns raised by the Highway Authority with regards to the proposed paving and ground level lighting. However, I note that following negotiation with the applicant and agent, the highway authority raise no objections to the principle of the proposal.

Notwithstanding this I consider that it would be reasonable to attach a condition should permission be granted requiring precise details of the proposed paving, including installation and bedding details to ensure that it is consistent throughout and sufficiently robust and to safeguard its future maintenance.

Should permission be granted, the applicant should be advised of the requirements of a Section 278 Agreement (Highways Act 1980). with the Nottinghamshire County Council to secure the

future maintenance of the proposed paving and the licensing procedures under Section 50 of the New Roads and Street Works Act 1991 to secure ownership and maintenance of the ground level lighting.

The proposal therefore complies with the aims of the NPPF and SP7.

Other matters

I note the comments received in relation to the proposed kiosks. From the indicative detail deposited with the revised plans and given their siting and modest scale I am of the view that these would not have any significant or detrimental impact on the existing units within shopping centre. Notwithstanding this I do consider it reasonable to attach a condition, should permission be granted, requiring precise details of the proposed kiosk carts.

Conclusion

Taking the above considerations into account I would recommend that planning permission be granted.

RECOMMENDATION

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

01

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

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

02

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

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

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 precise details of the proposed replacement paving have been submitted to and approved in writing by the local planning authority. These details shall include:-

- The size and type of the proposed materials;
- A sample of the proposed materials; and
- A method statement for the construction of the proposed paved areas.

The paved areas shall thereafter be constructed in accordance with the approved details.

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

04

No development shall be commenced until precise details and a full palette of all other external materials and finishes have been submitted to and approved in writing by the local planning authority and these works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the Conservation Area.

05

No development shall be commenced until a full maintenance schedule for all painted surfaces has been submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the Conservation Area.

06

The new seating and planters hereby approved shall only be situated on top of the newly paved areas.

Reason: In the interests of visual amenity and the character and appearance of the Conservation Area.

07

No development shall be commenced until precise details of the proposed Kiosk Carts have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the Conservation Area.

Note to Applicant

01

The application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

For the avoidance of doubt this application should be read in conjunction with advertisement consent ref. 15/00600/ADV. and Listed Building Consent refs. 15/00601/LBC, 15/00603/LBC, 15/00604/LBC, 15/00605/LBC, 15/00607/LBC and 15/00608/LBC.

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/ The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

04

In order to carry out the works within the public highway you will be undertaking work on land which is subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

05

You are advised that in order to maintain the recessed lighting within the paving the owner/contactor will need to enter into a Section 50 License (New Roads and Street Works Act) 1991.

BACKGROUND PAPERS

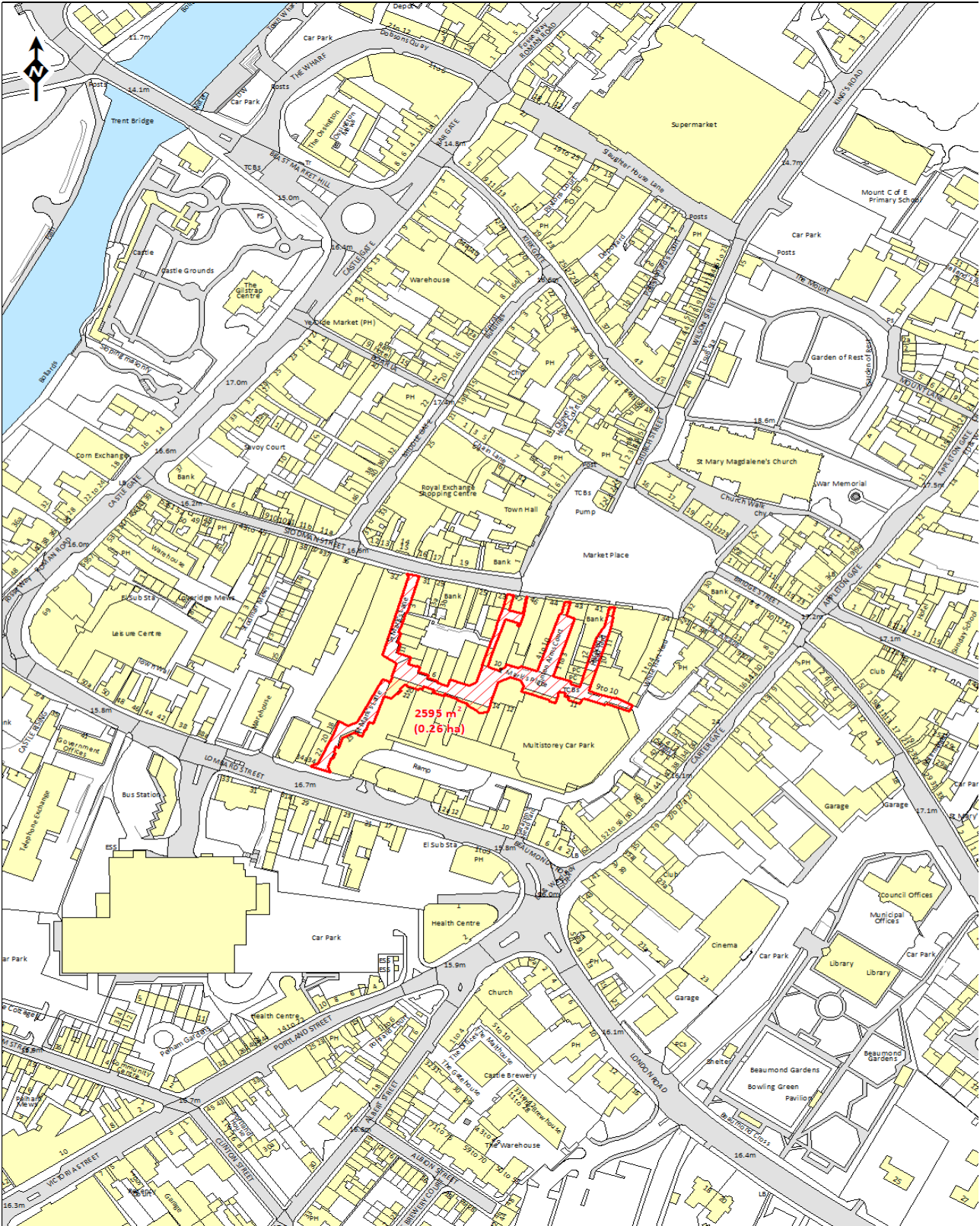
Application case file.

For further information, please contact Bev Pearson on ext 5480.

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 - 15/00599/FUL



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Application No:	15/00600/FUL	
Proposal:	New Signage and advertisement lightboxes forming part of a Rebrand of Saint Mark's Place..	
Location:	St Marks Place Shopping Centre St Marks Place Newark on Trent Nottinghamshire	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	21st April 2015	Target Date: 16th June 2015
	Extension of time agreed until 13th August 2015	

The Site

St Marks Place is a 1970's pedestrianised shopping centre comprising contemporary shopfronts and modern red brick and clad painted facades which is centrally located within Newark Town Centre and within the Newark Conservation Area. The Centre also falls within the Primary Shopping Frontage. It has a number of access points from the Market Place and Stodman Street to the north, Lombard Street to the south and Carter Gate to the east.

The access lanes to the north connecting the Centre to the Market Place are flanked by a number of Listed Buildings. The existing surfacing of the public realm within the Centre consists of a variety of finishes and style of pavers which are in very poor condition in places and have been poorly repaired. There is variety of street furniture (planters, bollards, lighting columns and seating) located around the public realm.

Relevant Planning History

A planning application has been submitted in conjunction with this application seeking permission for a Shopping Centre Rebrand with Public Realm Improvements including new painted facades, signage, painting, lighting, planting and seating – application ref. 15/00599/FUL

6 no. Listed Building Consent applications have also been submitted in conjunction with the full planning and advertisement consent applications seeking consent for signage and the repainting of existing facades - application refs. 15/00601/LBC, 15/00603/LBC, 15/00604/LBC, 15/00605/LBC, 15/00607/LBC and 15/00608/LBC.

The Proposal

Advertisement consent is sought for new signage as part of the rebranding of the shopping centre. The proposal comprises:-

- 1 no. non illuminated overhead sign located at the Stodman Street entrance to St Marks Place. This will be located 5.2m above ground level and will measure 0.53m in height,

5.455m in width and 0.1m in depth.

- 5 no. internally illuminated wall mounted light boxes located at intervals along St Marks Lane and 1 no. within the precinct. These will measure 1m in height, 2.5m in width and 0.1m in depth. The level of illuminance will be 500cd/m.
- 6 no. non illuminated banner signs, 3 located at the Carter Gate entrance and 3 at the Lombard Street entrance. Each which will be sited 3.5m above ground level and will measure 2.5m in height, 0.6m in width and 0.50m in depth;
- 3 no. non illuminated signage plaques located at Egglestones Yard and Saracens Head Yard. Each will be site 1.55m above ground level and will measure 0.35m in height, 1.9m in width and 0.50m in depth; and
- 1 no. high level painted wall sign on St Marks Lane.

Following discussions with the applicant revised plans have been deposited on the 24th July 2015 which update the details of the proposals.

The signage to some of the Listed Buildings flanking the access walkways is also considered in the accompanying Listed Building consent applications (ref. 15/00601/LBC, 15/00603/LBC, 15/00604/LBC and 15/00608/LBC).

Departure/Public Advertisement Procedure

Occupiers of 226 properties have been individually notified by letter. A site notice has also been displayed near to the site and a press notice published.

Planning Policy Framework

The Development Plan

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 (NPPF) Adopted March 2012
- Shopfront and Advertisement Design Guide Supplementary Planning Document (SPD)

- Planning Practice Guidance: Advertisements 2014
- Planning Practice Guidance: Conserving and Enhancing the Historic Environment 2014

Consultations

Newark Town Council – Objections have been raised to some detail as outlined below:-

- The main concern was the colour scheme, particularly at the Clinton Arms entrance.
- The colours should be sympathetic to the historic environment and also reflect the historic period.
- There should be an interface between the old and the new parts of Newark.
- There should be no internally illuminated signs. The SPD was adopted 2 months ago and these type of signs are not permissible.
- Halo lighting was suggested as an alternative or uplighters.

Newark Civic Trust – Support the proposal.

Historic England – Comments received generally relate to the proposed painting of walls of listed building signage and public realm improvements and Listed Building proposal. However with regards the signage Historic England defer this element of the application to the Councils in-house conservation advice and would draw the authority's attention to various advice publications including *Street for all- East Midlands 2006* which outlines the general principles when considering new design in public realm and your own SPD on *Shopfronts and Advertisements*.

NSDC Conservation – It is considered that St Mark's Place makes a neutral contribution to the character and appearance of the wider Conservation Area. Its contemporary form and design is of its time and the applicant is seeking to re-brand and re-vitalise the existing environment with new materials, new signage, new lighting, painted facades, light boxes and new seating and planting areas.

With regards to the new signage proposed this will consist of a mixture of black metal signage at high level (the banner sign at the entrance to St Mark's Lane, three flag type signs along the Lombard Street access and three flag type signs along the access with Carter Gate), black painted signs, light boxes and non-illuminated shop front infills. The internally illuminated light boxes are situated along long blank walls of brick (eg St Mark's Lane). The information submitted with the application states that their dimensions in terms of depth from the wall would be 50mm. Whilst it is acknowledged that the adopted SPD seeks to restrict the use of internally illuminated fascia signs in the Conservation Area, it is considered that given their design and size, these lightboxes are more akin to a shop window. The boxes should however, be as slimline as possible, and precise details should be conditioned. The other concern that Conservation has is in relation to the light boxes and making sure that levels of illumination are minimal to prevent highly illuminated, garish and intrusive features within the Conservation Area. The submitted forms states that luminance levels proposed is 500 candelas per sq m, however, this should be reduce to a maximum of 200 by condition. The wrought iron effect signage depicts an historic industrial nature which is considered to be appropriate. Subject to a condition restricting levels of illuminance, Conservation raise no objection.

In conclusion it is considered that the proposals would represent an enhancement to the appearance of the Conservation Area and that the character of the historic rear yard areas would be preserved, in accordance with Section 72 of the 1990 Act and in compliance with the

Development Plan and the NPPF. Special regard has been had to the setting of the listed buildings in the vicinity and it is considered that the scheme would not be harmful to their setting. Conservation therefore raise no objection, subject to conditions being attached should permission be granted requiring that prior to commencement a full palette of external materials and finishes, a full maintenance schedule for all painted surfaces and full details of the proposed light boxes are submitted to and approved in writing by the District Council together with a condition restricting the levels of luminance of the light boxes and the siting of the new seating/planting areas.

NSDC Environmental Health – No comments are made.

NCC Highways Authority – Initial holding objections were raised in relation to the overhead signage. Following the receipt of revised plans and details no objections are raised.

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

Comments of the Business Manager

The impact of the proposed signage on the heritage assets is assessed in the Listed Building Consent applications submitted in conjunction with this advertisement consent application.

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

Impact on Amenity

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

The visual amenity of the area has to be considered in the context of the location of the site within an important part of Newark Conservation Area.

The Council's adopted SPD on shop fronts and advertisements outlines the general principles for signage on buildings. Lettering should always be simple and well-designed taking into account the character of the building.

I note the comments of the conservation officer and consider it reasonable to attach a condition should consent be granted the level of illumination of the light boxes be restricted to 200 c/dm to ensure that there would be no detrimental impact upon the conservation area.

Taking the above into account it is considered that the proposed signage would sit well within the Shopping Centre and would relate well to the town centre setting of the St Marks Place. Given the extent of the application site, it is not considered that the proposed advertisements would result in an over proliferation of signage to the detriment of the surrounding area and would not detract from the visual amenity of the locality, intrude upon or interrupt the setting of nearby listed buildings or the character or appearance of the Conservation Area.

Impact on Public Safety

I note that the Highway Authority raises no objection to the proposed advertisements and concur that the proposal would not result in any public safety issues.

Conclusion

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

Conclusion

Taking the above considerations into account I would recommend that advertisement consent be granted.

RECOMMENDATION

That advertisement consent is approved subject to the conditions and reasons shown on the attached recommendation sheet.

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

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

02

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

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

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 consent.

03

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

Reason: In the interests of visual amenity.

04

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

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

05

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using the highway.
- (b) obscure, or hinder the ready interpretation of, any traffic sign; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

06

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

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

07

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

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

08

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

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

09

No development shall be commenced until precise details of the light boxes have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the Conservation area.

010

Notwithstanding the details deposited with the application, the levels of illuminance within the internally illuminated light boxes shall not exceed 200 candelas per square metre at any time.

Reason: In the interests of visual amenity and the character and appearance of the Conservation Area.

Note to Applicant

01

The application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

For the avoidance of doubt this application should be read in conjunction with Listed Building Consent refs. 15/00601/LBC, 15/00603/LBC, 15/00604/LBC, 15/00605/LBC, 15/00607/LBC and 15/00608/LBC.

BACKGROUND PAPERS

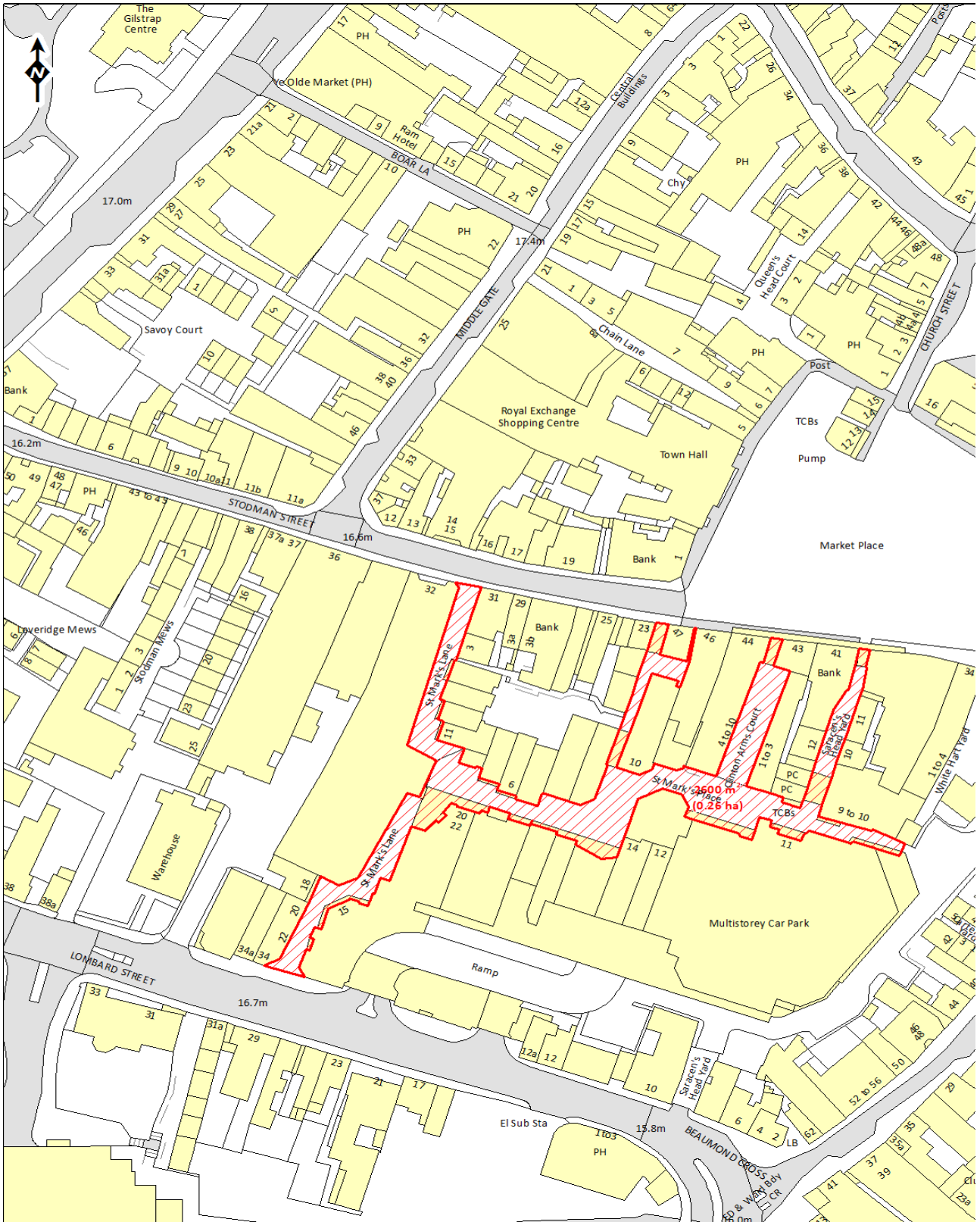
Application case file.

For further information, please contact Bev Pearson on ext: 5840.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00600/ADV



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Application No:	15/00601/LBC	
Proposal:	Re-paint of existing painted facades of 40 and 41 Market Place forming the access to Saracens Head Yard with new St Mark's Place branding and signage	
Location:	40 and 41 Market Place, Newark on Trent	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	28 April 2015	Target Date: 23 June 2015
		Extension of time agreed until 14 August 2015

The Site

The Grade II* listed 40 and 41 Market Place, formerly known as the Saracen's Head dates from 1721 with late C20 alterations and is a former coaching inn with a rear yard. It is a substantial and attractive Georgian brick and pantile building with stone dressings and sash windows. In the centre of the first floor is a niche with Saracen's Head bust. The ground floor has an 8 bay Tuscan arcade and cornice behind which sits the front entrances and shopfronts. The central bay forms the former carriage entrance to the rear yard, which is a curved arch to the rear but a square opening to the Market Place elevation and within.

This now forms a walkway between the historic Market Place and the contemporary St Mark's Place to the rear. On the eastern side of the walkway (serving WHSmith) is a square contemporary glazed opening, the walls are rendered and painted white with a low level plinth. On the western side is a red and white sign of traditional design (common to signage all around the historic core) announcing Saracen's Head Yard and beyond that at a similar height is a bust of the Prince of Wales feathers dated 1981. The walkway retains its historic cobbled surface.

The buildings, along with the many other listed buildings in the vicinity, provide a significant contribution to the historic core and Market Place of the town and are situated within the heart of Newark Conservation Area. They front the Market Place; however, to the rear they are within the setting of St Marks Place Shopping Centre which is a modern 20th century pedestrianised shopping centre with contemporary shopfronts and modern red brick and clad painted facades.

Relevant Planning History

Various applications recently for change of use, internal alterations and advertisement consents to No 41 (Barclays Bank).

The Proposal

Listed Building consent is sought for a 1.1m high plinth of square patterned mustard coloured paint to be applied to both sides of the walkway with the existing white paint being retained above. As originally submitted, the existing Sacaren's Head Yard red and white traditional sign was to be re-positioned to the rear on the eastern side of the walkway (adjacent to the glazed opening) closest to St Mark's centre and a new black sign be painted on the white background announcing St Marks Place on the western side of the walkway adjacent to the Market Place.

However, through negotiation, this has now been amended and the existing historic sign will be retained in its current position and the new painted St Marks Place sign will be situated towards the rear of the walkway adjacent to the shopping centre.

Departure/Public Advertisement Procedure

Occupiers of fourteen 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.

Legal and Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special regard to the desirability of preserving the listed building, its setting and any architectural features it may possess. In this context, 'preservation' means to cause no harm.

Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Adopted March 2012
- Planning Practice Guidance (PPG) on-line resource
- Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

Consultations

Newark Town Council – No comments received at the time of writing the report.

Historic England – Newark Market Place is at the core of Newark Conservation Area. It is a large public space surrounded by a significant number of listed buildings of exceptional high quality, which are predominantly Georgian in character. The space is a tapered rectangle form where surrounding narrow streets radiate out, densely packed with historic buildings providing unfolded views to a series of closed vistas'. The Market Place has a strong sense of enclosure, with buildings on all sides having continuous frontage lines, which are only broken by street and passage entries. It is the entries to the south side of this space which leads to a series of yards which are the focus of these proposals. The St Mark's Place Centre was developed in the 1970's. It was one of the first examples of a shopping centre to be successfully integrated into a historic area made up of lanes and alleyways, leading into the market place. Use of brickwork was an integral part of the design.

A number of listed buildings are included within the proposals, including the Governor's House which is Grade I listed in recognition of its exceptional national significance as a building of special architectural and historic interest and character, placing it within the top 2% of listed structures in England. No's 40, 41 and 43, 44 Market Place are Grade II* in recognition of their more than special architectural and historic interest, placing it within the top 8% of listed structures in the country.

The grade I listed 24 Stodman Street dates from 1474 with a late 18C addition and further alteration in the C19 and C20. It was originally a house built for a wealthy merchant. Of evidential and historic value, the building is an important example of timber framing, which was predominant in Newark before 1660. The building itself is three storey and L-shaped in plan. The long gallery window at first floor level has a coved sill giving the impression of an extra jetty and the timber framing is close studded. The interior has wall paintings dating from the C16.

The building is known as the Governor's House as it was the headquarters of the governor during the sieges of 1643 and 1646.

The Grade II* listed 40 and 41 Market Place formerly Scaracen's Head dates from 1721 with late C20 alterations and is a former coaching inn with a rear yard. It is a fine Georgian brick building with stone dressings. In the centre of the first floor is a niche with Scaracen's Head bust. The ground floor has an 8 bay Tuscan arcade. In the fourth bay is a carriage entrance to the rear yard. The interior has an C18 staircase and plaster overmantels.

The Grade II* listed 43 and 44 Market Place, formerly the Clinton Arms Hotel dates from the early C18 with mid C19 and late C20 alterations, and is a former coaching inn with a rear yard. It is a fine Georgian brick building with stucco and stone dressings. The building has a central carriage arch which leads to Clinton Arms Yard. To the rear are two parallel wings flanking the yard. The ground floor has a 7 bay arcade with Tuscan Columns and the first floor windows have Gibbs surrounds.

All the listed buildings identified contribute positively to the streetscene and Newark Conservation Area and are considered to have historic, aesthetic, architectural and communal value.

Impact

The proposals appear to be part of a Shopping Centre Rebrand which includes Public Realm scheme incorporating new painted facades, signage, paving, lighting, planters and seating.

Painted walls of listed buildings

From the information contained within the accompanying Design and Access Statement the proposals include painting strips of vibrant colours in a patterned effect on the side of the listed buildings identified above.

We note there is precedent for painted brickwork, which in part, is historic. Where this has been done, it has been predominantly using neutral tones which complement their surroundings and allow the buildings to be read architecturally as a composition. In contrast, the proposed large blocks of patterned colour to each of the listed buildings would be visually prominent and are considered intrusive elements, detracting from the architectural composition and aesthetics of each of the buildings. This we believe is harmful to the significance of the listed buildings and would adversely affect their character as buildings of special architectural and historic interest.

Within the historic core of the Newark Conservation Area, the coloured painted panels would not sit harmoniously with the surrounding buildings and the cumulative impact would be particularly harmful to the area's character and appearance. In addition we do not believe that such a painting scheme will enhance and reveal the significance of the conservation area.

It is not clear from the documentation the proposed paint finish to be used, but this could also be potentially damaging to the historic fabric of the listed buildings. Painted brickwork, in some cases, can trap moisture and damage the brickwork beneath.

Signage and Public Realm

A large part of the historic core of the conservation area was re-surfaced as part of a town centre public realm strategy which was originally adopted by the District, County and Town Council's in 1990's and has been used as a template for detailed design work to highway and footways. This strategy has been successful in both upgrading the visual quality of streets within the town centre and enhancing the quality of the conservation area. It is therefore disappointing that this approach has not been adopted in relation to the current application.

We are content, however, to defer this element of the application to your in-house conservation advise and would draw your authority's attention to various advice publications including Street for All – East Midlands 2006 which outlines the general principles when considering new design in public realm in your own SPD on Shopfronts and Advertisements.

Policy

As the applications affect listed buildings and a conservation area, the statutory requirements to have special regard to the desirability of preserving the building, its setting and any features of special interest (S16 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area (S72 1990 Act) must be taken into account by the authority when determining the application.

The NPPF 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 its conservation. And the more important the asset, the greater the weight should be (paragraph 132). Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Any harm or loss to significance should require clear and convincing justification (paragraph 132, NPPF).

In line with paragraph 134 of the NPPF, it will be for the determining authority to balance all planning matters, including public benefit afforded by this proposal, and affording the required weight to heritage matters as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. In forming your decision the NPPF is clear in its requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131, NPPF).

Position

Our view is that the proposal to paint the sides of highly graded listed buildings with large blocks of patterned colour would harm both the significance of the listed buildings and their settings, for the reasons set out above. Within this highly sensitive historic environment, recognized through conservation area designation, we believe the proposals would fail to preserve or enhance the character of the conservation area. Whilst it will be for your authority to weigh up all planning considerations, on the basis of the submitted information, we do not believe clear and convincing justification has been made for this proposal.

Recommendation

We are unable to support the applications as submitted and accordingly recommend refusal. We would urge you to address the above issues.

Newark Civic Trust – support

One representation has been received from a local resident/interested party which states that it is important that the proposed works are in keeping with the listed building.

Comments of the Business Manager

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features they possess. In this context the objective of preservation means to cause no harm, and this is a matter of paramount concern in the planning process.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. And the more important the asset, the greater the weight should be. Paragraph 132 goes on to advise that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

These Grade II* listed buildings contribute positively to the character of the historic core of the town and the wider Newark Conservation Area and are considered to have historic, aesthetic, architectural and communal value. Its historic use as a former coaching inn points to the significance of the carriageway opening that runs through the centre of the building to allow access to the rear yard which is likely to have been flanked on both sides by stabling facilities. The form of this opening is therefore of great significance to the building. The historic cobbled surfaced (which is to be retained) is also a significant feature. However, the eastern side of the walkway has been altered by the insertion of a C20th large glazed opening, which detracts from the special interest of the building. It appears that the material to the internal surfaces of the walkway is a modern cement render, although it is not absolutely clear.

The form of the opening is not being altered, neither is the historic hard surfacing. The majority of the internal openings will remain a painted white finish, however, with the addition of a 1.1metre high cross-patterned mustard yellow painted 'plinth.'

As originally submitted the proposals showed the existing traditional red and white Saracens Head Yard, which is positioned adjacent to the Market Place being moved to the other side of the walkway and adjacent to the St Marks Place centre. However, following negotiations the existing traditional sign is proposed to be retained where it is and the new black painted St Marks Place signage being positioned adjacent to the glazed opening on the eastern side. The new wrought iron-like font style signage depicts an historic industrial nature which is considered to be appropriate.

It is considered that the addition of this relatively small amount of colour in this location, would not be harmful to the historic or architectural interest of these Grade II* listed buildings. The concerns expressed by Historic England that the proposed paint work would be visually prominent and intrusive, detracting from the architectural composition of and aesthetics of each building

have been noted. However, rendered surfaces were often painted, and whilst it is accepted that the proposed colour for the lower plinth is not a pastel one, the relatively small area and the retention of the majority of the white colour is not considered in itself to be harmful. The projecting upper floors supported on the Tuscan columns, results in the walkway not being hugely prominent. It is considered that the special interest of the buildings would be retained and their significance preserved, provided that the painted areas are finished in an appropriate paint relative to its surface material, to prevent any possible long term moisture retention and that a full maintenance schedule is submitted and approved to avoid the painted surfaces deteriorating over time through cracking and peeling. With the amendments secured to the proposed signage with the traditional signage relating to the historic Market Place and the new signage relating better to St Marks Place, it is considered that the new black painted sign adjacent to the existing glazed opening would also preserve and not detract from the special interest of the listed building. All proposals are easily reversible.

Subject to conditions relating to a full maintenance schedule for the painted areas and details of the final paint system to be used, it is recommended that listed building consent be approved.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below.

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The works hereby permitted shall not be carried out except in complete accordance with the approved details and drawings

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

Reason: So as to define this consent.

03

Prior to the commencement of works, a full schedule of the maintenance of the painted surfaces shall be submitted to and agreed in writing by the local planning authority. The maintenance of all painted surfaces shall then be implemented in accordance with the agreed details.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

04

Prior to the commencement of works, the final paint system to be used shall be submitted to and approved in writing by the local planning authority. Only the agreed paint system shall then be applied to the external elevations of the buildings.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant

01

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00601/LBC



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Application No:	15/00603/LBC	
Proposal:	Signage to façade forming access to Clinton Arms Yard	
Location:	43 and 44 Market Place, Newark on Trent	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	28 April 2015	Target Date: 23 June 2015
		Agreed extension of time until 14 August 2015

The Site

The Grade II* listed 43 and 44 Market Place, formerly the Clinton Arms Hotel, dates from the early C18 with mid C19 and late C20 alterations, and is a former coaching inn with a rear yard. It is a fine Georgian brick building with stucco and stone dressings. The ground floor has a 7 bay arcade with Tuscan Columns and the first floor windows have Gibbs surrounds. To the rear are two parallel wings flanking what was the former rear yard. The building has a central former carriage arch which leads to Clinton Arms Yard.

This now forms a walkway between the historic Market Place and the contemporary St Mark's Place shopping centre to the rear. On both sides of the walkway two substantial green painted timber doors are pinned back in an open position. On the western side of the walkway (currently serving Santander Bank) is a square contemporary glazed opening, the walls are historic brickwork and the ceiling is a white painted render. At the entrance of the walkway on the Market Place side is a tiled motived floor announcing the Clinton Arms Hotel and beyond that the ground is paved in historic stone paving.

The buildings, along with the many other listed buildings in the vicinity, provide a significant contribution to the historic core and Market Place of the town and are situated within the heart of Newark Conservation Area. They front the Market Place, however, to the rear they are within the setting of St Marks Place Shopping Centre which is a modern 20th century pedestrianised shopping centre with contemporary shopfronts and modern red brick and clad painted facades.

Relevant Planning History

Various applications for shop fronts and signage.

The Proposal

As originally submitted, listed building consent was sought to paint a 1.1m high plinth of wavy patterned blue coloured paint to both sides of the walkway and paint the upper parts of the walls white. In addition a new black painted sign would be applied to the eastern side of the wall announcing Saint Marks Place.

However, through negotiation all painting of the brickwork has been deleted from the scheme and proposals reduced to the simple fixing of a much smaller black painted metal sign announcing St

Marks Place on the eastern side of the walkway towards the rear and away from the Market Place frontage.

Departure/Public Advertisement Procedure

Occupiers of 15 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.

Legal and Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special regard to the desirability of preserving the listed building, its setting and any architectural features it may possess. In this context, 'preservation' means to cause no harm.

Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Adopted March 2012
- Planning Practice Guidance (PPG) on-line resource
- Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

Consultations

Newark Town Council – No comments received at the time of writing the report.

Historic England – Newark Market Place is at the core of Newark Conservation Area. It is a large public space surrounded by a significant number of listed buildings of exceptional high quality, which are predominantly Georgian in character. The space is a tapered rectangle form where surrounding narrow streets radiate out, densely packed with historic buildings providing unfolded views to a series of closed vistas'. The Market Place has a strong sense of enclosure, with buildings on all sides having continuous frontage lines, which are only broken by street and passage entries. It is the entries to the south side of this space which leads to a series of yards which are the focus of these proposals. The St Mark's Place Centre was developed in the 1970's. It was one of the first examples of a shopping centre to be successfully integrated into a historic area made up of lanes and alleyways, leading into the market place. Use of brickwork was an integral part of the design.

A number of listed buildings are included within the proposals, including the Governor's House which is Grade I listed in recognition of its exceptional national significance as a building of special architectural and historic interest and character, placing it within the top 2% of listed structures in England. Nos 40, 41 and 43, 44 Market Place are Grade II* in recognition of their more than special architectural and historic interest, placing it within the top 8% of listed structures in the country.

The grade I listed 24 Stodman Street dates from 1474 with a late 18C addition and further alteration in the C19 and C20. It was originally a house built for a wealthy merchant. Of evidential and historic value, the building is an important example of timber framing, which was predominant in Newark before 1660. The building itself is three storey and L-shaped in plan. The long gallery window at first floor level has a coved sill giving the impression of an extra jetty and the timber framing is close studded. The interior has wall paintings dating from the C16.

The building is known as the Governor's House as it was the headquarters of the governor during the sieges of 1643 and 1646.

The Grade II* listed 40 and 41 Market Place formerly Scaracen's Head dates from 1721 with late C20 alterations and is a former coaching inn with a rear yard. It is a fine Georgian brick building with stone dressings. In the centre of the first floor is a niche with Scaracen's Head bust. The ground floor has an 8 bay Tuscan arcade. In the fourth bay is a carriage entrance to the rear yard. The interior has an C18 staircase and plaster overmantels.

The Grade II* listed 43 and 44 Market Place, formerly the Clinton Arms Hotel dates from the early C18 with mid C19 and late C20 alterations, and is a former coaching inn with a rear yard. It is a fine Georgian brick building with stucco and stone dressings. The building has a central carriage arch which leads to Clinton Arms Yard. To the rear are two parallel wings flanking the yard. The ground floor has a 7 bay arcade with Tuscan Columns and the first floor windows have Gibbs surrounds.

All the listed buildings identified contribute positively to the streetscene and Newark Conservation Area and are considered to have historic, aesthetic, architectural and communal value.

Impact

The proposals appear to be part of a Shopping Centre Rebrand which includes Public Realm scheme incorporating new painted facades, signage, paving, lighting, planters and seating.

Painted walls of listed buildings

From the information contained within the accompanying Design and Access Statement the proposals include painting strips of vibrant colours in a patterned effect on the side of the listed buildings identified above.

We note there is precedent for painted brickwork, which in part, is historic. Where this has been done, it has been predominantly using neutral tones which complement their surroundings and allow the buildings to be read architecturally as a composition. In contrast, the proposed large blocks of patterned colour to each of the listed buildings would be visually prominent and are considered intrusive elements, detracting from the architectural composition and aesthetics of each of the buildings. This we believe is harmful to the significance of the listed buildings and would adversely affect their character as buildings of special architectural and historic interest.

Within the historic core of the Newark Conservation Area, the coloured painted panels would not sit harmoniously with the surrounding buildings and the cumulative impact would be particularly harmful to the area's character and appearance. In addition we do not believe that such a painting scheme will enhance and reveal the significance of the conservation area.

It is not clear from the documentation the proposed paint finish to be used, but this could also be potentially damaging to the historic fabric of the listed buildings. Painted brickwork, in some cases, can trap moisture and damage the brickwork beneath.

Signage and Public Realm

A large part of the historic core of the conservation area was re-surfaced as part of a town centre public realm strategy which was originally adopted by the District, County and Town Council's in 1990's and has been used as a template for detailed design work to highway and footways. This strategy has been successful in both upgrading the visual quality of streets within the town centre and enhancing the quality of the conservation area. It is therefore disappointing that this approach has not been adopted in relation to the current application.

We are content, however, to defer this element of the application to your in-house conservation advise and would draw your authority's attention to various advice publications including Street for All – East Midlands 2006 which outlines the general principles when considering new design in public realm in your own SPD on Shopfronts and Advertisements.

Policy

As the applications affect listed buildings and a conservation area, the statutory requirements to have special regard to the desirability of preserving the building, its setting and any features of special interest (S16 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area (S72 1990 Act) must be taken into account by the authority when determining the application.

The NPPF 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 its conservation. And the more important the asset, the greater the weight should be (paragraph 132). Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Any harm or loss to significance should require clear and convincing justification (paragraph 132, NPPF).

In line with paragraph 134 of the NPPF, it will be for the determining authority to balance all planning matters, including public benefit afforded by this proposal, and affording the required weight to heritage matters as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. In forming your decision the NPPF is clear in its requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131, NPPF).

Position

Our view is that the proposal to paint the sides of highly graded listed buildings with large blocks of patterned colour would harm both the significance of the listed buildings and their settings, for the reasons set out above. Within this highly sensitive historic environment, recognized through conservation area designation, we believe the proposals would fail to preserve or enhance the character of the conservation area. Whilst it will be for your authority to weigh up all planning considerations, on the basis of the submitted information, we do not believe clear and convincing justification has been made for this proposal.

Recommendation

We are unable to support the applications as submitted and accordingly recommend refusal. We would urge you to address the above issues.

Newark Civic Trust – support

One representation has been received from a local resident/interested party stating, I feel it is important that the proposed works are in keeping with the listed building.

Comments of the Business Manager

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features they possess. In this context the objective of preservation means to cause no harm, and this is a matter of paramount concern in the planning process.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. And the more important the asset, the greater the weight should be. Paragraph 132 goes on to advise that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

These Grade II* listed buildings contribute positively to the character of the historic core of the town and the wider Newark Conservation Area and are considered to have historic, aesthetic, architectural and communal value. Its historic use as a former coaching inn points to the significance of the carriageway opening that runs through the centre of the building to allow access to the rear yard which is partly flanked on both sides by other two and three storey historic buildings. The form of this opening is therefore of great significance to the building and is not being altered in any way. The historic timber doors, tiled and paved surfaces are also significant features and are all to be retained unaltered. However, the historic brick walls remain in place and to cover this brickwork with paint would be harmful to the special interest of the building and there can be no justification for it. The amended proposals for this walkway have therefore been reduced to the fixing of a relatively small black painted metal sign that must be fixed to the mortar to prevent any holes being drilled into the bricks themselves and causing damage to the historic fabric. The position of the sign to the rear allows it to relate much better to St Marks Place rather than the historic Market Place. The new wrought iron-like font styled signage depicts an historic industrial nature which is considered to be appropriate.

As amended, it is considered that the addition of this signage would not be harmful to the historic or architectural interest of these Grade II* listed buildings, subject to a condition that requires the signage to be fixed to the wall within the mortar joints, rather than the brick, to avoid any damage to the historic fabric. The amendments also reflect the concerns raised by Historic England.

Subject to precise details of the sign being submitted and approved and a fixing condition, it is recommended that listed building consent be approved.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below.

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The works hereby permitted shall not be carried out except in complete accordance with the approved details and drawings

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

Reason: So as to define this consent.

03

Notwithstanding the submitted details, prior to the commencement of works, the final detail of the sign to be fixed shall be submitted to and approved in writing by the local planning authority. The approved signage shall then be fixed to the wall within existing mortar joints only, without causing damage to the existing brickwork.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant

01

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00603/LBC



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Application No:	15/00604/LBC	
Proposal:	Re-paint of existing painted façade forming access to Eggleston’s Yard with new Saint Mark’s Place branding and signage	
Location:	46 Market Place, Newark on Trent	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	28 April 2015	Target Date: 23 June 2015
		Agreed extension of time until 14 August 2015

The Site

No 46 Market Place is a Grade II listed building, formerly a house but now a shop, currently occupied by Bon Marche. It dates from the mid C18 with mid C19 and late C20 alterations. This three storey Georgian building has a white painted brickwork finish to the front elevation with stone dressings and slate roof. It has sash windows of various designs and a late C20 shopfront. To the west of the building at ground floor level is a very narrow walkway that is formed within the adjacent Grade II listed building (No 47) which leads to Eggleston’s Yard, to the rear of No 47.

This forms a walkway between the historic Market Place and the contemporary St Mark’s Place to the rear. There are no openings within the narrow passage which is flanked on both sides by painted brickwork. There is a light blue plinth of approx. 600mm high and above that the walls are painted a light yellow colour. A historic quarry tile provides the paved surface. There are no other features on the wall which forms the side elevation of No 46.

The building, along with the many other listed buildings in the vicinity, provide a significant contribution to the historic core and Market Place of the town and is situated within the heart of Newark Conservation Area. It fronts the Market Place, however, to the rear it is within the setting of St Marks Place Shopping Centre which is a modern 20th century pedestrianised shopping centre with contemporary shopfronts and modern red brick and clad painted facades.

Relevant Planning History

15/01079/LBC - Create a floor hatch in the ground floor sales area to provide access to the basement area beneath – pending consideration.

The Proposal

Listed Building consent is sought for a 1.1m high plinth of vertical striped patterned red coloured paint to be applied to this side of the walkway with remaining walls above being painted white. In addition, a new black sign is proposed to be painted on the white background announcing St Marks Place. The existing quarry tiled surface is to remain unaltered.

Departure/Public Advertisement Procedure

Occupiers of 17 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.

Legal and Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special regard to the desirability of preserving the listed building, its setting and any architectural features it may possess. In this context, 'preservation' means to cause no harm.

Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Adopted March 2012
- Planning Practice Guidance (PPG) on-line resource
- Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

Consultations

Newark Town Council – No comments had been received at the time of writing the report.

Historic England – On the basis of the information provided, we do not consider that it is necessary for the application to be notified to Historic England.

Newark Civic Trust – Support

One representation has been received from a local resident/interested party which states that it is important that the proposed works are in keeping with the listed building.

Comments of the Business Manager

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features they possess. In this context the objective of preservation means to cause no harm, and this is a matter of paramount concern in the planning process.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. And the more important the asset, the greater the weight should be. Paragraph 132 goes on to advise that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

The wall the subject of this application already represents brickwork that already has a painted finish, with pastille shades of blue and yellow. There is no indication that these colours are representative of some historic past but Historic England whilst commenting on other applications

within this larger scheme, described them as “neutral tones which compliment their surroundings.” Consideration must carefully be given therefore to an assessment on whether the proposed change in colour would be harmful to the significance of this listed building. It is considered that the predominant white colour would form an equally neutral tone to the special interest of this building and the red patterned plinth is considered to be relatively discrete and the addition of this relatively small amount of colour in this location, would not be harmful to the historic or architectural interest of this Grade II listed building.

The proposed new black painted St Marks Place signage represents part of the wider branding of wrought iron-like font styled signage depicting an historic industrial nature which is considered to be appropriate. It is considered that the special interest of the building would be retained and its significance preserved, provided that the painted areas are finished in an appropriate paint that allows the brickwork to breathe, to prevent any possible long term moisture retention and that a full maintenance schedule is submitted and approved to avoid the painted surfaces deteriorating over time through cracking and peeling.

Subject to conditions, relating to a full maintenance schedule for the painted areas and details of the final paint system to be used, it is considered that the proposals would preserve and not detract from the special interest of the listed building. It is therefore recommended that listed building consent be approved.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below.

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The works hereby permitted shall not be carried out except in complete accordance with the approved details and drawings

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

Reason: So as to define this consent.

03

Prior to the commencement of works, a full schedule of the maintenance of the painted surfaces shall be submitted to and agreed in writing by the local planning authority. The maintenance of all painted surfaces shall then be implemented in accordance with the agreed details.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

04

Prior to the commencement of works, the final paint system to be used shall be submitted to and approved in writing by the local planning authority. Only the agreed paint system shall then be applied to the external elevations of the building.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant

01

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

BACKGROUND PAPERS

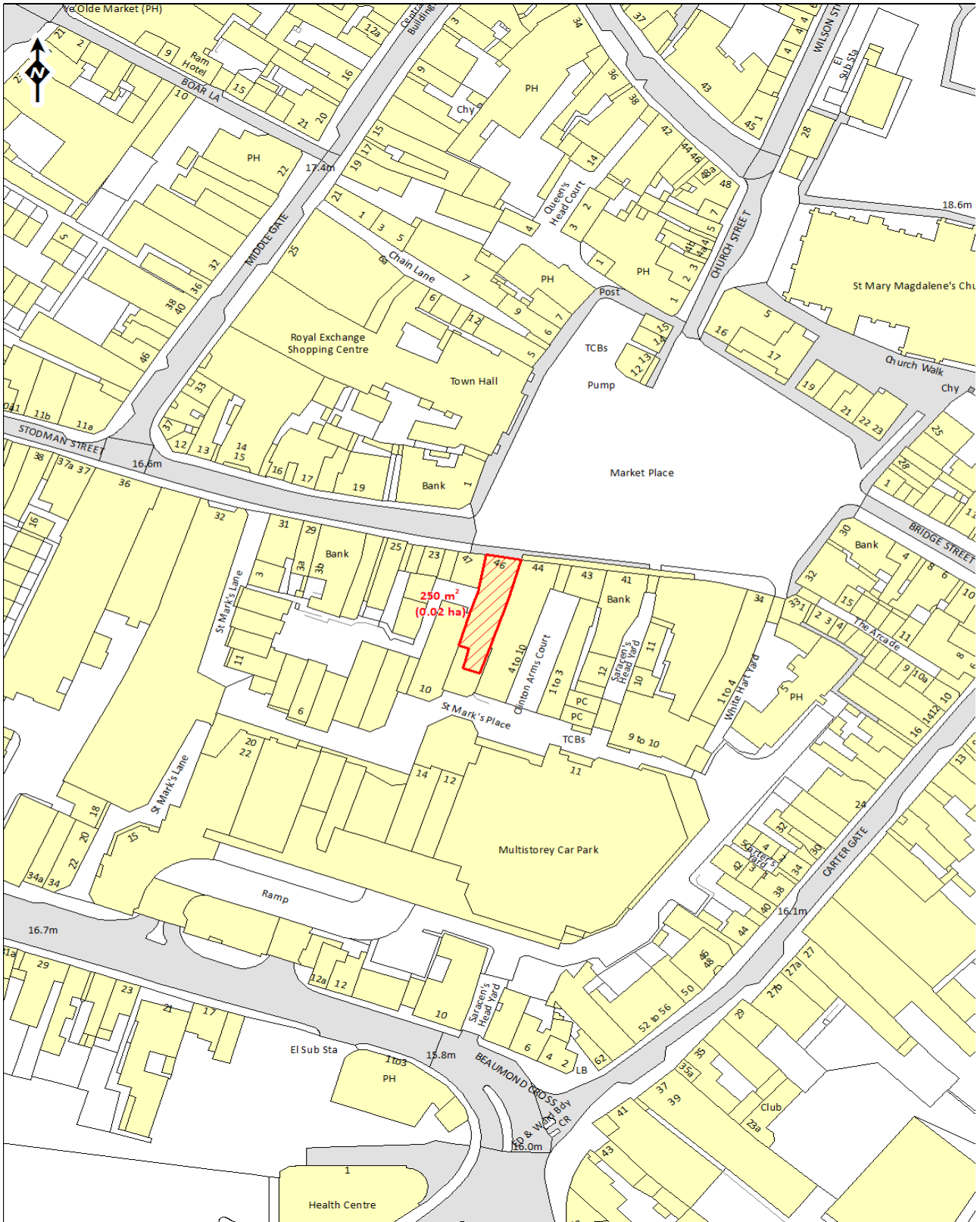
Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00604/LBC



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Application No:	15/00605/LBC	
Proposal:	Re-paint of existing painted facades of 47 Market Place with new Saint Mark's Place branding and signage	
Location:	47 Market Place, Newark on Trent	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	28 April 2015	Target Date: 23 June 2015
		Agreed extension of time until 14 August 2015

The Site

No 47 Market Place is a Grade II listed building, formerly a house but now a shop. It dates from c1875 with late C20 alterations. This three storey (plus attic) Georgian red brick building has stone dressings and slate roof. It is characterized at upper floor levels by oriel windows at first and second floor levels. It has plain sash windows and a late C20 shopfront. This building is flanked on both sides at ground level by walkways. The one to the east shares with No 46 which is Grade II listed and the one to the west, which is significantly wider, it shares with No 24 Stodman Street, which is Grade I listed. Both these walkways lead to the rear of No 47 which is known as Eggleston's Yard.

Both walkways form a link between the historic Market Place and the contemporary St Mark's Place to the rear. The walkway to the east, which is formed by the eastern elevation of No 47 is interrupted by two doorways, and this very narrow passage is flanked on both sides by painted brickwork. There is a light blue plinth of approx. 600mm high and above that the walls are painted a light yellow colour. A historic quarry tile provides the paved surface. There are two traditional signs attached to this elevation close to the Market Place which announces Egglestons Yard (red and white) and St Marks Place (black and white).

The walkway to the west, which is formed by the western elevation of No 47 is an uninterrupted painted brick wall, with the same paint and design as on the walkway described above, however, it appears that the brickwork here is of a more modern construction. The hard ground surfacing is a historic cobble.

The building, along with the many other listed buildings in the vicinity, provides a significant contribution to the historic core and Market Place of the town and is situated within the heart of Newark Conservation Area. It fronts the Market Place, however, to the rear it is within the setting of St Marks Place Shopping Centre which is a modern 20th century pedestrianised shopping centre with contemporary shopfronts and modern red brick and clad painted facades.

Relevant Planning History

None of relevance.

The Proposal

Listed Building consent is sought for a 1.1m high plinth of vertical stripe patterned red coloured paint to be applied to the eastern walkway on the east elevation of No 47 with remainder of the wall above being painted white. The two existing traditional styled signs in place will remain as will the existing quarry tiled surface.

Consent is also sought for a 1.1m high plinth of horizontal stripe patterned green coloured paint to be applied to the western walkway on the west elevation of No 47 with the remainder of the wall above being painted white. In addition, a new black sign is proposed to be painted on the white background announcing St Marks Place. The existing cobbles will remain unaltered.

Departure/Public Advertisement Procedure

Occupiers of 9 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.

Legal and Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special regard to the desirability of preserving the listed building, its setting and any architectural features it may possess. In this context, 'preservation' means to cause no harm.

Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Adopted March 2012
- Planning Practice Guidance (PPG) on-line resource
- Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

Consultations

Newark Town Council – No comments have been received at the time of writing the report.

Historic England – On the basis of the information provided, we do not consider that it is necessary for the application to be notified to Historic England.

Newark Civic Trust – Support

One representation has been received from a local resident/interested party which states that it is important that the proposed works are in keeping with the listed building.

Comments of the Business Manager

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special regard to the desirability of preserving listed buildings, their

setting and any architectural features they possess. In this context the objective of preservation means to cause no harm, and this is a matter of paramount concern in the planning process.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. And the more important the asset, the greater the weight should be. Paragraph 132 goes on to advise that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

The walls the subject of this application already represent brickwork that already has a painted finish, with pastel shades of blue and yellow. There is no indication that these colours are representative of some historic past but Historic England whilst commenting on other applications within this larger scheme, described them as “neutral tones which compliment their surroundings.” Consideration must carefully be given therefore to an assessment on whether the proposed change in colour would be harmful to the significance of this listed building. It is considered that the predominant white colour would form an equally neutral tone to the special interest of this building and the red and green patterned plinths are considered to be relatively discrete and the addition of this relatively small amount of colour in this location, would not be harmful to the historic or architectural interest of this Grade II listed building.

The proposed new black painted St Marks Place signage represents part of the wider branding of wrought iron-like font styled signage depicting an historic industrial nature which is considered to be appropriate. It is considered that the special interest of the building would be retained and its significance preserved, provided that the painted areas are finished in an appropriate paint that allows the brickwork to breathe, to prevent any possible long term moisture retention and that a full maintenance schedule is submitted and approved to avoid the painted surfaces deteriorating over time through cracking and peeling.

Subject to conditions, relating to a full maintenance schedule for the painted areas and details of the final paint system to be used, it is considered that the proposals would preserve and not detract from the special interest of the listed building. It is therefore recommended that listed building consent be approved.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below.

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The works hereby permitted shall not be carried out except in complete accordance with the approved details and drawings

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

Reason: So as to define this consent.

03

Prior to the commencement of works, a full schedule of the maintenance of the painted surfaces shall be submitted to and agreed in writing by the local planning authority. The maintenance of all painted surfaces shall then be implemented in accordance with the agreed details.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

04

Prior to the commencement of works, the final paint system to be used shall be submitted to and approved in writing by the local planning authority. Only the agreed paint system shall then be applied to the external elevations of the building.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant

01

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00605/LBC



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Application No:	15/00607/LBC	
Proposal:	Re-paint of existing painted façade with new Saint Mark’s Place branding	
Location:	24 Stodman Street, Newark on Trent	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	28 April 2015	Target Date: 23 June 2015
		Agreed extension of time until 14 August 2015

The Site

The Grade I listed 24 Stodman Street dates from 1474 with a late 18C addition and further alteration in the C19 and C20. It was originally a house built for a wealthy merchant. Of evidential and historic value, the building is an important example of timber framing, which was predominant in Newark before 1660. The building itself is three storey and L-shaped in plan. The long gallery window at first floor level has a coved sill giving the impression of an extra jetty and the timber framing is close studded. The interior has wall paintings dating from the C16 and the unit is currently occupied by Greggs.

To the east of the building at ground floor level only is a covered walkway that leads to the rear of No 47 Market Place which is known as Eggleston’s Yard.

The walkway forms a link between the historic Market Place and the contemporary St Mark’s Place to the rear. The walkway is formed by the western elevation of No 47 Market Place which is Grade II listed and the eastern elevation of 24 Stodman Street. The latter wall is uninterrupted by features and has a painted brickwork finish, however it is clear that the brickwork beneath is of modern construction. There is a light blue plinth of approx. 600mm high and above that the walls are painted a light yellow colour. A historic cobble provides the paved surface. There is one traditional sign attached to this elevation close to the Market Place which announces St Marks Place (black and white).

The building, along with the many other listed buildings in the vicinity, provides a significant contribution to the historic core and Market Place of the town and is situated within the heart of Newark Conservation Area. It fronts the Market Place, however, to the rear it is within the setting of St Marks Place Shopping Centre which is a modern 20th century pedestrianised shopping centre with contemporary shopfronts and modern red brick and clad painted facades.

Relevant Planning History

None of relevance.

The Proposal

Consent is also sought for a 1.1m high plinth of horizontal stripe patterned green coloured paint to be applied to the east elevation of No 24 Stodman Street with the remainder of the wall above

being painted white. It is proposed to retain the existing traditional styled signage and the existing cobbles will remain unaltered.

Departure/Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Legal and Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special regard to the desirability of preserving the listed building, its setting and any architectural features it may possess. In this context, 'preservation' means to cause no harm.

Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Adopted March 2012
- Planning Practice Guidance (PPG) on-line resource
- Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

Consultations

Newark Town Council – No objection.

Historic England – Newark Market Place is at the core of Newark Conservation Area. It is a large public space surrounded by a significant number of listed buildings of exceptional high quality, which are predominantly Georgian in character. The space is a tapered rectangle form where surrounding narrow streets radiate out, densely packed with historic buildings providing unfolded views to a series of closed vistas'. The Market Place has a strong sense of enclosure, with buildings on all sides having continuous frontage lines, which are only broken by street and passage entries. It is the entries to the south side of this space which leads to a series of yards which are the focus of these proposals. The St Mark's Place Centre was developed in the 1970's. It was one of the first examples of a shopping centre to be successfully integrated into a historic area made up of lanes and alleyways, leading into the market place. Use of brickwork was an integral part of the design.

A number of listed buildings are included within the proposals, including the Governor's House which is Grade I listed in recognition of its exceptional national significance as a building of special architectural and historic interest and character, placing it within the top 2% of listed structures in England. Nos 40, 41 and 43, 44 Market Place are Grade II* in recognition of their more than special architectural and historic interest, placing it within the top 8% of listed structures in the country.

The grade I listed 24 Stodman Street dates from 1474 with a late 18C addition and further alteration in the C19 and C20. It was originally a house built for a wealthy merchant. Of evidential and historic value, the building is an important example of timber framing, which was predominant in Newark before 1660. The building itself is three storey and L-shaped in plan. The long gallery window at first floor level has a coved sill giving the impression of an extra jetty and the timber framing is close studded. The interior has wall paintings dating from the C16.

The building is known as the Governor's House as it was the headquarters of the governor during the sieges of 1643 and 1646.

The Grade II* listed 40 and 41 Market Place formerly Scaracen's Head dates from 1721 with late C20 alterations and is a former coaching inn with a rear yard. It is a fine Georgian brick building with stone dressings. In the centre of the first floor is a niche with Scaracen's Head bust. The ground floor has an 8 bay Tuscan arcade. In the fourth bay is a carriage entrance to the rear yard. The interior has an C18 staircase and plaster overmantels.

The Grade II* listed 43 and 44 Market Place, formerly the Clinton Arms Hotel dates from the early C18 with mid C19 and late C20 alterations, and is a former coaching inn with a rear yard. It is a fine Georgian brick building with stucco and stone dressings. The building has a central carriage arch which leads to Clinton Arms Yard. To the rear are two parallel wings flanking the yard. The ground floor has a 7 bay arcade with Tuscan Columns and the first floor windows have Gibbs surrounds.

All the listed buildings identified contribute positively to the streetscene and Newark Conservation Area and are considered to have historic, aesthetic, architectural and communal value.

Impact

The proposals appear to be part of a Shopping Centre Rebrand which includes Public Realm scheme incorporating new painted facades, signage, paving, lighting, planters and seating.

Painted walls of listed buildings

From the information contained within the accompanying Design and Access Statement the proposals include painting strips of vibrant colours in a patterned effect on the side of the listed buildings identified above.

We note there is precedent for painted brickwork, which in part, is historic. Where this has been done, it has been predominantly using neutral tones which complement their surroundings and allow the buildings to be read architecturally as a composition. In contrast, the proposed large blocks of patterned colour to each of the listed buildings would be visually prominent and are considered intrusive elements, detracting from the architectural composition and aesthetics of each of the buildings. This we believe is harmful to the significance of the listed buildings and would adversely affect their character as buildings of special architectural and historic interest.

Within the historic core of the Newark Conservation Area, the coloured painted panels would not sit harmoniously with the surrounding buildings and the cumulative impact would be particularly harmful to the area's character and appearance. In addition we do not believe that such a painting scheme will enhance and reveal the significance of the conservation area.

It is not clear from the documentation the proposed paint finish to be used, but this could also be potentially damaging to the historic fabric of the listed buildings. Painted brickwork, in some cases, can trap moisture and damage the brickwork beneath.

Signage and Public Realm

A large part of the historic core of the conservation area was re-surfaced as part of a town centre public realm strategy which was originally adopted by the District, County and Town Council's in 1990's and has been used as a template for detailed design work to highway and footways. This strategy has been successful in both upgrading the visual quality of streets within the town centre and enhancing the quality of the conservation area. It is therefore disappointing that this approach has not been adopted in relation to the current application.

We are content, however, to defer this element of the application to your in-house conservation advise and would draw your authority's attention to various advice publications including Street for All – East Midlands 2006 which outlines the general principles when considering new design in public realm in your own SPD on Shopfronts and Advertisements.

Policy

As the applications affect listed buildings and a conservation area, the statutory requirements to have special regard to the desirability of preserving the building, its setting and any features of special interest (S16 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area (S72 1990 Act) must be taken into account by the authority when determining the application.

The NPPF 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 its conservation. And the more important the asset, the greater the weight should be (paragraph 132). Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Any harm or loss to significance should require clear and convincing justification (paragraph 132, NPPF).

In line with paragraph 134 of the NPPF, it will be for the determining authority to balance all planning matters, including public benefit afforded by this proposal, and affording the required weight to heritage matters as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. In forming your decision the NPPF is clear in its requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131, NPPF).

Position

Our view is that the proposal to paint the sides of highly graded listed buildings with large blocks of patterned colour would harm both the significance of the listed buildings and their settings, for the reasons set out above. Within this highly sensitive historic environment, recognized through conservation area designation, we believe the proposals would fail to preserve or enhance the character of the conservation area. Whilst it will be for your authority to weigh up all planning considerations, on the basis of the submitted information, we do not believe clear and convincing justification has been made for this proposal.

Recommendation

We are unable to support the applications as submitted and accordingly recommend refusal. We would urge you to address the above issues.

Newark Civic Trust – Support

One representation has been received from a local resident/interested party which states that it is important that the proposed works are in keeping with the listed building.

Comments of the Business Manager

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features they possess. In this context the objective of preservation means to cause no harm, and this is a matter of paramount concern in the planning process.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. And the more important the asset, the greater the weight should be. Paragraph 132 goes on to advise that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

This Grade I listed building contributes positively to the character of the historic core of the town and the wider Newark Conservation Area and is considered to have historic, aesthetic, architectural and communal value. Its historic use firstly as a timber framed house built by a wealthy merchant and then as the Governor's House as it was the headquarters of the governor during the sieges of 1643 and 1646 indicates its significance in historic, architectural and communal terms.

The walkway, at its eastern side, is not an integral part of the building as at the Saracen's Head or Clinton Arms sites, however, it is likely that it performed a similar function of providing access historically for carriageways to access the rear of the property via Eggleston's Yard. The historic cobbled surface is a significant feature and is to be retained. However, whilst the form of the walkway is of significance, the fabric is less so with a modern brick wall forming the eastern elevation at ground floor level. The form of the opening is not being altered.

The walls the subject of this application represent brickwork that already has a painted finish, with pastel shades of blue and yellow. There is no indication that these colours are representative of some historic past but Historic England has described them as "neutral tones which compliment their surroundings." Consideration must carefully be given therefore to an assessment on whether the proposed change in colour would be harmful to the significance of this listed building. It is considered that the predominant white colour would form an equally neutral tone to the special interest of this building and the green horizontal stripe patterned plinth is considered to be relatively discrete and the addition of this relatively small amount of colour in this location, would not be harmful to the fundamental historic or architectural interest of this Grade I listed building.

The concerns expressed by Historic England that the proposed paint work would be visually prominent and intrusive, detracting from the architectural composition of and aesthetics of each building have been noted. However, whilst it is accepted that the proposed plinth colour is not a

pastel one, the relatively small area and the retention of the majority of the white colour is not considered in itself to be harmful and not to any greater significant degree that the colour scheme that currently exists on the side elevation of the Grade I listed building. It is considered that the special interest of the building would be retained and its significance preserved, provided that the painted area is subject to a full maintenance schedule to avoid the painted surfaces deteriorating over time through cracking and peeling.

Subject to a condition relating to a full maintenance schedule for the painted areas and details of the final paint system to be used, it is recommended that listed building consent be approved.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below.

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The works hereby permitted shall not be carried out except in complete accordance with the approved details and drawings

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

Reason: So as to define this consent.

03

Prior to the commencement of works, a full schedule of the maintenance of the painted surfaces shall be submitted to and agreed in writing by the local planning authority. The maintenance of all painted surfaces shall then be implemented in accordance with the agreed details.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

04

Prior to the commencement of works, the final paint system to be used shall be submitted to and approved in writing by the local planning authority. Only the agreed paint system shall then be applied to the external elevations of the building.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant

01

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

BACKGROUND PAPERS

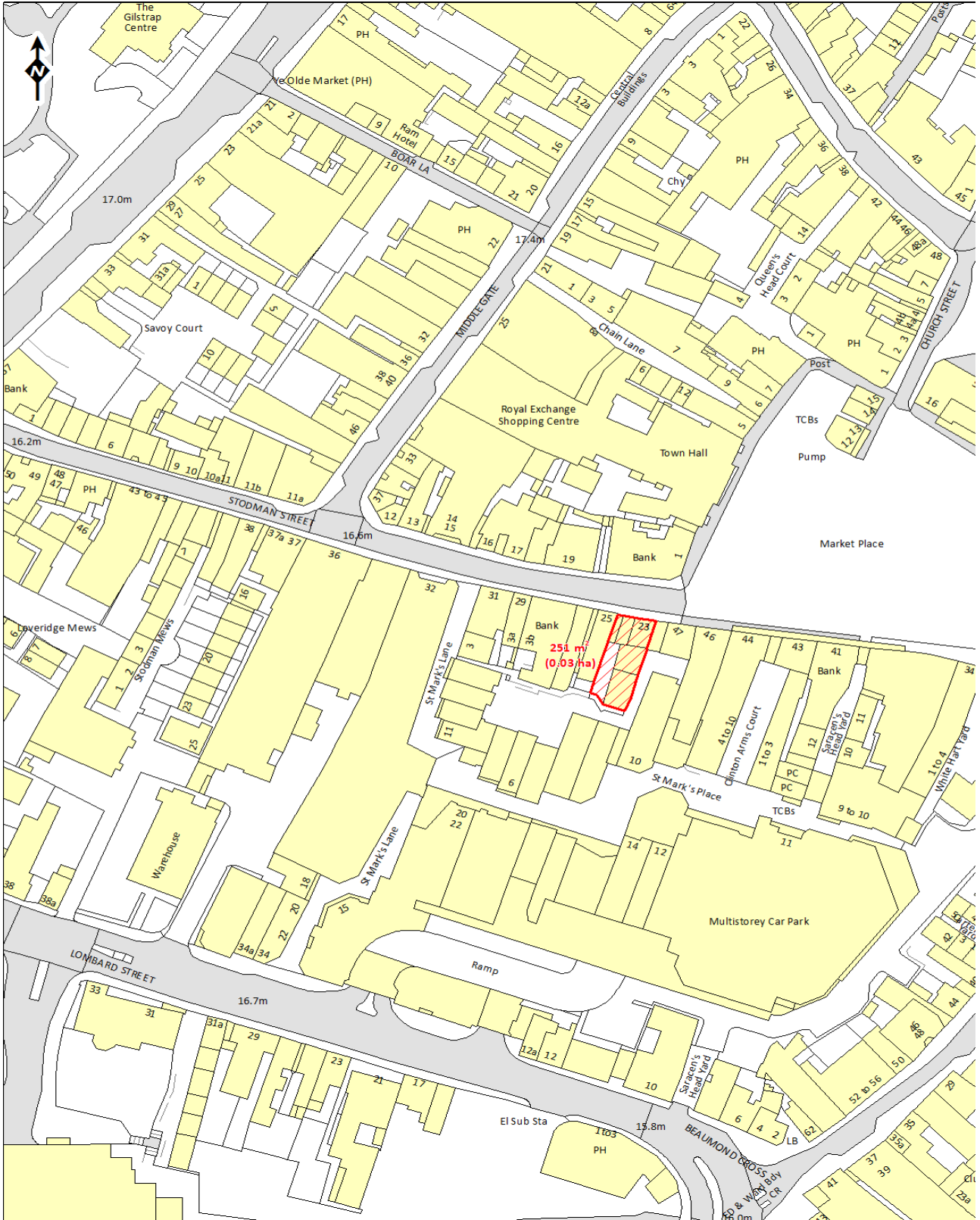
Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00607/LBC



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Application No:	15/00608/LBC	
Proposal:	Attachment of overhead steel/aluminium sign forming part of new Saint Mark's Place branding	
Location:	31 Stodman Street, Newark on Trent	
Applicant:	Mr Steve Pope – Riverland (Newark) Limited	
Registered:	28 April 2015	Target Date: 23 June 2015
		Agreed extension of time until 14 August 2015

The Site

No 31 Stodman Street is a Grade II listed building, built as a house originally but is now a shop (currently occupied by Costas). Erected in the late C18 it has undergone alterations in the mid and late C19 as well as in the late C20. Constructed of brick, it now has a light colourwashed finish with a pantile roof. The side elevation fronting St Mark's Lane is characterized with a single pane shop window (with fascia sign above) at ground floor level with solid brickwork above and the rear of that a number of sash openings with segmented arched headers.

Situated at the junction of St Mark's Lane with Stodman Street, the side elevation stretches along the Lane, which is pedestrianised. The building, along with the many other listed buildings in the vicinity, provides a significant contribution to the historic core of the town and is situated within the heart of Newark Conservation Area. It fronts Stodman Street and St Mark's Lane which forms the main entrance into St Marks Place Shopping Centre which is a modern 20th century pedestrianised shopping centre with contemporary shopfronts and modern red brick and clad painted facades. The building on the opposite side of St Mark's Lane (occupied by Marks and Spencer) is not listed.

Relevant Planning History

Various applications relating to new shopfronts, signage and change of use.

The Proposal

Listed Building Consent is sought to erect an overhead steel/aluminium sign across the full width of St Mark's Lane, which will require physical attachment to 31 Stodman Street. The sign is proposed to be attached at first floor level a minimum of 3.7m above ground level. The sign has a black painted finish and announces St Mark's Place with decorative patterned metal work to either side.

Departure/Public Advertisement Procedure

Occupiers of 9 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.

Legal and Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special regard to the desirability of preserving the listed building, its setting and any architectural features it may possess. In this context, 'preservation' means to cause no harm.

Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Adopted March 2012
- Planning Practice Guidance (PPG) on-line resource
- Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

Consultations

Newark Town Council – No comments had been received at the time of writing the report.

Historic England – On the basis of the information provided, we do not consider that it is necessary for the application to be notified to Historic England.

Newark Civic Trust – support.

One representation has been received from a local resident/interested party which states that it is important that the proposed works are in keeping with the listed building.

Comments of the Business Manager

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features they possess. In this context the objective of preservation means to cause no harm, and this is a matter of paramount concern in the planning process.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. And the more important the asset, the greater the weight should be. Paragraph 132 goes on to advise that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

Whilst the proposed works would have some impact on the setting of this Grade II listed building, it is not considered that it would harm someone's experience or appreciation of this heritage asset which is ultimately preserved. Provided it was conditioned so that the precise fixing to the wall be submitted and approved, then there would be no harmful fundamental impact on the existing listed building. The size and scale of the proposed sign is considered to be appropriate as is the

use of new wrought iron-like font styled signage depicting an historic industrial nature which is considered to be appropriate in this context.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below.

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The works hereby permitted shall not be carried out except in complete accordance with the approved details and drawings

- Revised Proposed Plan received 24th July 2015 - drawing no. BNY-SM-08 GP 0001 A05
- Revised Proposed Landscape plan 24th July 2015 - drawing no. BNY-SM-08 GP LL03 A08
- Revised Proposed Elevations 24th July 2015 - drawing no. BNY-SM-08 GE LL02 A06

Reason: So as to define this consent.

03

Prior to the commencement of works, a scheduled methodology of how the sign will be fixed to the building shall be submitted to and agreed in writing by the local planning authority. The approved fixing method shall then be implemented in the erection of the sign.

Reason:

In the interests of safeguarding the special architectural and historical interest of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant

01

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

BACKGROUND PAPERS

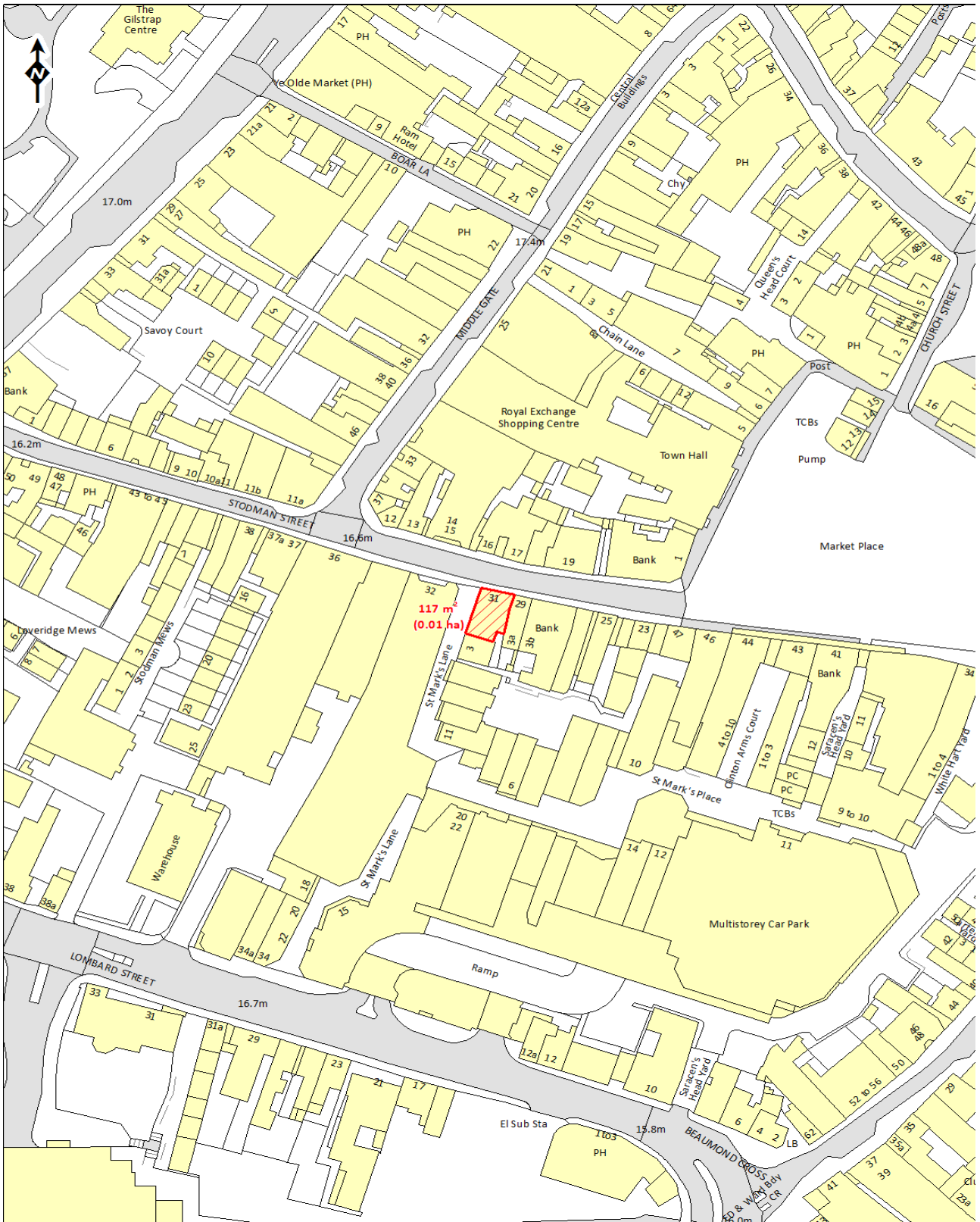
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For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00608/LBC



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