

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, 2 August 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 5 July 2016	3 - 11
<u>PART 1 - ITEMS FOR DECISION</u>	
5. (16/00859/FUL) (Site Visit: 9.10am – 9.15am) Little Hollies, The Close, Averham	12 - 31
6. (16/00634/FUL) (Site Visit: 9.30am – 9.40am) 94 Lower Kirklington Road, Southwell	32 – 42
7. (16/00772/FUL) (Site Visit: 9.50am – 10.00am) Wesley Cottage, Chapel Lane, Oxton	43 – 51

8.	(16/00625/FUL) (Site Visit: 10.40am – 10.50am) 53 Westbrook Drive, Rainworth	52 – 58
9.	(16/00571/FUL) (Site Visit: 10.15am – 10.25am) Harlow Fields, Station Road, Edingley	59 – 67
10.	(16/00883/FUL) (Site Visit: 11.05am – 11.15am) Tenters Cottage, Tenters Lane, Eakring	68 – 86
11.	(16/00314/FUL) (Site Visit: 11.30am) Newark Boys Club, George Street, Newark	87 – 97
12.	(15/01250/OUTM) Land to the Rear of Lowfield Cottages, Bowbridge Lane, Balderton	98 – 141
13.	(16/00155/FUL) 8 Willow Drive, North Muskham	142 – 156
14.	(16/00782/FUL) The Plough, Main Street, Coddington	157 – 187
15.	(14/01428/FUL) Trent Valley Equestrian Centre, Occupation Lane, Fiskerton	188 – 197
16.	(16/00535/FUL) Meadow Lea, Newark Road, Kilvington	198 – 208

PART 2 – ITEMS FOR INFORMATION

17(a).	Appeals Lodged	209 – 210
17(b).	Appeals Determined	211

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.

None

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 5 July 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: D.M. Batey, Mrs C. Brooks, R.A. Crowe, Mrs M. Dobson, G.P. Handley, J. Lee, Mrs P.J. Rainbow, Mrs S. E. Saddington, Mrs L.M.J. Tift, I. Walker, and Mrs Y. Woodhead

ALSO IN

ATTENDANCE: Councillors: A.C. Roberts and T. Wendels.

21. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors R.V. Blaney, N.B. Mison and B. Wells.

22. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillor Mrs P.J. Rainbow	Agenda Item No. 8 - Land to the rear of Franklyn, Lower Kirklington Road, Southwell (15/02179/FUL) – Personal Interest, known to the Applicant.
Councillor Mrs C. Brooks	Agenda Item No. 7 - Land to the rear of the Villas, Ollerton Road, Edwinstowe (16/00313/OUTM) - Personal Interest as she is a member of Edwinstowe Parish Council.

23. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

24. MINUTES OF THE MEETING HELD ON 7 JUNE 2016

Minute No. 05 – 33 Trinity Road, Southwell (16/00562/FUL) at the end of the resolution the following wording be included ‘and be out of character in respect of its surroundings leading to an increase in on street parking’.

Minute No. 07 – 51 Lansbury Road, Edwinstowe (16/00390/FUL) at the end of the resolution the following wording be included ‘backland development, out of character affecting the amenities of neighbouring properties and setting of precedent’.

Minute No. 08 – Land North of Staunton Works, Alverton Road, Staunton-in-the-Vale (16/00316/FULM) the resolution to read as follows ‘that contrary to Officer recommendation the application be refused for reasons of inappropriate scale in the open countryside, the over intensive development and visual impact of the proposal and the adverse impact this would have on the character of the local area, and that the proposal did not satisfy the requirements of Policy DM8 – Development in the Open Countryside adopted in July 2013.’

Minute No. 11 – Southwell Racecourse, Station Road, Rolleston (15/01282/FULM) Resolution (b) to read: ‘with an amendment to condition 4 requiring the first review to be undertaken three years after construction or immediately after a flooding event, whichever is the sooner, in accordance with the recommendation of the Trent Valley Drainage Board.’

AGREED that subject to the above amendments, the minutes of the meeting held on 7 June 2016 be approved as a correct record and signed by the Chairman.

25. MINUTES OF THE MEETING HELD ON 14 JUNE 2016

AGREED the minutes of the meeting held on 14 June 2016 be approved as a correct record and signed by the Chairman.

26. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business as follows: Agenda item 13 was taken after item 5; item 15 was taken after item 6; and item 6 was taken after item 18.

27. NORMANVILLE, STANLEY TERRACE, NEWARK (16/00542/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for a single storey, detached 2 bedroomed dwelling.

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

Councillor A.C. Roberts representing Newark Town Council spoke against the application in accordance with the views of the Town Council, as contained in the report.

Members considered the application and concern was raised regarding the narrow access to the proposed developments, which was intensified by a number of residential wheelie bins being stored on the side of the access. Over development of the site and the detrimental amenity of residents surrounding the development should also be taken into consideration.

AGREED (with 6 votes for and 6 votes against and the Chairman using his casting vote in favour of granting the application) that full planning permission be approved subject to the conditions contained within the report.

28. HARLOW FIELDS, STATION ROAD, EDINGLEY (16/00571/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the creation of an additional residential unit through the conversion of the existing single storey redundant stable building. The proposal also included an extension on the south elevation of the building, the infilling of the short overhang on the north elevation and the insertion of windows, doors and two conservation style patent glazed windows in the roof slope.

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

The Planning Officer informed Committee of a typographical error on the first paragraph of the report, the paragraph should read: 'due to the parish council approval to the proposal whereas the officer recommendation is to refuse the proposal'.

Councillor Mrs D. Poole representing Edingley Parish Council spoke in favour of the application in accordance with the views of the Parish Council, as contained in the report.

The Chairman suggested that the application be deferred for a site visit.

AGREED (unanimously) that the item be deferred pending a site visit.

29. LAND TO THE REAR OF THE VILLAS, OLLERTON ROAD, EDWINSTOWE (16/00313/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought a residential development of up to 35 dwellings (30% affordable) with associated access, drainage infrastructure, landscaping, open space, car parking and all ancillary works. All items other than access were to be reserved.

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

The Business Manager – Growth and Regeneration recommended that an additional condition be included regarding securing the access during construction.

Members considered the application and the Local Ward Member commented that Edwinstowe Parish Council had no objection to the development other than concerns regarding the access. She also asked if the trees surrounding the development could be retained.

The Business Manager – Growth and Regeneration confirmed that the majority of the trees were outside the application site; but that any on the site at the time of reserved matters could be retained if negotiated.

AGREED (unanimously) that:

- (a) outline planning permission be approved, subject to the conditions contained within the report and the completion of a s106 Agreement; and

(b) subject to an additional condition regarding securing the access during construction as follows:

(i) No development shall commence until details of an access to serve The Villa's, including during construction of development, has been submitted to and approved in writing by the LPA. The approved details shall be implemented on site in full.

Reason: In the interests of ensuring that the access to neighbouring properties is not impeded by the development and to avoid vehicular conflicts in the interests of highway safety.

(Councillor T. Wendels left the meeting at this point).

30. LAND TO THE REAR OF FRANKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (15/02179/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought the erection of four detached dwellings and alterations to existing access and driveway.

The Planning Officer informed the Committee of a typographical error on page 63, second paragraph of the report. The paragraph should read 'permeable surfaces' and not impermeable surfaces.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Lead Local Flood Risk Authority.

Members considered the application and whilst Members raised no concerns regarding the development in terms of location and design, concern was raised regarding the slope of the land onto Springfields and the impermeable land at Springfields. Surface water ran onto Springfields and then onto Springfield Road. It was therefore suggested that if the Committee were minded to approve planning permission, condition 8 – flood mitigation methods be more robust.

AGREED (with 8 votes for, 2 votes against and 2 abstentions) that full planning permission be approved subject to the conditions contained within the report and an amendment to the drainage condition as below, with the caveat added 'unless otherwise agreed in writing by the LPA'.

No development shall be commenced until a surface water drainage scheme, 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. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- The drainage system should include a 2-stage treatment of the rainfall from hardstanding areas in accordance with Ciria C697 to reduce the risk of pollution to the environment.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

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.

31. THE PLOUGH, MAIN STREET, CODDINGTON (16/00782/FUL)

The application was withdrawn from the agenda.

32. THE OLD FORGE, STAYTHORPE ROAD, AVERHAM (16/00001/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the erection of a new dwelling and attached single garage.

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

Members considered the application was appropriate.

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

33. GOVERTON HILL, GOVERTON, BLEASBY (16/00509/OUT)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought outline planning permission for a proposed single dwelling up to one and a half storeys high. All matters were reserved for subsequent Reserved Matters approval.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Case Officer which suggested an additional condition regarding land levels to be the same as the neighbouring property.

Members considered the application and felt that the development would be suitable subject to the amendment regarding the land levels.

AGREED (with 8 votes for, 2 votes against and 2 abstentions) that outline planning permission be approved subject to the conditions contained within the report and the additional condition that requires land levels to be the same as neighbouring property with details to be submitted as part of the reserved matters application.

34. THE OLD FARM HOUSE, HIGH STREET, HARBY (16/00566/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought retrospective conversion of an existing single storey garage building to form a reception area, two treatment rooms, toilet, shower and changing room in relation to the Old Farm Spa business currently operating from the site, providing treatments for between 2 to 12 customers per day, including groups of up to 8 people at a time. It also included the use of a Jacuzzi spa, sauna and summer house within the garden area, to the rear of the building. The total area for the change of use was 62 square metres.

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

The Planning Officer proposed changes to conditions 3 and 4.

Members considered the application was appropriate.

AGREED (unanimously) that:

- (a) the enforcement notice served on the 18 March 2016 be withdrawn; and
- (b) full planning permission be approved subject to the conditions contained within the report and minor amendments to the following conditions:
 - (i) Condition 3 to be changed to reflect the fact that the details have now been submitted; and
 - (ii) Condition 4 to be changed to ensure use of the Jacuzzi closing at 7pm is more explicit.

35. 8 WILLOW DRIVE, NORTH MUSKHAM (16/00155/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the erection of a terrace of 3 no. two storey dwellings.

Members considered the application and concern was raised regarding the wall and the difficulty that may cause regarding parking in front of the properties. It was suggested that the wall be removed and the dwellings be moved forwards towards the highway, to be more in line with adjacent dwellings to the south.

The Planning Officer confirmed that the wall was not essential to the development and the removal of the wall would allow parking in front of the properties. Bringing the properties forward had not been proposed to the applicant but could be discussed with the applicant if the item was deferred.

AGREED (unanimously) that the application be deferred to the 2 August 2016 meeting of the Planning Committee, to allow Officers to explore whether the wall could be removed and the dwellings moved forwards towards the highway, to be more in line with the adjacent dwellings to the south.

36. BRINKLEY HALL FARM, FISKERTON ROAD, BRINKLEY (16/00589/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the demolition of industrial units and the erection of a new detached three bedroom, single storey house with attached garage. The application was a resubmission of application no 15/01395/FUL.

The Business Manager – Growth and Regeneration informed Members that the professional Planning Officers were split in opinion regarding whether the application was truly innovative in its design sufficient to meet the high design bar expected for exceptional dwellings in the countryside.

Members considered the application and some Members felt that additional information was required from the architect to support the building as being extra special and of excellent quality. Other Members felt that the proposals were different and that the application should be supported.

A vote was taken to approve the application which was lost with 5 votes for and 7 votes against.

AGREED (with 9 votes for and 3 votes against) that the application be deferred for two cycles to allow officers to gather more information as to its credentials in terms of its BREEAM (Building Research Establishment Environmental Assessment) rating and to arrange for a briefing to Members by the architect.

37. 53 WESTBROOK DRIVE, RAINWORTH (16/00625/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a part single storey and two storey rear extensions incorporating existing garage.

Members considered the application and felt that due to the height and impact of the property on neighbours, it was proposed that the item be deferred for a site visit.

AGREED (unanimously) that the item be deferred pending a site visit.

38. 3 PINGS CLOSE, BESTHORPE, NEWARK (16/00548/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the demolition of the existing detached garage within the side curtilage of the dwelling and the erection of a two-storey side extension. New hardstanding for parking would be provided to the front.

Members considered the application and concerns were raised regarding there being only one foot between the extension and the single storey seventeenth century barn.

(Councillor J. Lee left the meeting during part of the Officer Presentation and took no part in the vote).

AGREED (with 11 votes for and 1 abstention) that contrary to Officer recommendation planning permission be refused on the grounds of its cramped form of development and adverse impact on amenity grounds.

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

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

39. FIVE YEAR LAND SUPPLY POSITION AS AT 31 MARCH 2016

The Committee considered the report of the Deputy Chief Executive, which updated the Committee on the current five year housing land supply position as at 31 March 2016.

The Five Year Housing Land Supply Position Statement and its appendices were attached at Appendix A to the report, which set out that based on the Full Objectively Assessed Need of 454 dwellings per annum the Council had a 5.62 supply available. However the statement recognised that this figure had not yet been tested at a Plan Examination and was not confirmed and therefore set out the considerations which needed to be taken into account in these circumstances.

AGREED (unanimously) that the contents of the report and five year housing land supply position statement be noted.

40. APPEALS LODGED

NOTED that the report be noted.

41. APPEALS DETERMINED

The Business Manager – Growth and Regeneration informed Committee that the Fox Covert Wind turbines application on land south of Newark which had secured planning permission on Appeal had been referred to the Secretary of State who had agreed refusal in line with the Planning Authority recommendation.

NOTED that the report be noted.

The meeting closed at 6.55pm

Chairman

Application No:	16/00859/FUL	
Proposal:	Demolition of garage and creation of a 3 bedroom house. Formation of new driveway for the existing dwelling, Little Hollies.	
Location:	Little Hollies, The Close, Averham, NG23 5RP	
Applicant:	Mr & Mrs D Burke	
Registered:	02.06.2016	Target Date: 28.07.2016
		Extension of Time Agreed Until 05.08.2016

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

The Site

The site is located at Averham. Spatial Policy 1 of the Newark and Sherwood Core Strategy defines Averham as an “other village within Newark and Sherwood.” This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. The site is also located within Averham Conservation Area. The site currently forms the side garden area to The Hollies, a detached residential property. The site has now become overgrown. There is a one-and-a-half storey garage on the site. To the north of the site is The Close, to the South is Pinfold Lane, to the east is The Hollies (in ownership of the applicant) and to the west is a neighbouring residential property, Sycamore House, a large detached dwelling.

Relevant Planning History

06/01667/FUL Planning permission was refused in December 2006 for the erection of a detached dwelling at this site. Reasons for refusal were that a dwelling in this location was considered to be cramped and out of keeping with the character of the area, concerns with the design of the dwelling, unsustainable location.

11/00150/FUL Full planning permission was refused by the LPA in May 2011. The first reason for refusal was that the principle of further residential development in Averham was considered to be unacceptable as Averham was not considered to be a village that has significant local services and has infrequent public transport links. The second reason for refusal was that the proposal did not reflect the character of the area appearing cramped and representing over-development. Furthermore, the design failed to re-enforce local distinctiveness.

This application was subsequently dismissed at appeal. The Inspector disagreed with the LPA that Averham was not a sustainable village as it lacked local services and had an infrequent bus route. Indeed the Inspector stated that *“the proposed dwelling would be located within a village that has local services and access to Newark, Service Centres or Principal Villages. It would therefore comply with the “location” criterion of Spatial Policy 3.”*

The Inspector then goes on to state that *“Spatial Policy 3 contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance.”* At paragraph 14 of his appeal statement the Inspector states that *“No evidence has been put before me on the issue of “Need” as set out in the third criterion of Spatial Policy 3. This is a matter that would need to be addressed before it could be concluded that the proposal would comply with that policy as a whole.”*

The Inspector agreed with the LPA in that the proposal did not preserve or enhance the character and appearance of the conservation area. He states that *“Apart from the original cottages at its eastern end, the appeal site and the remaining site of Little Hollies would be the narrowest house plots on the formerly open land. Each would fill the width of its plot to a large degree. Sycamore House (the neighbouring property) is located within a few metres of its boundary with the appeal site. Together the 3 houses would appear much more closely grouped than other houses fronting this side of The Close. In my opinion this would harm the residual openness of this part of the village and would damage the character and appearance of the Conservation Area.”*

The Inspector, however, disagreed with the LPA regarding the design of the proposed dwelling itself stating that *“the house designs (in the area) are very varied in terms of scale and design. In my opinion the proposed design would not appear out of place in its context.”*

The Inspector agreed with the LPA and the appellant in that the proposal would not have a significant detrimental impact on the amenity of the occupiers of neighbouring properties or on highway safety.

11/00151/CAC Conservation Area Consent for the demolition of the garage at the site was granted by the LPA in May 2011.

12/00705/FUL Planning permission was refused for the creation of a three-bedroomed house in July 2012. The difference between this application and the previous one was that that a revised design was submitted involving a narrower dwelling. However, the applicant did not try to overcome the other concern of the Inspector regarding need in that no local needs housing survey has been carried out to demonstrate that there is a strategic need for this type of housing in this area. The reasons for refusal were;-

1. Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Averham, this falls within the category of an “other village within Newark and Sherwood.” This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance. The applicant has not provided sufficient evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3.
2. The site comprises a parcel of land adjacent to Little Hollies and lies within the Averham Conservation Area. The general character of this part of the Conservation Area comprises large spacious plots that span from The Close to Pinfold Lane. In the opinion of the Local Planning Authority the proposal does not reflect that character with the new dwelling appearing cramped and representing an over-intensive development that is out of character with the area. Therefore the proposal is contrary to Core Policy 14 (Historic Environment) of the Newark and Sherwood Core Strategy Development Plan Document and Saved Policy C1 (Development in Conservation Areas) of the adopted Newark and Sherwood Local Plan.

This application was subsequently dismissed at appeal in March 2013.

The Inspector agreed with the LPA on the issue of need stating that:- *“The policy says that new housing in rural areas should help to meet identified proven local needs. Unfortunately the Core Strategy is largely silent on its meaning or how applicants are meant to demonstrate that there is a local need. An Inspector, in allowing a recent appeal in a similar village², interpreted local need for the purpose of that decision as “the specific needs of particular individuals or groups within the local community that would be met by good quality housing with a mix of different sizes, types and tenures”. Within villages, such requirements could relate to the need to provide accommodation for persons working in the area as well as to family circumstances, such as applied in the North Muskham case. The Appellant refers to a requirement to provide a dwelling in order to care for aged relatives. However, there is no evidence to confirm that the relatives are in need of immediate support or that a three bed roomed house is the most appropriate accommodation within which to provide any required care. The North Muskham case involved the construction of a dwelling to enable that appellant to reside close to elderly relatives who were established in that village. This Appellant’s relatives live in Newark, which is a far more sustainable location and with a far wider range of facilities used by elderly persons than is to be found at Averham. The Appellant points out that his relatives have long standing connections with Averham but there is no evidence to support this. I therefore conclude that an identified proven local need for the dwelling has not been identified and that the proposal is contrary to SP 3. Unless there are special local circumstances, development in rural villages, even comparatively sustainable ones such as Averham, is not preferable to development at Newark or within Service Centres and Principal Villages. There is no evidence to suggest that the identified housing needs of Newark District could not be met within the designated settlements or that the District does not have an identified 5 year land supply. The support offered by the Framework does not therefore outweigh the up-to-date Development Plan Policies.”*

The Inspector did not agree with the LPA regarding the impact of the proposal on the character and appearance of the conservation area stating that;- *“The implementation of the proposal, if accompanied by the removal of the garage and the implementation of a carefully designed landscaping scheme, could preserve the character and appearance of the Conservation Area.”*

13/01468/FUL Planning permission was refused for the demolition of the existing garage and erection of 1 No. three bedroomed dwelling in December 2013. The difference between this application and the previous application was that the applicant submitted information aiming to demonstrate that there is a need for the proposal. This included that the dwelling was for the parents of the applicant. The reason for refusal was that:-

1. Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Averham, this falls within the category of an "other village within Newark and Sherwood." This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance. The applicant has not provided sufficient evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3.

This application was subsequently dismissed at appeal in September 2014.

The Inspector agreed with the LPA on the issue of need stating that:-

- “8. The site is within the built up area of Averham. Two appeals relating to this site have been dismissed in the recent past. In these appeals it was found that the village has a limited range of local facilities but bus services provide access to Newark, Southwell and Mansfield which have a wider range of services and employment opportunities. The parties are agreed that in essence only the criterion of “need” is outstanding in respect of SP3. From the evidence I have seen I have no reason to come to a different view and have therefore considered the appeal on this basis.
9. SP3 says that new housing in rural areas should help to meet identified proven local needs. The meaning of local need, or how applicants are meant to demonstrate that there is such a local need, is not clear from the CS. Both parties have drawn my attention to a number of appeals in this respect and I have taken account of them all.
10. In September 2013 the Council published the “Spatial Policy 3 Guidance Note” (GN) which recognises that differences in interpretation have arisen in decisions featuring SP3, and seeks to further explain the policy to aid consistency in decision making. In relation to need, the GN indicates that SP3 is intended to serve the public interest rather than that of individuals and consequently the proven local need to which it refers must be that of the community rather than the applicant. It goes on to say that the policy is not intended to cater for individuals’ desire to live in particular locations or in particular types of accommodation. This broadly accords with the PPG, which, in advising of material planning considerations, refers to the general view of the Courts as planning being concerned with land use in the public interest.
11. I appreciate that the GN has not been the subject of consultation, does not form part of the development plan and therefore is of limited weight. I am also aware that the CS pre-dates the Framework. However, for the reasons set out above I consider that SP3 and the GN generally align with the advice in the Framework and in the PPG.
12. Paragraph 14 of the Framework requires that development proposals that accord with the development plan should be approved without delay. I have seen no evidence to suggest that the identified housing needs of Newark and Sherwood District could not be met within the designated settlements or that the District does not have an identified 5 year land supply. Therefore the support offered by the Framework in terms of sustainable development does not outweigh policies SP1 and SP3 of the CS which seek to locate development within Newark and identified settlements as being the most sustainable approach, unless there is a specific local need.”
23. For the reasons set out above and taking everything in the round I conclude that, on balance, a proven local need for the dwelling has not been identified.

The issue of need was therefore the only reason for the application being refused by the LPA and the appeal being dismissed by the Planning Inspectorate.

16/00001/FUL This application does not relate to this specific site but another site in Averham;- The Old Forge, Staythorpe Road. This application for a new dwelling was approved at the July 2016 Planning Committee, in accordance with officer recommendation.

The Proposal

This current planning application seeks full planning permission for “Demolition of garage and creation of a 3 bedroom house. Formation of new driveway for the existing dwelling, Little Hollies.”

The submitted plans show the siting, footprint and elevation details of the proposed dwelling for this current planning application to be identical to that considered at the last appeal (13/01468/FUL). The dwelling would be situated in line with the built form of the host dwelling at Little Hollies. The principal elevation with a small lean to porch would be orientated towards The Close albeit the highways access to the dwelling would be from Pinfold Lane. The proposal also includes a new vehicular access for the host dwelling from Pinfold Lane.

Departure/Public Advertisement Procedure

Occupiers of nine 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 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Guidance Note to SP3 Supplementary Planning Document

Consultations

Averham, Kelham, Staythorpe Parish Council – Object on the grounds of:-

1. Does not reflect the character of the conservation area.
2. Averham is not considered to be a village that has significant services and the proposal is therefore contrary to SP3.

3. Averham village has a surplus stock of residential homes. There are 16 residential homes of varying types, including two bungalows, still to be sold.
4. The Parish Council is not aware of any planning permission to make a new entrance at the rear of the garden to Hollies Cottage to allow access to the public highways across green plots of land to the rear of the property. As a result of new builds in 2009-2010 Pinfold Lane has seen an increase in vehicle traffic. The traffic on this adopted road can be heard and vibrations felt inside these properties.
5. The amenities of nearby properties would be affected by noise.
6. The submitted site location plan is incorrect (*this has now been amended*).
7. This proposed site development has been refused and subsequently upheld at appeal by the planning inspector on two occasions. The main criteria for rejection being that the applicant had failed to satisfy the "NEED" criteria as specified in the guidance notes of Spatial Policy 3.
8. The Parish Council considers that the application is identifying the above paragraph as a case of individual "NEED". It does not therefore meet the need of the community or serve the public interest but caters for individual desire.
9. We note from the application, that supporting information relates to Newark and Sherwood District Councils strategic 5 year land availability and policies, and the recent upheld decision by the planning inspectorate. In the Parish Councils opinion we respect individual planning views however each planning application must be taken on an individual basis. Strategic decisions must be made on location, Type of Development, Local Policy's, and Need. A one off development in a Village classified as SP3 with little amenities, are not in the interest of the local community and should be taken into account in the decision making process.

NCC Highways Authority – This proposal is for the erection of a dwelling adjacent Little Hollies, with a new vehicular access from Pinfold Lane and pedestrian access from The Close. This section of Pinfold Lane is adopted public highway with a wide verge. Sufficient parking is provided for Little Hollies and whilst there appears to be adequate space for vehicle parking for the proposed dwelling, this is not clearly shown on the site/block plan.

There is a vehicular access currently in use from The Close, however, as part of this application, this will need reinstating back to highway verge.

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

1. No part of the development hereby permitted shall be brought into use until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.
2. The pedestrian access shall be constructed and surfaced in a bound material in accordance with the approved plan to the Highway Authority's specification. Reason: In the interests of highway and pedestrian safety.
3. No part of the development hereby permitted shall be brought into use until the existing site access from The Close that has been made redundant as a consequence of this consent and as shown on plan DB389 A104 is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

4. No part of the development hereby permitted shall be brought into use until the parking area for the proposed dwelling is provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking area shall be maintained for the life of the development and shall not be used for any purpose other than the parking of vehicles. Reason: In the interests of highway safety.

Notes to Applicant

The development makes it necessary to construct a vehicular and pedestrian crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: 0300 500 8080 to arrange for these works to be carried out.

The minor access reinstatement works referred to above in Condition 3 involves works on the highway and as such requires the consent of the County Council. Please contact 0300 500 8080 to arrange for this to be carried out.

Conservation Officer – I have given the current application good consideration alongside the extensive site history at this site.

The idea of this as a development plot has been suggested for some time and Conservation has previously raised concerns that the large plots here contribute attractive greenery and openness to the character and appearance of Averham, and that development here would harm these positive elements.

The most relevant application is 12/00705/FUL in which a revised and relatively narrow new house was proposed next to Little Hollies but refused by the LPA on the grounds of local need and impact on the Conservation Area. Looking through this file the case officer felt that, 'the 3 houses (the proposed dwelling, the host dwelling and the neighbouring property) would appear much more closely grouped than other houses fronting this side of The Close. This is considered to harm the residual openness of this part of the village and would damage the character and appearance of the conservation area.' There was no other specific Conservation input on this application and no objections to the specifics of the design were raised in this application.

I understand this current application is a resubmission of the 2012 application.

I would agree that given the varied designs already seen on The Close, and the use of traditional detailing in the proposed new design, the design itself of this proposal is not an issue. I will therefore address the concerns of density and loss of openness. To this end I have looked closely at the Inspector's comments on the appealed 2012 application.

I would agree with the Inspector's description of the site and its surrounds, that while some plot sizes on The Close are large, others are smaller and the buildings to the west of the application site actually occupy most of the width of their plot. Due to the position of Little Hollies to the east of its plot, the large size of the plot and relatively small size of Little Hollies it does leave a reasonable sized space between itself and Sycamore House. I also agree that the attractive sense of openness along The Close is in part from plot size but also from the degree of set back from the road and greenery around and between houses. This is important in understanding what it is that contributes to the character and appearance of the Conservation Area and how the development would impact upon this.

I understand the current proposal is a resubmission of the appealed proposal. The Inspector noted that, *'The ... proposal would be about 5.5 metres from both Little Hollies and Sycamore House. This is within the range of separation distances between buildings on the next four plots to the west and could be preserved by a condition. In such circumstances this appeal proposal would not be out of character with the development immediately to its west.'* As such, while the resulting grouping of houses would be closer than *some* of the houses on The Close, it has already been established that this spacing is varied and the resulting density would not be out of character with those buildings to the west.

I agree that greenery and open space would of course be lost by the proposal, but I would not say that this area is specifically identified as a positive area of open space contributing directly to the character and appearance of the conservation area, it is more a sense of spacing and greenery in general on The Close which contributes to the conservation area. The resulting change in density would not be out character and the set back from the road would be consistent with the neighbours, so the resulting greenery between and around buildings would not be out of character. The loss of some greenery and openness is acknowledged by the Inspector but I would also agree that in many respects this would be offset by the demolition of the existing garage, which is relatively large and well forward of the general building line.

The loss of this garage was key to the Inspector finding a balance with application and I am inclined to agree. If this application is to be approved then the loss of the garage will presumably need to be controlled by a S106 Agreement.

Overall I think the Inspector makes a fair and thorough assessment of the 2012 application and I am persuaded by their logic. Given the specifics of this site, the resulting new density would not be of character. Loss of greenery and spacing would result, but not from an area specifically identified as contributing positively. Nevertheless the loss of greenery and openness could cause some limited harm, but this would be to a large extent off-set by the demolition of the garage. Overall then the application is likely to maintain the character and appearance of the Conservation Area and I have no objection, subject to condition (position within the plot, landscaping, loss of the garage, as well as high quality materials).

Internal Drainage Board - There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

- Impact on character of conservation area
- Impact on openness of area
- Highway Safety
- Pinfold Lane has seen a large increase in traffic
- Neighbouring properties are now experiencing noise, vibration and movement from traffic
- Impact on residential amenity on terms of noise from development
- The access on the plan has not had consent to make an entrance across the green plot of land which is privately owned.
- Access to the site has always been from The Close
- The applicants have not dealt with the need requirement for the previous planning applications

- The applicants state that the dwelling is for elderly relatives who are in ill health. Therefore, this development will not maintain or enhance the vitality of the village and fail the location criterion of SP3.
- The publication of the National Planning Policy Framework does not alter the principle of the plan led system, particularly where the development plan is up to date
- An application in Staythorpe has recently been refused, even though the Council were not able to demonstrate a 5 year land supply.
- There has already been a large development of residential homes in the village
- There is a surplus stock of houses in the village

Comments of the Business Manager

Introduction

The most recent planning application and appeal at the site (13/01468/FUL) identified that the only outstanding issue with the proposal was that the applicants had failed to demonstrate a local need for the development. This report will first explore the issue of need in detail before going on to assess all other relevant material planning considerations. Whilst this current application is almost identical to the previous application, it is important to assess whether there have been any policy changes since the previous application and whether anything has changed on the site or the surrounding area.

Need

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within other villages in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3. The five criteria outlined by SP3 are location, scale, need, impact and character.

This application is almost identical to planning application 13/01468/FUL which was refused by the LPA and dismissed at appeal. The sole reason for both the refusal and the dismissal was that of need. The LPA reason for refusal is set out below;-

“Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Averham, this falls within the category of an “other village within Newark and Sherwood.” This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance. The applicant has not provided sufficient evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3.”

The Inspector agreed with this issue. Relevant parts of the Inspector’s decision are included in detail in the site history section of this report. This is summarised in paragraph 23 of the inspector’s decision which states that;-

“I conclude that, on balance, a proven local need for the dwelling has not been identified.”

Since the previous application at the site was refused, there has been a change in the Council's housing supply position.

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) which requires housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

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

is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that single units are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements. The assessment of the proposal against the other criteria of SP3, as well as other relevant planning policies, is as follows.

Location of Development

The Planning Inspector for the previous appeal considered that the site was within the built up area of Averham and that Averham is a sustainable, accessible village. It was found that the village has a limited range of local facilities but that bus services provide access to Newark, Southwell and Mansfield which have a wider range of services and employment opportunities.

The Council's previous decision at this site along with the recent appeal decision both carry significant weight as does the recent application for a new dwelling at Staythorpe Road, Averham (16/00001/FUL). All of which concluded that the location criterion of SP3 had been satisfied.

With regard to the services within the village there is a primary school, local theatre and a church. In terms of access to more sustainable settlements there is a local bus service running approx. every hour which provides access to Newark (approx. 3miles to the west), Southwell and Mansfield which have a wider range of services and employment opportunities. I am not aware that this is significantly different to when the appeal decision at the site was issued and certainly not since July when the Planning Committee approved a new house on Staythorpe Road, Averham.

In taking all of the above points into consideration I find that Averham is a sustainable location where a new dwelling can be supported on a locational basis under SP3 and is in line with paragraph 55 of the NPPF as an additional dwelling which would enhance or maintain the vitality of the rural community.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume (this is discussed further in the Highway Safety section of this report). This is in line with the Inspector's previous decision for the site.

Impact on Character

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

Again, the previous appeal decision at the site must be given significant weight. Historically, the Council's Conservation Officers have raised concerns that the large plots here contribute attractive greenery and openness to the character and appearance of Averham, and that development here would harm these positive elements.

The most relevant application is 12/00705/FUL in which a revised and relatively narrow new house was proposed next to Little Hollies but refused by the LPA on the grounds of local need and impact on the Conservation Area. This house was identical to the one being proposed as part of this current application in terms of design and site layout. The LPA considered that 'the 3 houses (the proposed dwelling, the host dwelling and the neighbouring property) would appear much more closely grouped than other houses fronting this side of The Close. This was considered to harm the residual openness of this part of the village and would damage the character and appearance of the conservation area.'

However, the Inspector considered that while some plot sizes on The Close are large, others are smaller and the buildings to the west of the application site actually occupy most of the width of their plot. Due to the position of Little Hollies to the east of its plot, the large size of the plot and relatively small size of Little Hollies it does leave a reasonable sized space between itself and Sycamore House. I also agree that the attractive sense of openness along The Close is in part from plot size but also from the degree of set back from the road and greenery around and between houses. This is important in understanding what it is that contributes to the character and appearance of the Conservation Area and how the development would impact upon this.

The Inspector noted that, *'The ... proposal would be about 5.5 metres from both Little Hollies and Sycamore House. This is within the range of separation distances between buildings on the next four plots to the west and could be preserved by a condition. In such circumstances this appeal proposal would not be out of character with the development immediately to its west.'* As such, while the resulting grouping of houses would be closer than some of the houses on The Close, it has already been established that this spacing is varied and the resulting density would not be out of character with those buildings to the west.

The Conservation Officer has been consulted on this application and has stated that she agrees that greenery and open space would of course be lost by the proposal, but that this area is not specifically identified as a positive area of open space contributing directly to the character and appearance of the conservation area, it is more a sense of spacing and greenery in general on The Close which contributes to the conservation area. The resulting change in density would not be out of character and the set back from the road would be consistent with the neighbours, so the resulting greenery between and around buildings would not be out of character. The loss of some greenery and openness is acknowledged by the Inspector but I would also agree that in many respects this would be offset by the demolition of the existing garage, which is relatively large and well forward of the general building line.

As the loss of this garage was key to the Inspector finding a balance with application, a condition should be attached to the grant of planning permission ensuring that this building is demolished prior to the new dwelling being occupied.

Given the varied designs already seen on The Close, and the use of traditional detailing in the proposed new design, the design itself of this proposal is not considered to be an issue. This is in line with the Inspector's decision.

Landscaping details, materials and joinery details should all be conditioned, should planning permission be approved, in order that the detailed finish of the proposal is of high quality.

Impact on Amenity

An assessment of amenity impact relates to both the existing neighbouring occupiers and the occupiers of the proposed dwelling in terms of the amenity provision. This is in line with policies SP3 and DM5.

Again, neither the previous planning application refusal nor the Inspector's dismissal was on the grounds of impact on amenity. This proposal is identical to the previous application at this site and a recent site visit showed that there had been no significant changes either at the site or surroundings since the previous decisions. As such, I consider that it would be unreasonable to refuse the application on these grounds now.

The nearest unassociated neighbouring property is Sycamore House. Separation distances are considered to be sufficient so as to not cause significant massing / overshadowing issues. The only proposed windows facing the neighbouring property would be secondary aspect, lighting stairwells. Furthermore, the ground floor window would be screened by boundary treatment. Conditions could be added to the grant of any planning permission to ensure that the first floor side window is obscure glazed and that no further windows are inserted along this elevation without planning permission.

A condition should also be added removing permitted development rights for extensions. This is both because of potential impact on neighbouring amenity and also because of the visual impact on the character and appearance of the conservation area.

Neighbours have raised concerns regarding noise and disturbance both from the traffic associated with an additional dwelling and also from the additional dwelling itself. However, I do not consider that any slight increase in noise from one additional dwelling would be significant enough to cause a nuisance nor to warrant a reason for refusal.

Both the existing and proposed new dwelling will maintain adequate private amenity space.

Impact on Highways

Spatial Policy 7 of the Core Strategy encourages development proposals to provide safe, convenient and attractive accesses for all and provide appropriate and effective parking provision for new development. This is mirrored by Policy DM5.

The wider site (the host dwelling and the adjacent application site) currently has two vehicular accesses, one from Pinfold Lane at the rear of the site and one from The Close at the front of the site. This application proposed closing off the vehicular access to The Close and having two vehicular accesses from Pinfold Lane. There will be two pedestrian accesses from The Close. This is in line with the previous application at the site which was not refused on highway grounds.

The Highway Authority has been consulted on the above proposal and has raised no objections subject to conditions, stating that:-

“This proposal is for the erection of a dwelling adjacent Little Hollies, with a new vehicular access from Pinfold Lane and pedestrian access from The Close. This section of Pinfold Lane is adopted public highway with a wide verge. Sufficient parking is provided for Little Hollies and whilst there appears to be adequate space for vehicle parking for the proposed dwelling, this is not clearly shown on the site/block plan.

There is a vehicular access currently in use from The Close, however, as part of this application, this will need reinstating back to highway verge.”

Conclusion and Overall Planning Balance

The proposal seeks full planning permission for an additional dwelling in a rural village. It represents a sustainable pattern of development on the basis that Averham has some local services and sustainable access to a wider range of services and employment in nearby sustainable locations such as Newark. In reaching this judgement, significant weight has been attached to the previous appeal decisions at this site as well as another site in the village where planning permission was granted for a new dwelling in July this year. It is noted that the proposal offers the opportunity to contribute towards the housing supply of the District at a time of uncertainty in respect to the delivery of a five year supply, and given the assessment of sustainability this is supported. There are not considered to be any other material considerations which would outweigh this benefit and therefore the proposal is recommended for approval subject to the conditions listed below.

RECOMMENDATION

That full planning permission is approved subject to the following condition(s):-

Conditions

01.

The development hereby permitted shall be begun within one 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:-

Revised Site Location Plan, Drawing No. DB 389 – A100 Rev B
Proposed Site / Block Plan, Drawing No. DB 389 – A104
Proposed Dwelling Plans and Elevations, Drawing No. DB 389 – A102 Rev C

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

Reason: So as to define this permission.

03

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

Bricks
Roofing tiles

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

04

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. 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 in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

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

06

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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.

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) (England) Order 2015 or any amending legislation). In order to safeguard the amenity of neighbours. To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

07

No development shall be commenced until the trees shown to be retained on drawing number TCP-01 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 the outer extremity of the tree canopies or a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crown spread of any tree.

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

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

08

No development shall be commenced until full details of both 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.

Reason: In the interests of visual amenity and nature conservation.

09

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

10

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

Reason: In the interests of visual amenity.

11

The dwelling hereby approved shall not be occupied until the existing garage shown to be removed on drawing no. DB 389 – A101 has been demolished in full and all materials removed from the site.

Reason: In the interests of visual amenity.

12

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

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

13

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

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

14

No part of the development hereby permitted shall be brought into use until precise details of the vehicular verge crossing have been submitted to and approved in writing by the LPA. Thereafter, the development shall be carried out in accordance with the approved details prior to the crossing being brought into use.

Reason: In the interests of highway safety.

15

No part of the development hereby permitted shall be brought into use until precise details of the pedestrian access have been submitted to and approved in writing by the LPA. Thereafter, the development shall be carried out in accordance with the approved details prior to the access being brought into use.

Reason: In the interests of highway and pedestrian safety.

16

No part of the development hereby permitted shall be brought into use until the existing site access from The Close that has been made redundant as a consequence of this consent and as shown on plan DB389 A104 is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

17

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

Reason: In the interests of highway safety.

Notes to Applicant

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 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

03

The development makes it necessary to construct a vehicular and pedestrian crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: 0300 500 8080 to arrange for these works to be carried out.

The minor access reinstatement works referred to involves works on the highway and as such requires the consent of the County Council. Please contact 0300 500 8080 to arrange for this to be carried out.

Background Papers

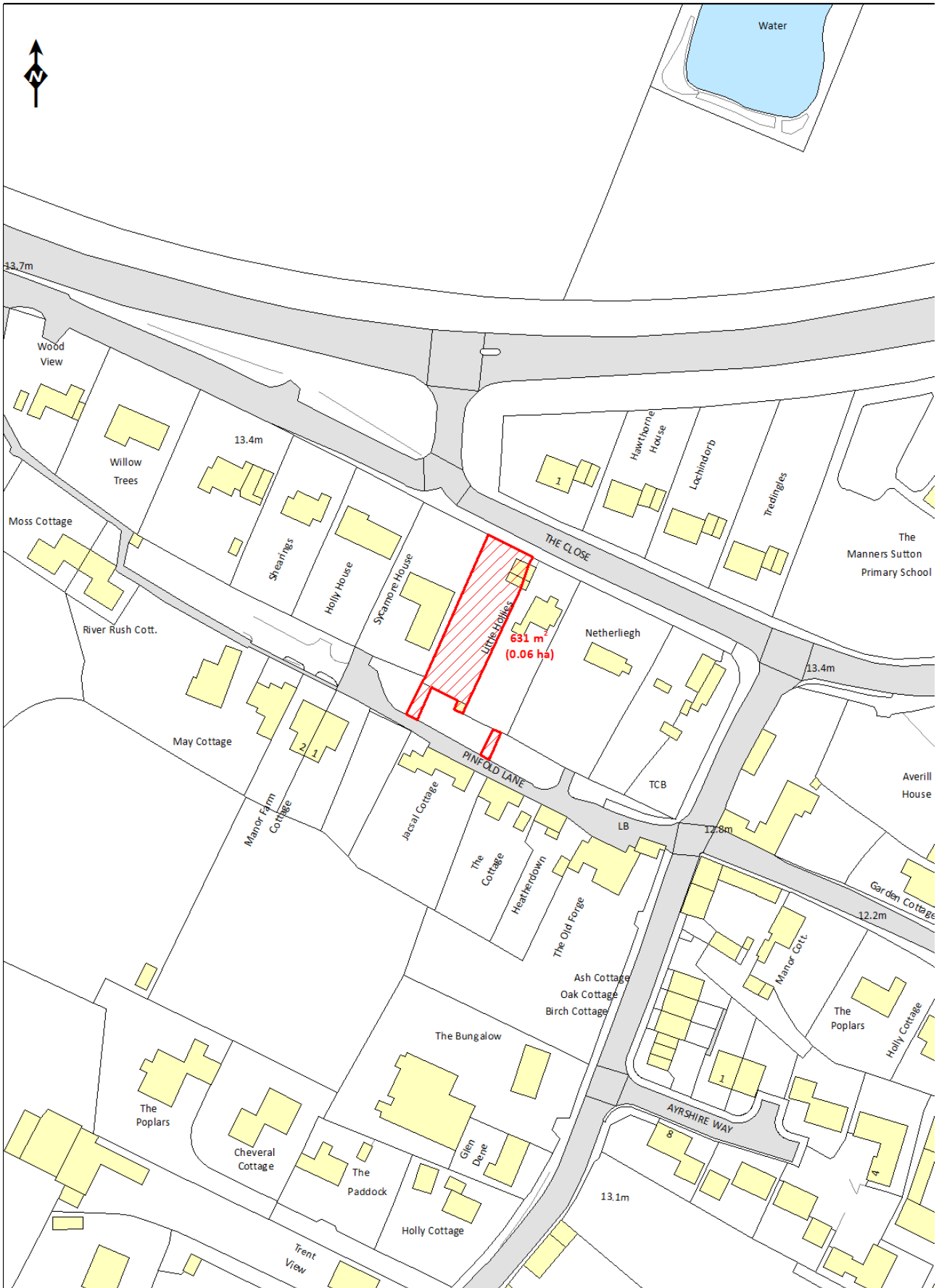
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00859/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00634/FUL	
Proposal:	Demolish garage and erection of a new dwelling	
Location:	94 Lower Kirklington Road, Southwell, Nottinghamshire, NG25 0DP	
Applicant:	Mr N Corden	
Registered:	3 May 2016	Target Date: 28 June 2016

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

The Site

The site lies within the main built up area of Southwell in an area which is predominantly residential. The site lies to the rear of 94 Lower Kirklington Road and can be accessed from Lower Kirklington Road by foot only or Norwood Gardens by vehicle or foot. The plot currently comprises outbuildings associated with no.94 and the rear garden of the property. Adjacent dwellings lie to the north and west of the site with the highway to the east.

Relevant Planning History

No planning history for the site.

The Proposal

The application seeks consent for the demolition of an existing garage within the curtilage of 94 Lower Kirklington Road followed by the erection of a two-storey, two-bedroom detached dwelling measuring a maximum of 6.9 in depth, 8.1m in width and 6.9m in ridge height. The dwelling will include a canopy to the principal elevation measuring 1.1m in depth to provide sufficient length for the 2no. parking spaces to the front of the dwelling. It is proposed that the dwelling will be constructed of brick and tiles to match the dwelling at no.94.

The application has been amended several times since it was submitted due to concerns from the Officer relating to design and parking layout. This report and recommendation relate to the plans submitted on 12th July 2016.

Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
SoAP 1: Role and Setting of Southwell

Allocations and Development Management DPD Adopted July 2013

Policy So/HN/1 – Southwell Housing Need
Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3: Developer Contributions and Planning Obligations
Policy DM5: Design
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014
Draft Southwell Neighbourhood Plan 2015

Consultations

Southwell Town Council – *Southwell Town Council Planning Committee considered this application at its meeting last night and supports this application, subject to the Highways issue being resolved.*

NSDC Access and Equalities Officer – *A separate enquiry should be made regarding Building Regulations matters and it is further recommended that the developer be mindful of the provisions of the Equality Act.*

NCC Highways –

Comments received 18th May 2016

It is understood that the application comprises the demolition of an existing garage and construction of a new dwelling within the curtilage of 94 Lower Kirklington Road, Southwell. It is noted that the proposed access will impact that of the existing plot and therefore both would need to be considered as part of this application.

The proposals include the removal of plot no. 94's garage and as such will have a material impact on parking associated with the existing plot.

Vehicular access currently serving plot 94 is gained via the southern end of Norwood Avenue, with access directly onto a turning head. Site observations have shown this turning head to be used for parking several vehicles.

Norwood Avenue is a cul-de-sac leading from Norwood Gardens. No footways are provided.

Historically vehicular access was not permitted along Norwood Avenue. An adopted footpath was provided linking Lower Kirklington Road to Norwood Gardens running along the centre of a green corridor.

Due to parking issues on Norwood Avenue the Highway Authority and District Council installed the road to provide formal access to provide parking facilities for existing residents.

Concern is raised by the Highway Authority regarding the current parking issues observed on Norwood Avenue with cars using the turning head as an informal parking facility. Should the proposed development be approved, this parking will either restrict access into the plot or be displaced elsewhere, likely to cause an obstruction/hazard to other road users. The current parking issue which is likely to be exacerbated by the proposed development, will impact the ability to service properties on Norwood Avenue.

The Highway Authority provided pre-application advice to the applicant detailing information that would need to be submitted in support of a planning application. This information has not been submitted.

Further information will need to be submitted in support of the application, being acceptable to the Highway Authority, to resolve their current concerns. This information includes:

- 1) A proposed access arrangement plan should be provided illustrating the driveway geometries for both plot 94 and the new plot. Guidance should be taken from the 6C's Highway Design guide to ensure suitably sized driveways are proposed. For a single plot a minimum driveway width of 2.75m is required, however where bound on either side an additional 0.5m will need to be added to both.*
- 2) Details regarding parking provision associated with plot 94 and the new plot are required. Two parking spaces will be required within the curtilage of each plot. The location of these spaces should be illustrated on a scaled plan, guidance should be taken from Bassetlaw District Council's policy document: Residential Parking Standards – Supplementary Planning Document.*

Should the additional information not be provided to the satisfaction of the highway authority then it would be recommended to REFUSE the application due to inadequate proposed vehicular access and parking provision serving the existing and proposed plots.

REASON FOR REFUSAL:

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway.

Comments received 13th June 2016

The Highway Authority has provided previous comment regarding this application. Subsequently additional information has been provided based on the drawing reference: Crossover/parking – 108.

The drawing has been prepared to address comments made in relation to the Highway Authority's previous comments.

The Highway Authority's concern regarding current parking issues observed on Norwood Avenue with cars using the turning head as an informal parking facility still remains. Should the proposed development be approved, this parking will either restrict access into the plots or be displaced elsewhere, likely to cause an obstruction/hazard to other road users. The current parking issue which is likely to be exacerbated by the proposed development, will impact the ability to service properties on Norwood Avenue.

Proposed access geometries serving the existing plot (94 lower Kirklington Road) are considered to be acceptable.

The depth of the driveway serving the new plot will need to be increased within the curtilage of the site, it is currently shown to be 4.8m. The width of the proposed drive is also shown to be indicatively 5.5m wide. Considering parking space widths of 2.4m and boundary treatments to the left of the property, this will leave a path width of less than 0.7m to reach the front door of the property. The front door is also located opposite a parking space and as such access will be restricted. Owing to the above the driveway should have a minimum length of 6m to ensure adequate access is achievable. This will require the proposed house footprint to be moved backwards.

The extended footway crossover would need to be enlarged to including a 45 degree angle wedge of pavement to the north of the existing proposed area to avoid vehicles driving over the grassed verge to access the drive, and damaging kerbs.

On a separate note, Norwood Avenue is currently going through the process of becoming adopted, through a Section 228 agreement of the Highway Act. Only the road is being adopted and as such the redline boundary of the application does not abut the adopted highway (soon to be). Therefore access to the existing and proposed development is over third party land which is outside of their control.

Given the above it is recommended that the Application is REFUSED based on the following grounds:

- 1) The proposed development fails to provide sufficient space to accommodate a standing vehicle between the front elevation of the house, and its front door, and the highway boundary and consequently parked vehicles could cause an obstruction of the public highway with consequent risk to public safety.*
- 2) The redline boundary of the application site does not provide access onto the public highway and as such the proposals have no control over the ability to gain access to / from the site.*

Comments received 18th July 2016

The application comprises the demolition of an existing garage and construction of a new plot, including two in curtilage parking spaces. The existing plot is to retain two parking spaces.

The Highway Authority has previously provided comment regarding this application. Subsequent to these comments, the applicant has revised their proposals to include two parking spaces.

The land between the proposed development and the public highway (solely the Norwood Avenue road carriageway), is in the ownership of Newark and Sherwood District Council and therefore it is raised to the LPA that they would need to provide access rights over their land.

The access to the parking spaces to the existing dwelling, 94 Kirklington Road, and the proposed dwelling, are not ideal. However, they are unlikely to create a severe impact to the operation of the adjacent public highway.

Given the above, the Highway Authority would not raise an objection to the proposed application, subject to the following conditions:

CONDITIONS:

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

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

2) *No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan reference: Crossover/Parking 108B. The parking areas shall not be used for any purpose other than parking vehicles.*

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

Trent Valley Internal Drainage Board – *The site is outside of the Board’s district but within the Board’s catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.*

Southwell Civic Society – Object to the proposal, supporting NCC Highways reasons for objection

In addition, 4 letters of representation have been received from interested parties. The issues raised are summarised below,

- Invasion of privacy to the gardens and dwellings to the rear
- Loss of light to adjacent properties
- Overbearing issues
- Issues with drainage/flooding
- Errors in the submission relating to boundary treatments
- Impact on the parking and access to nearby properties owing to existing occupants of 94 Lower Kirklington Road (student let) and proposed occupants of new building – this could lead to 8 cars parking at the furthest point of the cul-de-sac. This could also lead to damage to verges
- Already a major issue with parking along the road
- Impact upon value of nearby properties
- Letters informing local residents should have been sent out to more residents as the build has extensive impact on other residents for interest such as access, parking etc

Comments of the Business Manager

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

Principle of Development

The site lies within the defined built up area of Southwell, which is identified by SP1 of the Core Strategy as a 'service centre' and therefore the principle of housing development is accepted, subject to design, impact upon amenity, and highway impacts, amongst other issues.

In addition, in accordance with the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. As such, this location is considered to be a sustainable location for new housing development in accordance with the aims of Policy DM1 of the DPD.

Impact on the Visual Amenities of the Area

Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form. Additionally, paragraphs 59 and 60 of the NPPF seek to promote local distinctiveness and ensure that the overall scale, density and massing (amongst others) relate to neighbouring building and the local area more generally.

Norwood Gardens and the immediate setting along Lower Kirklington Road have a uniformed layout with a clear building line and design (being two-storey, semi-detached dwellings). I am mindful that the design of the surrounding dwellings is not architecturally or historically significant, however there is a strong sense of uniformity which should be reflected in the design of a new dwelling set within the street. The proposed dwelling would be detached, located to the rear of 94 Lower Kirklington Road and whilst set within the established building line along the street, would be considerably smaller in scale than those dwelling adjacent and within the vicinity.

I am mindful that the site is smaller than the plots nearby and as such a similar size dwelling would not be possible, however the overall design and appearance of the proposed dwelling, in my view, does not respect the design or layout of the area, with a different roof pitch to those around and would sit at an awkward angle to Lower Kirklington Road, creating a prominent building which would contrast those around it. The layout of the plot portrays a cramped appearance and would leave both no.94 and the new build with small areas of private amenity space.

Additionally, the application proposes a canopy to the principal elevation which would set the ground floor level of the dwelling back to allow for parking spaces to the front of the building. This feature is not a typical feature of the local area, with the overall design appearing incongruent and bland, owing to the lack of windows at ground floor level; this latter observation would in itself create a very dark ground floor living space as only two windows would serve the ground floor of the property, the rear of which is NW facing.

Given the above, I am of the view that the proposal does not comply with Policy DM5 or the NPPF.

Impact upon Residential Amenity

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

As mentioned earlier in this report, letters of objection to the proposal have raised concerns in respect of neighbour amenity, namely privacy and overshadowing. The proposed development would be located between 94 Lower Kirklington Road and 222 Norwood Gardens, with 96 and 98 Lower Kirklington Road beyond the western boundary. The dwelling would be positioned at the same angle as 222 Norwood Gardens and as such I do not consider that the windows to the rear of the new dwelling would have a detrimental impact upon the privacy of 222 Norwood Gardens; the dwelling would also be set some 6.5m back from the boundary with 96 Lower Kirklington Road, providing a sufficient distance to limit overlooking, particularly given that any outlook would be at the rear most element of the garden for 96 Lower Kirklington Road.

In my view, the more prominent concern with regards to privacy would be the lack of private amenity space for the new dwelling, which would be almost entirely overlooked by no.94 given the angle of this existing dwelling to the proposed rear garden; I therefore consider this layout likely to have an adverse impact upon amenity for the potential new occupiers.

Turning to the second issue of overshadowing, 222 Norwood Gardens, to the north of the site, has an existing rear conservatory which is likely to experience a loss of light as a result of a two-storey dwelling located to the south. There would be a distance of approximately 4m between the new dwelling and the conservatory however I am of the view that the new building would be imposing upon their neighbour, being almost 7m in height, and likely to result in a significant loss of light for this neighbouring property; this is perhaps accentuated by the location of the proposed dwelling to the south of this neighbour, thereby having greatest impact upon sunlight to the property.

The proposal is also considered likely to have an impact upon 94 Lower Kirklington Road with regards to overshadowing given the proposal's location at an approximate right angle to the existing dwelling. The proposal would be clearly visible from this neighbour and is likely to restrict sunlight to the windows of no.94 during the early part of the day. I would also consider this proximity to have an overbearing impact upon this neighbour owing to the large expanse of two-storey building clearly visible from the rear windows of the dwelling. It is noted that the occupiers of this dwelling are the applicants to the current applicant but this does not reduce the need to assess likely amenity impacts. Matters of ownership are not material to the decision acknowledging that ownership is subject to change and the LPA must be satisfied that the development is acceptable for its lifetime.

On the basis of the above, I do not consider the proposal complies with Policy DM5 of the DPD and the NPPF.

Impact Upon the Highway

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

The Highways Authority have raised objection to the scheme as submitted, with several letters of objection also raising concern with regards to highway safety. The cul-de-sac has recently been altered to allow for formal vehicular access and concerns have been raised by both the Highways Authority and local residents relating to the number of parked vehicles on the street, with particular concern with those parking in the turning head; an additional dwelling is likely to put added pressure on the highway if sufficient off-road parking is not provided.

The applicant has taken on board the Highway Officer's comments and has provided sufficient parking areas for 2no. vehicles for the new dwelling and 2no. spaces for 94 Lower Kirklington Road. Whilst the spaces for the new dwelling are provided, access to the properties along the cul-de-sac can still be difficult and any visitors to the site may park on the highway. However, in accordance with the guidance used by the Highways Authority requires a dwelling of the proposed size to have a minimum of 2 parking spaces, which is proposed. On this basis, the Highways Authority therefore do not object to the proposal, subject to conditions.

On this basis, I am minded to agree with the Highways Authority and would advise that, should Members be minded to approve the application, the conditions recommended are imposed upon the decision notice.

The Highways Authority have raised the issue that the site's access would involve travelling over third party land (owned by NSDC in this instance). Whilst I note this, land ownership falls outside of the role of the LPA (thereby the LPA do not have control over the issue) and as such, does not carry any material weight from a planning perspective; any issues would need to be resolved as a civil matter between the land owner and the developer.

Other Matters

The letters of representation received from residents during the public consultation raised the issue of property values. Whilst I note their concerns, the LPA cannot attach any material weight to any impact a development may have upon future property values.

Additionally, a letter also raised the issue of drainage/flooding. I am aware of the recent flooding Southwell has experienced and am mindful that Nottinghamshire County Council have since been working to prevent further flooding within the town. The site does not lie within an area considered to be at a medium or high risk of flooding and as such, at this time, taking guidance from the NPPF, the proposal is not considered likely to increase the risk of flooding elsewhere or to third party land. The Environment Agency have not been consulted on the proposal owing to the site's location within Flood Zone 1.

Finally, letters were sent out to neighbouring properties surrounding the site i.e. those most likely to be affected by the scheme. No site notice was required in this instance as neighbours were able to be consulted and the site does not lie in a Conservation Area nor close to the setting of a Listed Building. I therefore do not consider it necessary to carry out further consultations on this proposal.

Conclusion

The site lies within the town of Southwell where new residential development is accepted in principle, subject to appropriate design, layout and scale, as well as its impact upon amenity and highway safety.

The site is a difficult plot in which to locate a dwelling and whilst the applicant has made attempts to overcome the constraints, the overall impact upon the street scene is considered harmful with the proposed dwelling failing to respect the layout, design, detailing and scale of the surrounding properties, all of which add to the uniformity of the street scene. Additionally, due to the unusual shape of the plot, the proposed dwelling creates a cramped appearance which would further impact upon the site's appearance within the street scene.

Following on from the above, the site also provides difficulties in alleviating issues of privacy and overshadowing for neighbouring dwellings, as well as the lack of private amenity space for the site itself. As a result, the proposal is concluded to have a harmful impact upon neighbour amenity.

It has been concluded that the proposal, on balance is unlikely to have an adverse impact upon highway safety, subject to conditions, however it is not considered that this aspect outweighs the detrimental impact the scheme is likely to have upon the character of the local area and the amenities of the neighbouring properties.

On the basis of the above, it is concluded that the proposal is not considered acceptable in terms of local and national policy relating. As such, it is recommended to Members that the application is refused.

RECOMMENDATION

That full planning permission is refused for the following reasons,

01

In the opinion of the District Council the proposed development would result in an incongruous feature within the street scene which does not respect the scale, layout, design or detailing of the uniformity of the cul-de-sac. As a result, the proposed development would be to the detriment of the visual amenity and local character of the area. The proposal is therefore contrary to Policy DM5 (Design) of the Newark and Sherwood Allocations & Development Management DPD, Core Policy 9 of the Newark and Sherwood Core Strategy and the NPPF.

02

In the opinion of the District Council the development would have an adverse impact upon the amenity of the neighbouring dwelling to the north (222 Norwood Gardens) by reason of overshadowing the existing conservatory attached to this neighbouring property. The proposal would also fail to provide an adequate standard of amenity for the proposed dwelling by reason that the existing dwelling at 94 Lower Kirklington Road would overlook the rear garden associated with the proposal. Moreover, the detrimental amenity impacts would be compounded by the proposal having a detrimental impact to the occupiers of 94 Lower Kirklington Road by virtue of overshadowing and overbearing. Therefore, the proposal is contrary to Policy DM5 (Design) of the Newark and Sherwood Allocations & Development Management DPD and the NPPF.

Notes to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

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

Application No:	16/00772/FUL	
Proposal:	Householder application for erection of a first floor extension, single storey extension and detached double garage	
Location:	Wesley Cottage Chapel Lane Oxton	
Applicant:	Mr and Mrs Palmer	
Registered:	03 May 2016	Target Date: 28 June 2016
		Ext of Time Agreed: 5 August 2016

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

The Site

Chapel Lane is a narrow track which serves a handful of residential properties and is accessed from Windmill Hill; the road and the properties its serves are situated within the Conservation Area of Oxton. The application site consists of a two-storey two bay red brick and pantile roofed cottage which has been extended at single storey to the side (north). The property benefits from a large rear garden which is bound by a combination of red brick walling, close boarded fencing and post and rail fencing of varying heights. In addition, as demonstrated on the site location plan the adjacent gravelled driveway/parking area is within the ownership of the property and this also serves an adjacent dwelling, Wesley Grange. The site is within the main built up area of Oxton and washed over by the Nottingham/Derby Green Belt.

Relevant Planning History

13/01132/FUL - Householder application for erection of a first floor extension, single storey extension and detached double garage. Approved (consent expires October 2016)

92890150 – Domestic extension. Approved 1989

The Proposal

The proposal is a resubmission of a currently extant consent (13/01132/FUL expires October 2016) for the erection of a 1st floor side extension, a single storey side extension in addition to the construction of a detached garage.

The 1st floor extension will be constructed over the existing kitchen extension to the north (side) of the dwelling. The extension will measure 5m in depth and 5.1m in width, and will result in a ridge height of 6.7m. The eaves height will match that of the existing dwelling, keeping the windows at the same level as the main property but the depth will be shallower, which will result in a lower ridge height.

The single storey element will be attached to the above extension and will measure 4.6m to the ridge, 4.6m in depth and 3.5m in width. The extension will be glazed on the north and west elevations to create a garden room. It is proposed that the walls, roof and windows/doors materials for both extensions will match those of the existing dwelling.

The proposed garage will be situated in the north western corner of the site. It is proposed to be an open fronted double cart-shed style structure with associated wood store. The building measures 7.7m in width, 5.8m in depth and has a ridge height of 4.2m. It is proposed that the walls be finished in timber cladding and the roof finished with clay pantiles to match the host dwelling. A section of the dwarf post and rail fencing on the southern boundary would be removed and a gravelled area measuring approximately 8.5m by 6.7m laid for vehicular access.

Departure/Public Advertisement Procedure

Seven Neighbours Notified
Earliest Decision Date 07/06/2016

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 4B: Green Belt Development

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Newark and Sherwood Allocations and Development Management Development Plan Document Adopted July 2013

Policy DM5: Design

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework
- National Planning Policy Guidance
- Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014

Consultations

Oxton Parish Council – No objection

Oxton Parish Council support this application but have concerns that the plans shows no vehicular access to the new garage other than through an existing fence and over the garden. It is suggested that the access should be clearer on the plans.

NSDC Conservation Officer – Objection

I understand this application is simply a resubmission of an application approved in 2013. Despite the approved plans being modified and improved within the life of the previous application, my initial concerns about the size of the proposed extension, size of the garage and location of the garage were not mitigated. I appreciate the case officer previously came to a different conclusion to myself as to the impact of the proposal, but for completeness I will outline my concerns again.

The application site is a small and simple cottage within the conservation area of Oxton. It dates to the late C18/ early C19 and makes a positive contribution to the character and appearance of the conservation area.

As the D&A states the building has already been extended and the extension as exists today successfully extends the building and would meet the tests of our Extension to Dwellings SPD. The proposed extension is in itself a further extension which must be considered. The proposed plan shows that the extensions (including the existing one) would be almost as long as the host building and while there is a narrowing in the footprint and ridge height in the extension, it is still a substantial extension to a small, simple cottage. I think the proposed extension is too large relative to the size of the original cottage.

The design of the revised approved scheme was improved by the removal of the dormer, rooflight and a change to the fenestration which has helped, but the overall concerns about the size have not been mitigated.

I also had concerns about the garage which I will repeat again. While as a plan-based exercise you would say that the proposed garage sits within the overall built form of the village, the garden of this property has an open aspect and the neighbouring paddock comes down into the village directly adjacent to the proposal site. In reality the garage will feel as though it is encroaching into this attractive open space, which helps keep this area of the village feeling very informal, rural and low density, all of which contribute to the character and appearance of the conservation area. This is all visible from the public realm as Chapel Lane has public access I believe to the end of the terraces. It would make more sense to me to place the garage within the area which is currently used as driveway and parking and to leave the garden area open.

While the plot is large the size of the garage still appears overly large, especially compared to the host building, being practically the same size. While the design of the garage is not offensive this timber framed approach is not commonly seen in this area and it is the braces which are slightly incongruous. This combined with its sheer size make this an overly dominant feature.

Overall I think this is simply too much for the small, simple host building, which enjoys an open rural aspect. Again, I appreciate that the principle has been established through the previous approval but the conservation concerns about the overall size of the additions still stands and I feel the host building and surrounding area would be more attractive under the existing set up than the proposed and therefore have concerns that the proposals would harm the conservation area, albeit at less than substantial harm level. There are no public benefits to outweigh this.

As such I still object to this proposal, although accept this is a resubmission of a recent approval.'

Representations

No letters of representation received

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.

Site History

The site has historically been extended at single storey level to the side (north). The property currently benefits from an extant permission for the same scheme as the current proposal (13/01132/FUL) which expires in October 2016. There were no pre-commencement conditions attached to this consent and as such works to implement this consent could commence at any point before October. This is considered to be a strong material consideration in the determination of this application.

Impact upon the Green Belt

The application site is located within the Green Belt. Policy SP4B provides that appropriate development in the Green Belt will be judged according to national policy. Paragraph 89 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt. However, exceptions to this include 'the extension or alteration of a building (provided that it does not result in disproportionate additions over and above the size of the original building).'

Neither the NPPF nor the Core Strategy defines what is meant by 'disproportionate additions.' However generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floor space increase) in determining whether an extension represents a disproportionate addition. The below table provides an overview of the historical development on the site and that proposed.

FOOTPRINT

Initial Footprint (of original dwelling without any approved extensions)	111m ²	Percentage Increase
Side extension (as approved under application 92890150)	24m ²	22%
Proposed Footprint (as approved under application 13/01132/FUL – not implemented)	61m ²	55%
Proposed Cumulative Footprint	85m²	77%

FLOOR SPACE

Initial Floor Space (of original dwelling without any approved extensions)	111m ²	Percentage Increase
Side extension (as approved under application 92890150)	24m ²	22%
Proposed Floor Space (as approved under application 13/01132/FUL – not implemented)	85m ²	77%
Proposed Cumulative Floor Space	109m²	98%

The calculations indicate that as a result of the proposed development, the proposed extensions and detached garage cumulatively with the approved extension to the dwelling would be significantly over the 50% typically used by local authorities to determine whether extensions to a dwelling are disproportionate to the original dwelling. Whilst under other circumstances the proposal would, based on the above figures be recommended for refusal, officers are mindful of the fall-back position should the current application be refused. The proposed scheme could still be built out in accordance with the 2013 consent providing that a reasonable start (digging of the foundation for the garage for example) was undertaken prior to October 2016.

Impact on Character and appearance of the Conservation Area

The property is situated within the Oxtou Conservation Area but relatively tucked away in its siting on Chapel Lane, a small lane which only serves a handful of properties. Officers in 2013 sought minor amendments to the scheme as initially submitted to improve the design of the first floor element. Officers in 2013 considered that the design of the extensions were subservient and acceptable in terms of scale & appearance. Whilst the two storey element would be just over half the width of the original cottage the first floor element is being constructed above an existing projection. The ridge line of the structure would be lower than that of the existing cottage and set back in line with the existing extension to ensure it appeared as subservient. Materials are proposed to match the existing property to ensure it assimilates into its surroundings.

I am mindful of the objection raised by the conservation officer and an objection to the scheme was also raised during the 2013 application, however comments were not received until the day of determination and it appears from records that the officers report was passed through for sign off by senior colleagues the previous day. As such the conservation officers comments were not taken into consideration and therefore did not influence the decision at that time.

Whilst I note the Conservation Officer's comments on the current application and respect their position, I consider that the proposal does have some mitigating design elements in terms of their scale and design so as to appear subservient, and I am also mindful of their siting to the north of the cottage on a lane which provides no access to the public just the handful of properties which it serves.

With regard to the proposed garage; again whilst the conservation officers comments are noted the location on a lane which only provides access to a handful of properties again provides a level of mitigation in terms of the impact on the character and appearance of the Conservation Area. This combined with its open fronted design and timber detailing further reduces the impact on the setting.

On this basis, I consider that the extensions and garage would not significantly detract from the character and appearance of the conservation area so as to warrant a refusal on this basis being particularly mindful of the fall-back position that the site currently benefits from; an extant consent that could be implemented at any time in the next 4 months. As such it is considered that on balance the proposed development would not so significantly detract from the character and appearance of the conservation area to warrant refusal and the scheme would accord with policy DM9 of the NSDC DPD.

Impact upon Amenity

The dwelling and in particular relevance to this application the siting of the proposed extensions are relatively well removed from neighbouring properties. The proposed first floor extension and single storey side extension would be in closest proximity to Hollybush House, situated to the west. Given the degree of separation and that no fenestration is proposed on the rear elevation at first floor it is not considered that the proposed development would detract from neighbouring amenity through overlooking, overbearing or loss of light. Permitted development rights can be removed for openings in the eastern elevation at first floor level to ensure that no future overlooking can occur.

In relation to the garage; the structure would be sited in the north western corner of the garden with Wesley Grange being the closest property at approximately 35m to the south west. Again given the degree of separation it is not considered the structure would detract from neighbouring amenity and would accord with policies DM5 & DM6 of the NSDC DPD.

Other Matters

The comments from the parish council in reference to access to the garage are noted and it has been confirmed by the agent that a small section of the existing post and rail fencing would be removed and the existing gravelled driveway continued to the frontage of the building to provide access.

Conclusion

As such it is considered that whilst the proposed development does represent a disproportionate addition, in this instance it is considered that the fall-back position carries significant weight and as such on balance it is considered that it would be unreasonable to refuse planning permission in this particular instance.

It is considered that the proposed extensions would result in a disproportionate addition to the existing cottage and under different circumstances it is officer's opinion that the application would be recommended for refusal. However, I am mindful of the extant consent on the site for the same development as that being considered and consider this carries significant weight in the planning balance. On this basis it is not considered that the perceived impact on the openness of the Green Belt resulting through the construction of these extensions nor the objection raised by the conservation officer are strong enough in this particular instance to outweigh the fall-back position in relation to the implementation of the currently extant proposal. As such it is recommended that on balance permission be granted.

Approve, subject to the following conditions:

Conditions

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

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

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

- Proposed Site Plan drwg no 1959/3 Rev A received 16/5/16
- Proposed Floor Plans & Elevations drwg no 1959/4 Rev B received 16/5/16
- Proposed Garage drwg no 1959/5 Rev A received 16/5/16

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

Reason: So as to define this permission.

3. The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application, stated in Section 11 of the application form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

4. Notwithstanding the provisions of Classes A and C of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that order) (with or without modification), there shall be no additional window or other opening constructed at first floor level or above in the Eastern elevation of the development or the enlargement or alteration of existing or permitted openings hereby approved with the prior written permission of the local planning authority.

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

Informative

01

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

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

02

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

Background Papers

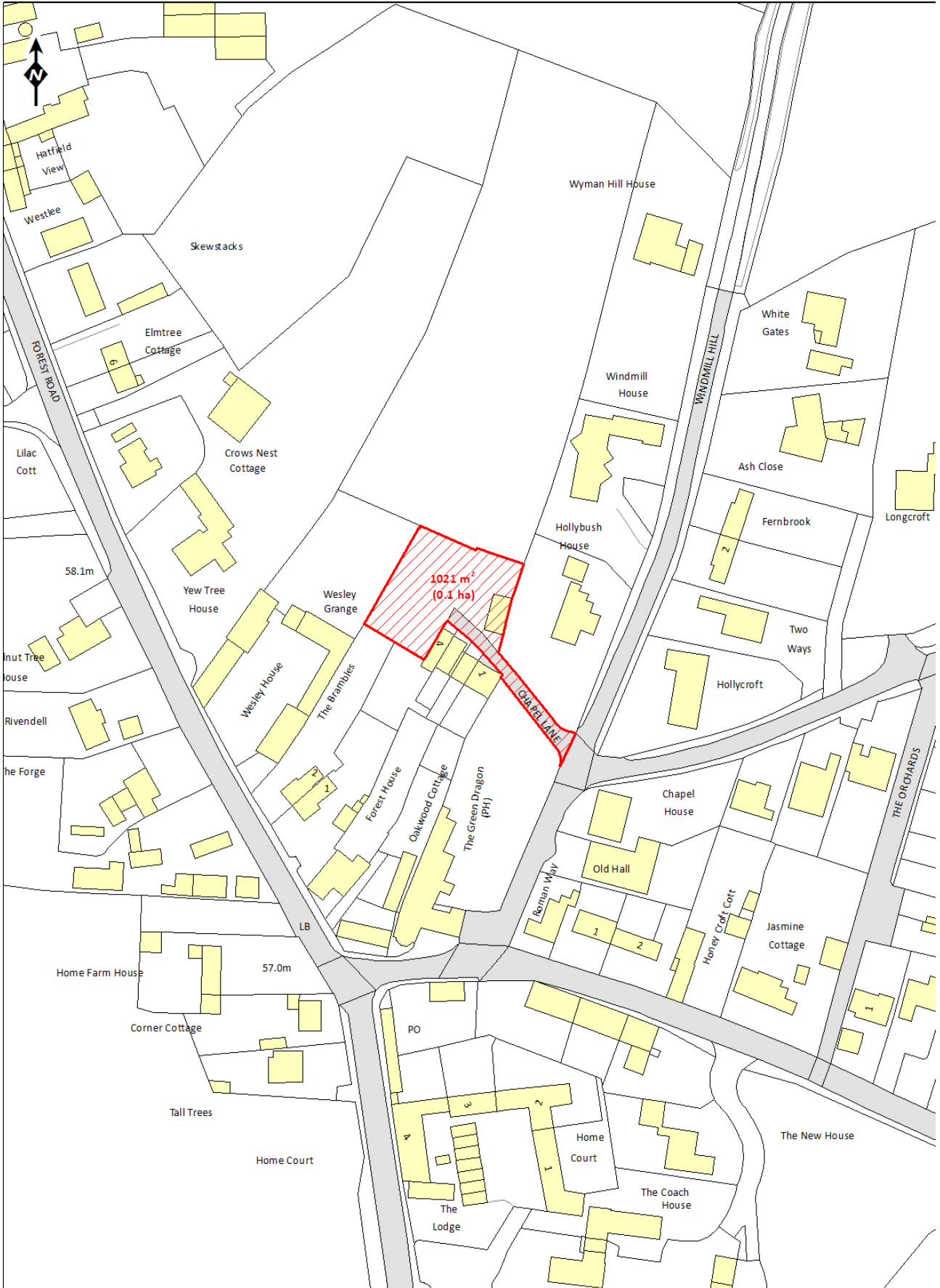
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00772/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00625/FUL	
Proposal:	Householder application for proposed two storey and single storey rear extension incorporating existing garage.	
Location:	53 Westbrook Drive Rainworth Nottinghamshire	
Applicant:	Mr & Mrs Clark	
Registered:	20 April 2016	Target Date: 15 June 2016

This application has been referred to Planning Committee by Cllr Tift due to neighbour concerns regarding overbearing & loss of light, in line with concerns from the parish council. Members will recall that the application was presented at the July Committee where Members resolved to defer the application to allow for a site visit. The recommendation of officers, and indeed the content of the report, remains unchanged from the July agenda papers.

The Site

The application site is located within the main built up area of Rainworth, within a modern housing estate and comprises a modest brick built, two storey property. A similar two storey property is located to the east. Three bungalows are located to the west of the property; all of which share adjoining boundaries with the application site. A garage forms part of the boundary between the application site and that of the adjacent property number 51. The land on the site slopes away in a southerly direction.

At the time of undertaking the site visit the house appeared empty with a ‘for sale’ sign present on the frontage. The principle private amenity space is situated to the rear of the property in addition to a glazed conservatory. Parking is available on a driveway to the side of the dwelling.

Relevant Planning History

13/00188/FUL - Householder application for proposed two storey rear extension and garage link. Approved April 2013

The Proposal

The application seeks full planning permission for the erection of a part single storey and two storey rear extension in the position of the existing conservatory. The proposal would extend approximately 4.5 metres from the rear wall of the property. A further single storey extension is also proposed to the front of the existing garage to create a link to the main house.

The single storey element of the rear extension is proposed to have a height of 2.5 metres to the eaves with a mono pitch roof. The two storey extension is proposed to have a height of 4.5 metres to the eaves and 5.9 metres to the ridge. The extensions would comprise a sun room to the ground floor and an additional bedroom with ensuite at first floor. Three roof lights are proposed to the single storey lean to element of the scheme. A window is also proposed at first floor level in the southern elevation to serve the newly created bedroom. French doors are proposed to the ground floor to serve the sun room. The scheme also involves the conversion of the existing garage to ancillary residential accommodation, for which planning permission is not required.

Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Core Policy 9: Sustainable Design

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM6: Householder Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014

Rainworth Parish Council – Object over intensified area, overlooking neighbours.

NCC Highways Officer – No objection

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

- Consider that the proposed extension would ruin existing views & disrupt neighbouring privacy
- The extension through its size & weight will cause damage & subsidence
- The view from the rear of the neighbouring property would be of a monstrosity & the impact on the landscape would be catastrophic
- The extension would result in a loss of value to the neighbouring properties & impact on their saleability
- Find it strange that the owners are attempting to gain permission for an extension having failed before
- The owners of the property have placed it for sale & not lived there for a year

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.

Site History

The application is for a two storey rear extension and extension to the existing garage. The scheme has previously been considered by the Local Planning Authority and was granted consent under officer delegated powers in April 2013. The permission lapsed in April this year, however given the shortness of time since the lapse of consent and that at a national level the NPPF was in place and at a local level the Core Strategy had been adopted and the DPD was in the process of being adopted, this decision is considered to form a strong material consideration.

Principle of Development

Policy DM6 of the DPD accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

Impact Upon Neighbouring Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Consideration has been had to the potential for overbearing, overlooking and loss of light in particular with reference to properties situated to the south west (No's 1, 2 & 3 Allendale Road). The site shares a fairly close relationship with the neighbouring properties to the west located on Allendale Road and I note the concerns raised by both the Parish council and two neighbouring properties regarding concerns of loss of privacy through overlooking.

Three roof lights are proposed to the single storey element of the rear extension facing towards the properties on Allendale Road, however given the roof light's height in relation to internal floor height, I do not consider the insertion of these openings will result in any loss of amenity by way of overlooking. Windows are already in situ at first floor level to the rear of the property and therefore the insertion of a replacement window to the rear gable would not create any additional overlooking to that already achieved with the existing built form.

Two additional windows are proposed to the eastern elevation of the scheme, with one being inserted into the existing dwelling to change a bathroom to a bedroom and a new one to serve a bathroom. The new one in the bedroom would face the blank gable of the property to the west and as such it is not considered necessary to specify that this be obscure glazed. Given the other window would serve a bathroom and the potential for oblique views of the garden area to the south east it is recommended that this window be conditioned to be obscure glazed to avoid the potential for overlooking.

With regards overbearing & loss of light; the first floor element of the extension has been designed to be set in from the west to reduce the potential for overbearing and loss of light. The degree of separation from the proposed first floor element would be approximately 12m from the conservatory of No. 2 Allendale and 16m from the rear elevation of No's 1 & 3. Furthermore given the location of the proposed extension to the east of the neighbouring properties on Allendale Road it is considered that should a loss of light occur it would not be significant and would be limited to some morning light during winter months.

The application site is located on a modern and relatively high density development where separation distances such as is proposed in this application are not out of keeping. Whilst it is accepted that the proposed development will result in the creation of additional built form in proximity of single storey dwellings it is not considered in this instance that the proposal would result in such a significant loss of amenity through overbearing or loss of light to warrant refusal of the application. I am also mindful of the consent which recently expired which forms a significant consideration and in the officer's report it was concluded that the perceived impact on amenity would be acceptable.

The proposed single storey link to the garage is not considered to cause any loss of amenity to the neighbouring property to the east (No.51) due to the scale of the extension being in keeping with the existing roofline of the garage and being modest at 3m. A sufficient boundary treatment of a 1.8 metre close board fence has been erected between the two properties.

The extension is of a reasonable size in relation to the existing dwelling and there remains an acceptable amount of private amenity space to serve the existing occupiers. In conclusion it is not considered that the proposed development would result in an unacceptable loss of amenity for neighbouring dwellings and the proposal therefore accords with policies DM5 & DM6 of the DPD.

Impact on Character of Area

The proposed extension would project 4.5m beyond the rear elevation of the dwelling and replace a uPVC conservatory which is currently in situ. The extension has been designed with an eaves height lower than that of the main dwelling which with consideration of the adopted SPD on Householder Extensions ensures that the development appears as a subservient addition. The existing dwelling is modern in character and is considered to offer little interest to the overall character of the area but is reflective of adjacent properties within the immediate area. Given the location of the extension to the rear, views will be limited from the public realm and will therefore have little impact upon the visual amenity of the wider area. In terms of the appropriateness of scale, design and use of materials I consider that the proposed extension would not detract from the character of the surrounding area and would accord with policies DM5 & DM6.

Impact on Highway Safety

NCC Highways have been consulted as part of the application process and have raised no objection to the proposed development. It is therefore concluded that the proposed development would not result in concerns relating to highway safety.

Other Matters

The comments from neighbouring properties in relation to impact on property values are noted; however unfortunately this is not a material planning consideration. With regards the potential for the extension to result in subsidence of neighbouring properties; this is not something that would form part of the application determination, but would be managed as part of any application to building control.

Conclusion

The recently expired consent for the mirror scheme to that currently being considered forms a strong material consideration in the determination of this application. It is not considered that the proposed development would significantly detract from the character of the surrounding area nor neighbouring amenity and therefore is it recommended that planning permission is granted subject to conditions.

RECOMMENDATION

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

01

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

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

02

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

- Proposed layout & elevations. Drawing No: SI 12/1067/2 Revision A
- Site Plans SI 12/1067/3 Revision 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

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.

04

The bathroom window opening at first floor on the east elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

Notes to Applicant

01

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

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

02

The application as submitted is acceptable. In granting permission 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).

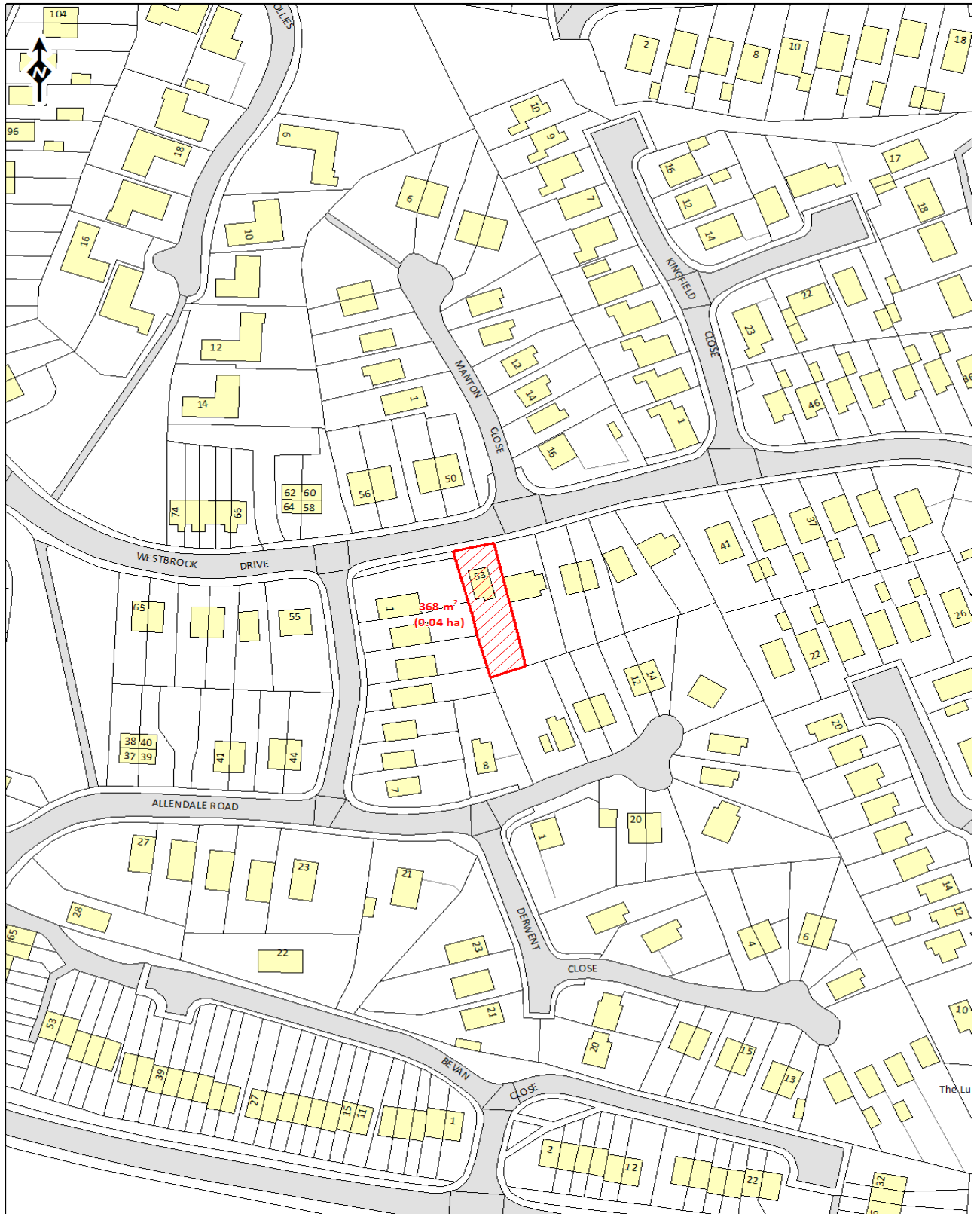
Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00571/FUL	
Proposal:	Conversion of an existing blockwork rendered and tile outbuilding to form dwelling, including small rear extension	
Location:	Harlow Fields , Station Road, Edingley	
Applicant:	Mr Dave Islip	
Registered:	11.04.2016	Target Date: 06.06.2016

This application was referred to the July 2016 Planning Committee for determination under the scheme of delegation due to the parish council supporting the proposal whereas the professional officer recommendation is for refusal. The application was deferred until the August planning Committee to allow for a site visit to be undertaken. The scheme remains the same as that presented to Members in July however a change has been made to the report in inserting information that was brought to committee in July as a late item and this is highlighted in bold text.

The Site

The Application Site forms part of a residential curtilage of an existing property known as Harlow Fields House. The host dwelling (Harlow Field House) comprises a detached two-storey dwelling house situated within a large plot at the junction of Station Road and Holme Lane. The existing dwelling is positioned centrally within it’s residential curtilage with the stable building (the subject of this application) sited to the west. Land to the rear of the residential curtilage is under ownership of the applicant.

The site is well surrounded by trees and hedging, with open fields to the rear (also under ownership of the applicant) and no neighbouring dwellings within the immediate vicinity.

Relevant Site History

None

The Proposal

The proposal seeks planning permission for the creation of an additional residential unit through the conversion of the existing single storey redundant stable building. The proposal also includes an extension on the south elevation of the building, the infilling of the short overhang on the north elevation and the insertion of windows, doors and two conservation style patent glazed windows in the roof slope. The red line site location plan incorporates another existing detached outbuilding which the agent has confirmed would be utilised as an ancillary storage building to the proposed dwelling.

The proposed external materials include horizontal timber cladding on all elevations in place of the existing white render and retention of the existing roof tiles.

Public Advertisement Procedure

There are no neighbouring properties so no neighbour consultation letters have been issued. However a site notice has been posted close to the site.

Planning Policy Framework

The Development Plan

NSDC Core Strategy DPD (Adopted March 2011)

SP1 - Settlement Hierarchy
SP2 - Spatial Distribution of Growth
SP3 - Rural Areas
SP7 - Sustainable Transport
CP9 - Sustainable design
CP12 - Biodiversity and Green Infrastructure

NSDC Allocations and Development Management DPD (Adopted July 2013)

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 - Development in the Open Countryside
DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework Adopted (NPPF) March 2012
Planning Practice Guidance April 2014
Conversion of Traditional Rural Buildings SPD adopted November 2014

Consultations

Edingley Parish Council -

With reference to the above application for the Conversion of an existing blockwork rendered and tile outbuilding to form dwelling, including small rear extension at Harlow Fields, Station Road, Edingley, Nottinghamshire, NG22 8BY; a planning meeting of the Edingley Parish Council, open to the public, was held on Wednesday 27th April 2016 at The Old Schoolroom, Edingley where it was unanimously agreed that this application can go ahead.

N&SDC Conservation team –

Further to our discussions concerning the outbuilding at Harlow Fields, I can confirm that the building has no architectural or historic interest. The building is essentially modern, having been erected in the 20th century, and its form and appearance is functional but not intrinsically special. The structure does not conform to the definition of heritage asset as defined under Annex 2 of the NPPF, nor does it have any unique or special architectural interest as a 20th century building.

Nottinghamshire County Council Highways -

This proposal is for the construction of a new dwelling within the curtilage of 'Harlow Fields'. The application site is located where no footways nor street lighting are in place, and will further encourage travel to/from the site by private car only.

However, there are a number of dwellings to the west of the site with similar concerns. As such, for one dwelling, it may be considered unreasonable for the Highway Authority to recommend refusal of this application.

It is noted that drg. no. SK(08)03 Rev. A shows the access is to be surfaced using block paving. This is not permitted within the public highway and a tarmacadam surfacing should be used.

Therefore, it is recommended that the following conditions be imposed for any permission granted:

1. No part of the development hereby permitted shall be brought into use until the vehicular verge crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the access drive is surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning area shall not be used for any purpose other than the parking/turning of vehicles. Reason: In the interests of highway safety.

Notes to Applicant

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

N&SDC Environmental Health Contaminated Land

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

This application includes the conversion of outbuildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

Trent Valley Internal Drainage Board -

The site is outside of the Board's district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

One letter of representation has been received, details of which can be summarised as follows:

- Dwellings in the countryside are strictly controlled, this proposal does not adhere to the countryside policies
- The stables are of no architectural value whatsoever

Comments of the Business Manager

The LPA have been made aware of a letter sent to Members from the applicant dated 22nd June 2016. The content of the letter can be summarised as follows:

- Reason for application is to allow applicant to downsize whilst remaining part of the community following diagnosis of a serious long term illness
- Application is supported by Parish Council and no objections from statutory consultees
- District wide housing needs survey shows need for two bedrooms properties in Southwell sub area
- Intention to incorporate renewable energy concepts
- Public transport is available
- Edingley has local services
- The building must have some substance and architectural merit to have been associated with the property for so long
- NSDC approved a similar scheme last year in Lowdham in the Green Belt

The contents of the letter are noted and it is considered that there are no material considerations which would alter the officer recommendation contained within this report. The reference to the approval in Lowdham is noted however this was assessed on the basis of Green Belt policy and is materially different in context to the current application.

Principle of Development

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) which requires housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council are of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that single units are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals for single dwellings outside of the built up area assessing each case on its own merits against national and local policy.

The site is located within the open countryside outside of the built up area of Edingley and as such falls to be considered under paragraph 55 of the NPPF and policy SP3 of the Core Strategy and policy DM8 of the NSDC Allocations and Development Management DPD. Paragraph 55 of the NPPF states that Local planning authorities should avoid new isolated homes in the countryside. This follows the golden thread of the NPPF which is the presumption in favour of sustainable development. Creating a new dwelling in the open countryside outside of the built up area would result in an increase in car based traffic in accessing the dwelling and surrounding services. The NPPF does raise special circumstances where the creation of new dwellings in the countryside may be acceptable such as the reuse of a redundant or disused building where the development will enhance the immediate setting. In applying this element of the NPPF the authority feel that a common sense approach to development management should be taken and in this case, an assessment of local policy fleshes out this national policy with a requirement to retain buildings of architectural or historic merit only.

Assessing the proposal against policy SP3 it is clear that the site is outside of the built up area of Edingley and therefore cannot be assessed against the five suitability criteria of this policy. As such the proposal needs to comply with policy DM8 which in accordance with the requirements of SP3, states development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to a number of types of development which includes the conversion of existing buildings.

Conversion of a building to residential use as proposed will only be granted planning permission where it can be demonstrated that the architectural or historic merit of the building warrants their preservation and they can be converted without significant rebuilding alteration or extension. It is clear from my site visit and the submitted structural survey that the building is capable of being converted without the need for significant rebuilding given the integrity of the existing structure. The proposed alterations include new windows and doors as well as new external materials. I consider these changes to be acceptable given their limited impact on the existing building and due to the fact that the building is heavily screened from the public realm. The proposed extensions to the building do however raise concerns. It is noted that some 25m² of floorspace will be added to the front of the existing building and this will be under the existing roof overhang. In addition a 21m² addition to the rear of the building will result in an overall increase in footprint and ground floor space of approx. 44%. It is considered that this increase is significant. Moreover, this significant increase has not been justified in the context of the other large outbuilding which has been included within the red line site location plan. The agent has confirmed that, if approved, this outbuilding would serve as an ancillary outbuilding to the converted dwelling. It is therefore considered that the proposal requires significant extension which is contrary to policy DM8.

As noted above policy DM8 also requires applications for conversion to demonstrate that the architectural or historic merit of the building warrants reservation. I note the content of the submitted design and access statement regarding this matter. It is clear that the building is not historic due to the construction materials and methods and the building does not appear on historic mapping. Furthermore I do not consider the building to be of architectural merit. This view is supported by the councils conservation team as detailed by the consultee comments listed in full above. It is a simple modern building constructed of concrete blocks with a painted rough cast or pebble dash rendered finish and tiled roof. With this in mind I would dispute the relevance of the Councils SPD on the 'Conversion of Traditional Rural Buildings' given that the stance of this document is pitched at farm buildings predating circa 1940s construction. With no historic or architectural merit and the significant extension to the building proposed I consider there to be direct policy objection to the principle of the proposed conversion.

Impact on Visual Amenity

The NPPF states that good design is a key aspect of sustainable development and Policy DM5 of the DPD states that the local distinctiveness of the Districts landscape and built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design which is of an appropriate form and scale to its context.

It is considered that the existing building has a neutral impact on the character of the area due to its modern construction and form. The building is not readily visible to the public realm due to ample boundary treatment on all sides including to the north boundary abutting Station Lane. The proposed vehicular access will open up views of the front of the building but this is not considered to create an adverse visual affect given that these views will be glancing and of a building that although altered, already exists.

For the above reasons I consider that the proposal satisfies Policy CP9 of the Core Strategy and Policy DM5 of the DPD.

Notwithstanding the above, I am mindful that the NPPF makes specific reference to the conversion of buildings being potentially acceptable subject to an enhancement to the building's immediate setting. Whilst the formalisation to a residential dwelling may offer some benefit to the building itself, I do not consider that this would advance to an enhancement of the overall setting of building. This is notably due to the necessity for the creation of a separate vehicle access which would introduce a visually harsh engineered element to the setting of the site. The scheme would also necessitate the removal of a small section of hedgerow and two apple trees. Whilst not significant in landscape character terms, the removal of vegetation in a countryside location is considered to weigh negatively in the overall balance.

Neighbour Amenity

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

Given the location of the site outside of the built up area the closest neighbouring property (bar the host dwelling Harlow Field House) is over 200m away. The host dwelling is some 30m away with an existing outbuilding positioned in-between (to be included within the proposed dwelling residential curtilage). Given the single storey nature of the proposed dwelling it is considered that there will be no adverse impact on neighbouring amenity as a result of this proposal and in this regard, the proposal meets the criteria of policy DM5.

Access

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

The plan submitted seeks to create a new access from station Road and off street parking for two vehicles as well as turning space. Consultation with Nottinghamshire County Highways has resulted on no objection to the proposal subject to conditions and this view is agreed with.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The application has been accompanied by a Bat Survey undertaken by EMEC Ecology dated December 2015. The existing use of the stable block, predominantly for storage is noted. The survey included both the stable block proposed for conversion as well as the trees and hedgerows within the site. The stable block was considered generally unsuitable for roosting bats and no mature trees within the survey area were considered suitable for roosting bats. No further survey works were recommended. On this basis of the conclusions drawn by the Survey I am content that the proposal would not adversely affect the ecological potential of the site.

Overall Conclusion and Planning Balance

The proposal seeks full planning permission for the creation of an additional residential dwelling through the conversion of an existing stable block. Whilst both local and national planning policy does allow provision for the creation of dwellings through converting existing buildings, both include caveats which must be met. Notably at a local level it must be demonstrated that the building warrants preservation on the basis of its architectural or historical merit and can be converted without significant extension. This does not apply to the current application and I have found no other material circumstances, including the current position with respect to the LPA housing supply, which would outweigh this policy objection.

RECOMMENDATION

That full planning permission is refused for the following reason:

In the opinion of the District Council the proposed conversion of the existing redundant stable building to a dwelling is unacceptable in principle as it would create a new isolated dwelling in the countryside which would represent unsustainable development. The building is of no historic or architectural merit which would warrant its preservation and the level of extension proposed is considered significant in the context of the existing building. This is contrary to the NPPF and policy SP3 - Rural Areas of the NSDC Core Strategy DPD and policy DM8 of the NSDC Allocations and Development Management DPD.

Notes to Applicant

01

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

02

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

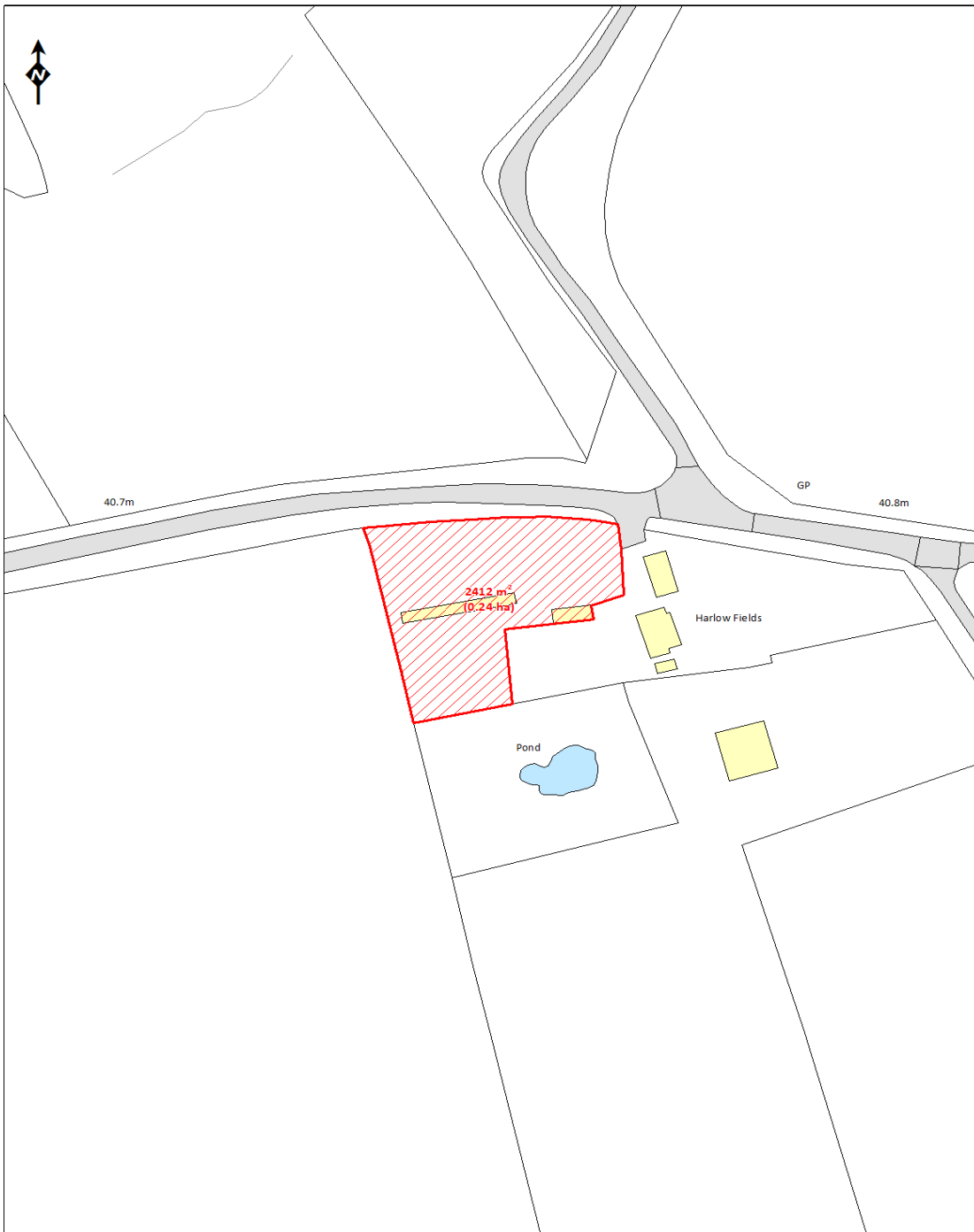
Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00883/FUL	
Proposal:	Demolition of Southernmost Existing Cottage (No.2 Tenters Cottage) & Erection of Replacement Two Bedroom Cottage , Demolition of Derelict Outbuildings (Nos.1&2 Tenters Cottage), Erection of Pair of Two Bedroom Semi-Detached Cottages, Erection of Three Bedroom Detached Dwelling and Creation of New Access to No.1 Tenters Cottage	
Location:	Tenters Cottage, Tenters Lane, Eakring, Nottinghamshire NG22 0DQ	
Applicant:	Ms Vanessa Wells	
Registered:	6 June 2016	Target Date: 1 August 2016
		Extension of time agreed until 5 August 2016

The application is being referred to Planning Committee at the request of the local ward member Cllr Tift on the basis of concerns regarding the access to the proposal.

The Site

The application site is a rectangular plot approximately 0.2 hectares in extent at the corner plot of Church Lane and Tenters Lane. The site as existing comprises the residential curtilage of two semidetached properties set towards the north western corner of the site. The existing properties’ principle elevations are orientated towards Tenters Lane albeit their rear elevations are visible from Church Lane. The remainder of the site is currently comprised of residential curtilage in association with these properties. There are some small rear outbuildings and sparse vegetation as well as a low hedge forming the boundary between the rear gardens of the two dwellings. The properties are designated as local interest buildings with the gable end forming a prominent elevation at the junction. The boundary treatment to Church Lane features both fencing and hedges.

The site is situated within the designated conservation area. There are neighbouring residential properties shared with the southern and eastern boundaries of the site as well as on the opposite side of Church Lane. The land use to the west, on the opposite side of Tenters Lane is a farmyard with associated detached buildings along the eastern boundary.

Relevant Planning History

There is no formal planning history on the site which is of relevance to the current application albeit the applicant has sought pre-application advice prior to the submission of the current application.

The Proposal

The proposal seeks full planning permission to redevelop the site. This would involve the demolition and rebuilding of one of the existing cottages (no.2) and retention of the other cottage, the erection of a detached three bedroom dwelling to the north east of the site and the erection of a further pair of two bedroom semidetached cottages at the south of the site. A new vehicular access would be created from Church Lane to serve no. 1 Tenters Cottage. The application has been accompanied by a structural survey to justify the demolition and rebuild of 2 Tenters Cottage. A Tree Survey and Protected Species Survey have also been submitted in support of the application.

During the life of the application, the agent has confirmed that the applicant intends to implement the development on a phased basis as follows:

- Phase 1 – Construct the new 3 bedroom cottage and sell to generate financial capital
- Phase 2 – Undertake the demolition and reconstruction of No.2 Tenters Cottages and repair/refurbish No.1 Tenters Cottage
- Phase 3 – Construct the pair of new semi-detached cottages

This has been demonstrated on a Phasing Plan reference 1723/A/01a.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type & Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Eakring Conservation Area Appraisal
- SP3 Guidance Note

Consultations

Eakring Parish Council – Support with concerns. Eakring Parish Council support this application in principle but would like to make these observations:

- a) The proposed car entrance to No. 1 Tenters Cottage is too close to a dangerous bend.
- b) The 3 bed detached house will result in a loss of open space and is being built too close to the road.

- c) Whilst the scheme meets Eakring's need for small living units. A covenant to prevent future extensions would help to prevent them being enlarged in future as many small houses have been.
- d) We have a fear that the Village Sewage plant lacks capacity to cope with new homes?

NCC Highways Authority – This application is for the demolition of no. 2 Tenters Cottage, and the erection of a replacement cottage, the demolition of outbuildings and the construction of two semi-detached cottages and the erection of a 3 bed detached dwelling.

There is an existing gated access point on Church Lane, which is to be utilised by the new dwelling, however, this has clearly not been used for some considerable time as there is a grass verge in place along the site frontage. A new vehicular access is to be constructed for 1 Tenters Cottage onto Church Lane, and the new dwellings on Tenters Lane will utilise the existing gated access adjacent Tenters Cottages. The existing and proposed accesses onto Church Lane will require surfacing in a bound material across the grass verge in accordance with the Highway Authority's specification.

Church Lane is public adopted highway, whilst Tenters Lane is unadopted but is a Public Right of Way (BOAT), therefore, the applicant should consult with NCC Countryside and Access section for advice/approval before commencing any works on site.

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

1. No part of the development hereby permitted shall be brought into use until the 2 dropped vehicular verge crossings onto Church Lane are available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until all drives and parking/turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives and parking/turning areas shall then be maintained in such hard bound material for the life of the development.

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

3. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking/turning of vehicles.

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

Notes to Applicant

The development makes it necessary to construct 2 vehicular crossings over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: 0300 500 8080 to arrange for these works to be carried out.

NSDC Conservation –

Eakring Conservation Area

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

Eakring is essentially a medieval settlement within open countryside. The landmark 15th century Church of St Andrew is a focal building at the heart of the village. The medieval street pattern of Eakring is evident in the remnants of historic plots in a grid layout between Kirklington Road/Main Street and Church Lane/Back Lane. The proposal site is a good example of this older layout, evidenced by the 2 parallel long narrow plots running perpendicular to Church Lane (see the 1737 manorial map for the Savile Estate). The narrow steep banked lanes and older red brick buildings are an important feature of the CA, and the many substantial farmsteads and associated cottages are an integral element of significance. Indeed, the barns comprising Ryalls Farm are of particular note when seen on Church Lane adjacent to the proposal site (see paragraph 18 of the CA Appraisal for example).

Tenter Cottages are identified as unlisted buildings with Local Interest in the CA Appraisal (no 37, page 20). The building is red brick with vernacular brick detailing, traditional casement windows and ridge stacks. The cottages appear to have comprised a small terrace of perhaps 2 or 3 dwellings. Tenters Field was further to the south. In this context, Tenters Cottage has both historic interest and architectural interest. The building and plot contribute positively to the significance of the CA.

Assessment of Proposal

The proposal seeks to re-develop Tenters Cottages. The proposal would see the retention of the existing No.1 Tenters Cottages, with No.2 Tenters Cottages being re-built. The proposed development also seeks to erect additional dwellings on the adjoining land.

Pre-application advice was sought in December 2015 and Conservation provided initial advice raising concerns about the intensity of development and demolition of part of the terraced row. However, following detailed discussions with the applicant on the 19th April at Kelham Hall, on site on the 27th April and via revised sketches on the 9th May, Conservation felt that their concerns had been addressed.

The structural report supplied with this submission appears to justify the demolition of the southern end of no 2 Tenters Cottage. The replacement structure references the historic vernacular expressed within the remnants of the terrace, and it is otherwise considered to be compatible with the character and appearance of the CA.

The small single storey outbuildings at the rear of Tenters Cottages are not of any significance and their removal will cause no harm to the character of the CA.

The new proposed dwellings have been designed to reference the linear form of historic cottages in the village which predominantly sat directly onto or gable to the road. The new dwellings exhibit positive architectural detailing which is compatible with the general vernacular of the CA. Concerns about intensity of development have been resolved by ensuring that development respects the historic layout of the CA and the historic enclosure pattern has been broadly sustained. The detailing implied in the fenestration, headers, eaves and verges suggests a good understanding of the local vernacular, and I am otherwise satisfied that the modest scale and form of the dwellings preserves the significance of the CA.

Overall, the development is considered to comply with the objective of preservation required under section 72 of the Act. The proposal is also considered to comply with heritage policy contained within DM9 of the Council's LDF DPD and section 12 of the NPPF.

If approved, full details of all aspects of the design will need to be agreed, including all facing materials. In addition, I would expect a clay pantile sample to be submitted (non-interlocking variety expected), along with a window and door schedule using suitably scaled drawings and sections (painted timber, to be retained), details on masonry construction, eaves/verges, sills/headers, porches, chimneys (to be retained), RWGs/other accretions, landscaping and boundary treatment/gates, and appropriate restriction of PD (solar panels etc).

NSDC Strategic Housing – No comments received.

NSDC Waste Management – Although the application form states that arrangements have been made for both residual waste and recycling I cannot see any further information on any of the other documentation or plans. I cannot comment on the suitability unless I have further information. I cannot support this application until I have seen such information.

Revised comments as follows:

The arrangements for waste management as described in the supplementary information is acceptable. It would be useful for the developers to make sure that new tenants are made aware of the arrangements in any new buyer pack etc.

I can support the application on waste management grounds

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

Nottinghamshire Wildlife Trust – No detailed comments received in relation to this application.

Trent Valley Internal Drainage Board - The site is outside of the Board's district but within the extended catchment area.

There are no Board maintained watercourses in close proximity to the site.

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

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

- The detached dwelling proposed is adjacent to an old hedgerow – the hedgerow has been marked on maps as a boundary between the plots for at least 150 years
- In the hedgerow there is a Holly Tree which is not mentioned by the Tree Protection Plan – the trees provide habitat for many birds
- The ecological survey submitted does not cover neighbouring sites which could be adversely affected by the development
- The trees form a wildlife corridor that should not be removed or interfered with directly or indirectly in any way
- Church Lane does not lead to natural traffic claiming which at times can be busy

- The bends in the road and line of sight town Tenters Lane encourage users to increase speed
- There have been countless near misses at the bend – the proposed new access is too close to the bend
- The Tree Report refers to a Norway maple which is actually a Sycamore – the tree is too close to the neighbouring dwelling and should be removed
- *Anecdotal evidence of the previous site history in terms of the cottage arrangement – not specific to the current application*
- The gardens are intrinsically linked to their respective dwellings and separate from each other
- The Conservation Area appraisal indicates that the retention of existing plot boundaries is important
- The current proposal to divide the gardens of both No 1 and 2 and build on the Church Lane frontage will totally alter the character of the immediate area and its layout damaging the character and appearance of the Conservation Area in general

Appraisal

Principle of Development

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within other villages in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). The five criteria outlined by SP3 are location, scale, need, impact and character.

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

5 Year Housing Land Supply

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Notwithstanding the above, I am mindful that the agent acting on behalf of the applicant has made reference to a recent housing needs survey undertaken in Eakring which was submitted in support of an application recently approved (16/00585/FUL). Whilst not commissioned on behalf of the current application, the LPA were already aware of this survey through dealing with the previous application. This document brings together evidence from a variety of sources, including a village household survey, to determine the housing requirements of local households over a five year period. The document was compiled through discussion with colleagues in Strategic Housing who confirmed as part of the previous application that the housing stock in Eakring has a very limited amount of smaller properties such as bungalows and affordable homes. It is noted that the current proposal does not address this issue in terms of bungalows but does deliver two bedroom units which would meet the aspiration in terms of being small scale. The proposal would amount to five dwellings within the site rather than the current scenario of two. Of these additional units, two would be two bed and one would be three bed. Therefore overall the site would deliver 3 two bed units and 2 three bed units. This is considered to meet a high priority need in the village as defined by the survey submitted to accompany the aforementioned planning application. The findings of this survey were supported by colleagues in Strategic Housing at the time of the previous application.

In addition to discussion around the above survey, the D&A Statement submitted to accompany the current application has gone on to investigate the potential local need for housing by employees of the businesses based in Eakring. A survey of 35 employees was undertaken, of which 19 responses were received. Of these, 7 identified that they would want to move to Eakring if their housing needs could be met. It is my view that the weight to be attached to this survey focusing on employees is limited given that the proposal has not been presented on the basis of live work units and thus it would be unreasonable for the LPA to control this by condition. Nevertheless it does show the applicant's clear endeavours to justify the proposal in respect of proving a local need for the additional units. In the context of the above discussion on the basis of the Council's current position on housing supply, I consider it would be unreasonable at this time to resist the application solely on the basis of the need criterion of SP3. However, given that this is a temporary position, I do consider it reasonable to reduce the usual three year commencement condition to ensure that the delivery of the units does contribute to housing supply in the immediate future.

Location of Development

Notwithstanding the above discussion on housing need, there remains a requirement to assess the proposal against the remaining criterion of SP3. The first of these relates to the location of development requiring development proposals to be within the main built up area of the village with access to local services. The application site is surrounded on all boundaries by built form, which, with the exception of the western development on the opposite side of Tenters Lane, is residential in nature. I am satisfied that the development site forms part of the main built up area of the village. With respect to available services it is noted that Eakring has a public house as well as a local church and village hall. Whilst it is acknowledged that this would not meet the day to day living requirements for occupiers of the new dwellings, there are good public transport links to other Service Centres and Principle villages notably Bilsthorpe, Ollerton and Southwell. In light of the above, the proposal is considered to meet the locational criterion of SP3.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal.

The proposal would deliver an additional three units which would amount to five dwellings in a site of approximately 0.2 hectares. This delivers a site density of approximately 25 dwellings per hectare which in the context of Core Policy 3 is deemed acceptable. Although this policy states that development densities below 30 dwellings will need justification, I do not envisage that the site could accommodate more dwellings without having implications in terms of the design and layout which has been negotiated.

Eakring itself is a moderately large village such that three additional dwellings are unlikely to be perceivable in terms of impact on the highway and network or other local infrastructure such as sewage and drainage. I note that sewage is one of the concerns raised by the Parish Council but if Members were minded to approve then any connection to existing sewage systems would need to be agreed through the statutory provider.

The site is at very low risk of flooding from surface water according to the Environment Agency surface water maps and thus the additional built form is unlikely to affect localized flooding in terms of surface water runoff. It is recommended that drainage details be agreed by condition.

Impact on Character

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

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

Eakring is essentially a medieval settlement within the open countryside. The landmark 15th century Church of St Andrew is a focal building at the heart of the village. The medieval street pattern of Eakring is evident in the remnants of toft and croft plots in a grid layout between Kirklington Road/Main Street and Church Lane/Back Lane. The proposal site is a good example of this older layout, evidenced by the 2 parallel long narrow plots running perpendicular to Church Lane. The narrow steep banked lanes and older red brick buildings are an important feature of the CA, noting that the many substantial farmsteads and associated cottages are an integral element of significance.

Tenter Cottages appear to have comprised a small terrace of perhaps 2 or 3 dwellings, including an attached barn or semi-industrial element to the south (the distinctive buttresses and slit ventilator in the gable roof suggest this). Tenters Field was further to the south (tentergrounds were areas used for drying newly manufactured cloth after fulling. In this context, Tenters Cottage has both historic interest and architectural interest. The building and plot contribute positively to the significance of the CA.

Local and national planning policy pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Core Policy 14 and policy DM9 of the DPDs amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The proposal includes the demolition of one of the existing pair of Tenters Cottages. The justification for this has been provided by a Structural Survey dated 31st May 2016. This confirms that the cottage is in a very poor state and that works to bring the cottage back to a habitable state would be substantial including replacing the roof structure and ceiling and underpinning the entire foundation footprint. As a consequence the recommendation of the report is that the cottage should be demolished and re-built.

It is noted that the proposal would bring the cottages back to their intended residential use and thereby secure the longevity of the non-designated heritage assets. Having viewed the supporting information I have no reason to dispute that the most appropriate course of action would be to demolish and re-build 2 Tenters Cottage and thus there is no objection to this element of the proposal in principle. Likewise there is no objection in principle to the demolition of the outbuildings within the rear gardens of the cottages.

In terms of the additional dwellings to be built within the site, the comments of internal conservation colleagues are particularly relevant in this regard:

The new proposed dwellings have been designed to reference the linear form of historic cottages in the village which predominantly sat directly onto or gable to the road. The new dwellings exhibit positive architectural detailing which is compatible with the general vernacular of the CA. Concerns about intensity of development have been resolved by ensuring that development respects the historic layout of the CA and the historic enclosure pattern has been broadly sustained. The detailing implied in the fenestration, headers, eaves and verges suggests a good understanding of the local vernacular, and I am otherwise satisfied that the modest scale and form of the dwellings preserves the significance of the CA.

I concur with the above assessment and consider that, subject to appropriate conditions to agree finer detail and materials, the development is considered to comply with the objective of preservation required under section 72 of the Act. The proposal is also considered to comply with heritage policy contained within DM9 of the Council's LDF DPD and section 12 of the NPPF as well Policy DM5.

Impact on Residential Amenity

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

Dealing firstly with neighbouring occupiers, it is my view that the most sensitive neighbours would be the dwelling known as Fairhaven to the south (noting that according to the site location plan this is within the applicant's ownership) and the dwelling immediately to the east of the site known as The Orchard. Notwithstanding matters of ownership, it is still necessary to consider amenity impacts on the basis that the impacts of the development should be acceptable for its lifetime.

The proposal would introduce two new semidetached cottages in close proximity to the southern boundary of the site which is shared with Fairhaven. However, the scheme has been carefully designed such that the gable end of the cottages would be adjacent to a single storey garage and further built form is southwards at the neighbouring property. The positioning of the development therefore affords little opportunity to create an overbearing impact. Whilst the proposal would reduce the amenity provision to the occupiers of Fairhaven by a reduction in garden space, they would retain a significant amount of private amenity space to the south of their property.

In terms of the neighbouring dwelling known as The Orchard, the two new cottages at the south of the site have the potential to impact upon amenity in terms of overlooking from the rear elevation windows. The rear second floor windows would include bedroom windows (albeit these bedrooms are also served by a window on the front elevation). However due to the distance afforded by the rear garden, the windows would be over 20m from the shared boundary which is characterized by vegetation. I consider these factors to be sufficient to ensure that the neighbouring dwelling will not be subject to a loss of privacy arising from the proposed development. In terms of the new house at the north eastern corner of the site, although this would be in close proximity to the

boundary, again it has been designed to sit alongside the footprint of the neighbouring dwelling. There are no windows proposed on the east elevation other than a small rooflight window and in any case the boundary treatment is well defined by hedging. Whilst the side gable of the neighbouring property does include a first floor window which appears to serve a habitable room, this is further southwards within the site and therefore would not be adjacent to the built form of the proposed dwelling.

Despite the introduction of three additional dwellings within the site, the site is of an adequate size to incorporate five residential curtilages with commensurate amenity spaces. Given the orientation of four of the dwellings fronting Tenters Lane, perhaps the most sensitive relationship will be between the rear elevation of 1 Tenters Cottage and the new house fronting Church Lane. Nevertheless I am mindful that at its closest point the built form of the new house would be the single storey garages. There would remain a distance of over 20m between the rear elevation of 1 Tenters Cottage and the side west elevation of the new house. I consider this to be an acceptable window to window relationship in the context of the site.

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

Impact on Highways

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

The proposal would amount to a change to existing access arrangements to the site through the provision of an additional access from Church Lane towards the north western corner of the site to serve the existing 1 Tenters Cottage. Each dwelling would be afforded off street parking provision.

I note the concerns raised in respect to the additional access throughout the consultation period, both by the Parish Council and local representations. It is conceded that the new access is close to the junction and bend in the road along Church Lane. Colleagues at NCC Highways have assessed the proposal and their comments are listed in full in the above consultation section of the report. They have raised no objection in respect of safety of the proposed additional access. Without resistance from the Highway Authority it would be difficult to sustain a reason for refusal of the application on the grounds of highway safety, in any case I am mindful that the proposed access is for a single two bed dwelling rather than to serve the whole development. Users of the access would have sufficient turning space such that they could leave the site in forward gear thereby allowing optimum visibility of the junction. Subject to the conditions suggested by the Highways Authority I find that the proposal complies with SP7 and Policy DM5.

Impacts on Ecology and Landscape

The proposal would amount to the creation of five residential curtilages which would include the division of the site and the creation of new boundary treatments, including removal of existing and creation of additional hedgerows and tree cover.

The application has been accompanied by a Tree Report dated May 2016 and a Protected Species Survey also dated May 2016. Whilst Nottinghamshire Wildlife Trust have been consulted on the application, unfortunately no comments specific to this application have been received.

The concerns received during consultation in terms of the surveys not including land outside the red line boundary are noted, however, I consider that it would be unreasonable and disproportionate to consider these concerns as material to the consideration of the application on this site. I remain satisfied that Members have sufficient information to assess the implications of the proposal in respect to ecology and landscape impacts on the basis of the survey works undertaken.

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

It is acknowledged that Tenters Cottages are currently vacant. The protected species survey identifies that the cottages have three small roof voids but that the roof structure is in a generally good condition with no missing or slipped pantiles. The survey found a single fresh bat dropping within the cottages and new and old nests of house sparrow recorded in the eaves of the Cottages. Indeed house sparrows were observed carrying nesting material and food to the roof void during the survey. The survey makes a number of recommendations including the installation of features such as bat boxes. Indeed bat boxes and sparrow nest boxes are shown on the submitted block plan. I consider it would be reasonable to attach a condition requiring detailed landscaping details including that of bat and bird boxes.

The tree survey submitted demonstrates suggested location of replacement tree planting in acknowledgement of the recommendation to remove a rowan tree as well as some conifers on the eastern boundary. It is suggested that some of the tree / hedge cover within the site will need to be removed to facilitate the proposed dwellings. The imposition of a landscaping condition will ensure that the level of removal is acceptable (principally in amenity terms) but there would be no objection to the removal of the specimens based on landscape impact.

I appreciate the comments that the site provides a wildlife corridor of connectivity but I dispute the assumption that the proposal will lead to the deterioration of this. The proposal presents the opportunity to introduce new planting and hedgerow which in turn presents the opportunity to enhance the ecological potential of the site.

Subject to conditions relating to further landscaping details and restricting works in bird breeding season, I consider that the proposal would not adversely affect the ecological potential of the site and is therefore compliant with Core Policy 12 and Policy DM7.

Other Matters

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seeks to secure the provision of 30% on site affordable housing on sites of 0.2 Ha or more. However on May 11th 2016, the Court of Appeal overturned the High Court decision from July last year which held that the Government's national planning policy exempting small developments from affordable housing contributions, and providing for the vacant building credit, was unlawful. The relevant policy provided that

developments of ten homes or fewer, or below a combined gross floorspace of 1,000 m², would be exempt from the requirement to contribute to affordable housing. The Government has reinstated the policy to the planning practice guidance as a result of this decision.

In this case, the overall site area meets this site area however, the floor space of the new build dwellings falls below this threshold. Given this and the recent challenge an affordable housing contribution has not been requested in this instance. This is considered appropriate.

I have noted the comments of the Parish Council in terms of a covenant to prevent the properties being extended beyond the size for which they are proposed. Given the overall acceptance of householder developments in principle and the lack of planning policy to substantiate a restriction of dwelling size, I consider that this would be an unreasonable imposition to the applicant.

Overall Conclusion

Being located within a rural village, the proposal for an additional three dwellings would in usual circumstances be resisted in principle. However, it must be acknowledged that, at the current time, there is uncertainty associated with the Council's ability to demonstrate a five year housing supply or an independently approved housing target. In attaching significant weight to the housing delivery which the proposal offers, the development is considered to be acceptable in principle. Having carefully considered all other site specific impacts including heritage, amenity, ecology and impact on the highways network, I have identified no other material circumstances which would outweigh the benefits of the scheme in terms of its contribution to the District's housing supply as well the benefit of bringing two currently vacant residential properties into use.

RECOMMENDATION

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

Conditions

01

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

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

02

The development shall be implemented in accordance with the phasing scheme shown on drawing no. 1723/A/01a received 22nd July 2016 unless otherwise agreed in writing through a non-material amendment.

Reason: In order for the development to be delivered in a satisfactory manner in the interests of bringing the vacant units back into use before the construction of the two new-build semi-detached properties and in line with the applicant's aspirations for development within the site.

03

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

- Block Plan – 1731.A.1d
- Tenters Lane New Cottages – 1731.A.2a
- Tenters Lane Replacement Cottage Church Lane New House – 1731.A.3c

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

Reason: So as to define this permission.

04

No development shall be commenced for any phase pursuant to condition 2 until details and samples of the materials identified below for that phase have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

05

No development shall be commenced for any phase pursuant to condition 2 in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawing and sections at a scale of not less than 1:10 for that phase have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues / Chimneys

Soil and vent pipes

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

06

Development shall not commence for any phase pursuant to condition 2 until drainage plans for the disposal of surface water and foul sewage for that phase 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.

07

No part of the development hereby permitted shall be brought into use until the 2 dropped vehicular verge crossings onto Church Lane 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.

08

No part of the development for any phase pursuant to condition 2 shall be brought into use until the drives and parking/turning areas for that phase are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives and parking/turning areas shall then be maintained in such hard bound material for the life of the development.

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

09

No part of the development for any phase pursuant to condition 2 shall be brought into use until the parking areas for that phase are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking/turning of vehicles.

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

10

No part of the development for any phase pursuant to condition 2 shall be brought into use until details of all the boundary treatments proposed for that phase including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

11

No development shall be commenced for any phase pursuant to condition 2 until full details of both hard and soft landscape works for that phase have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- details and bat and swallow boxes

Reason: In the interests of visual amenity and biodiversity.

12

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

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained and in order to preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

13

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

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

14

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

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

Class A - installation or alteration etc of solar equipment on domestic premises

Class B - installation or alteration etc of stand along solar equipment on domestic premises

Class H - installation or alteration etc of wind turbine on domestic premises

Class I - installation or alteration etc of stand alone wind turbine on domestic premises

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

Reason: In the interests of visual amenity and in order to preserve the setting 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 the development type proposed is zero rated in this location.

02

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

03

In the event that any bat/s are found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

04

Trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site (other than those expressly shown will be removed to make way for built development permitted by this permission) you may require the prior consent in writing of Newark and Sherwood District Council and are advised to contact the Development Control Service of the Council on 01636 650000 to discuss the matter.

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

The development makes it necessary to construct 2 vehicular crossings over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: 0300 500 8080 to arrange for these works to be carried out.

Background Papers

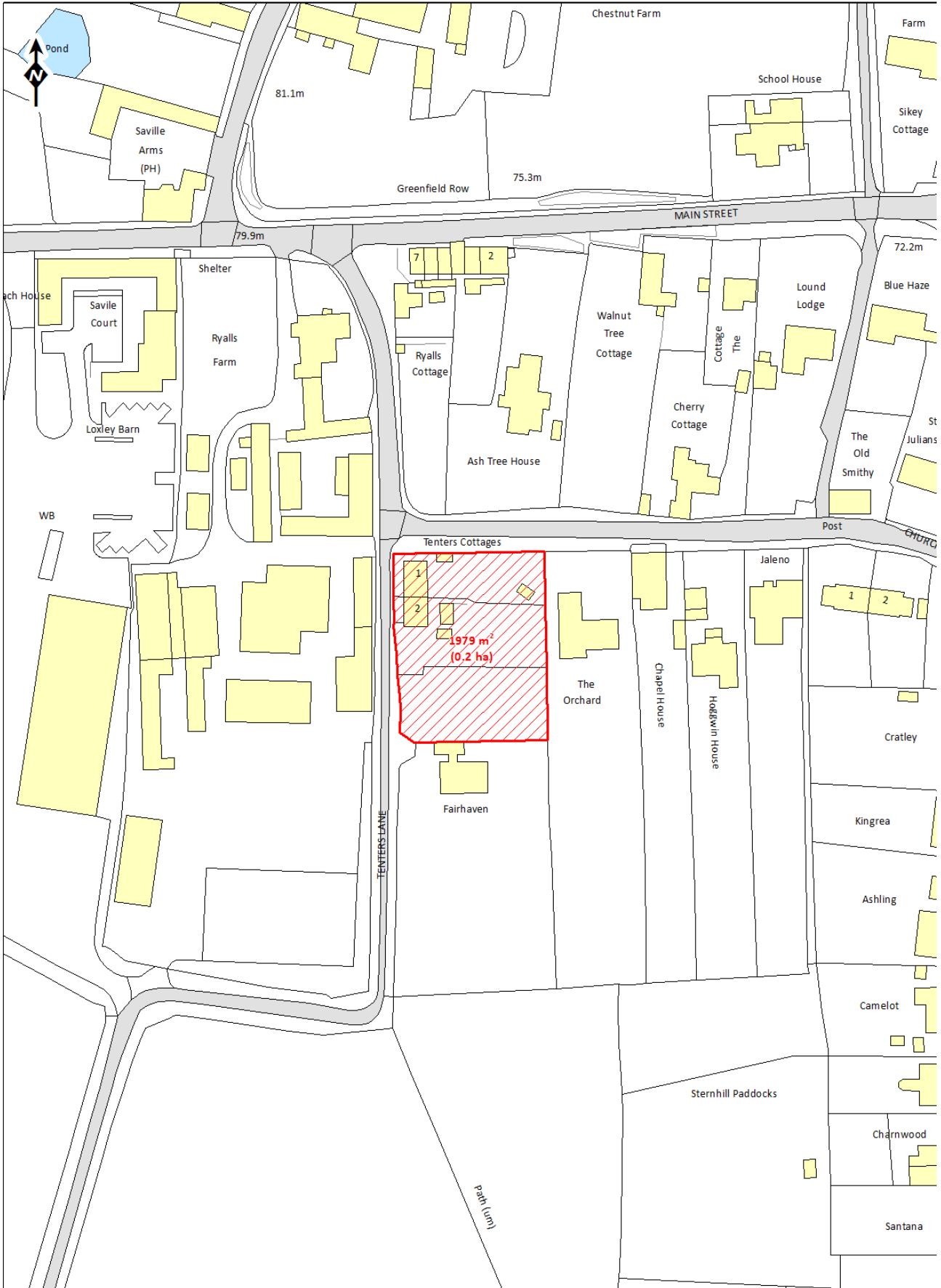
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00883/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00314/FUL	
Proposal:	Change of Use of Boys Club to form 7(No.) Apartments	
Location:	Newark Boys Club, George Street, Newark on Trent	
Applicant:	Mr Jason Templeman	
Registered:	24.02.2016	Target Date: 20.06.2016

This application is before Planning Committee as the recommendation differs from the views of the Town Council.

The Site

The application site relates to a historic two storey building located on the south-west side of George Street, within the established urban area of Newark. The application building is a former maltings building identified on the Nottinghamshire County Historic Environment Record as a Local Interest Building. Now vacant, the building was last used by the Newark 5th Scout Troop.

A hard surfaced car park associated to the residential flats at St Georges Court adjoins the site to the south-east. Immediately to the north-west of the site, and linked to the application building, is a two storey residential property, 26 George Street. A lean-to outbuilding associated to 26 George Street adjoins the rear elevation of the application building. A walled yard area is also located at the rear of the site.

The whole of the application site is located within the EA flood zone 2

Relevant Planning History

No relevant planning history

The Proposal

The proposal seeks planning permission for the conversion of the application building to form 7 No. one bedroom residential apartments. Apartments 1, 2 and 3 are located on the basement floor, apartments 4, 5, 6 are duplex apartments, with living accommodation on the first floor and bedrooms within the attic floor. Apartment 7 has accommodation over the basement floor and first floor with a double height vaulted ceiling.

A refuse store would be created within the existing yard area and accessed via the car park adjacent to the site.

The proposed conversion would utilise all existing openings, with 2 additional windows on the elevation facing George Street and 6 additional rooflights on the rear facing roof pitch included as part of the proposed development.

The roof is proposed to be re-roofed with the existing concrete tiles replaced with blue-grey natural slate tiles.

An Environment Agency standing advice form has been submitted in support of the application which confirms that floor levels will be set no lower than existing and flood proofing measures will be incorporated in the proposed conversion works.

Departure/Public Advertisement Procedure

Occupiers of 43 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

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

NAP1 – Newark Urban Area

Allocations & Development Management DPD

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

Policy DM3 – Developer Contributions and Planning Obligations

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

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

National Planning Policy Guidance (NPPG) web based resource

PPS5: Planning for the Historic Environment Practice Guide (HEPG)

Developer Contributions and Planning Obligations Supplementary Planning Document (December 2013)

Consultations

Newark Town Council – The Town Council objects to the proposal on the following grounds;

- the development is over intensive for the site;
- the development would result in additional traffic in the surrounding roads, many of which are very narrow streets and already suffer from traffic congestion;
- the development is close to Lovers Lane school and the additional traffic will be dangerous to children attending the school;
- there is no car parking provision for the development which will add to the problem that already exists with regard to on street parking in the area.

NCC Highways Authority – The Highway Authority provides the following comment.

‘It is understood that the application is for the change of use of the existing Boys Club to form seven apartments.

The site is located on George Street in Newark, located within 5 minutes’ walk from Newark North Gate train station and 20 minutes’ walk, 1 mile, from the town centre.

The Highway Authority has previously provided comment regarding this application. Subsequently the applicant has revised the scheme to address these comments.

Further detail regarding the likely parking demand create by the development has been provided, as such the Highway Authority are satisfied that on street parking will not be significantly impacted by the development, in the local area.

With regard to access to the bin store, the red line area of the application site has been extended to include land to the west of the site, providing an access corridor for wheelie bins to be moved through and stored adjacent to the footway for collection during refuse collection days. This revised arrangement is considered acceptable to the Highway Authority.

Based on the above the Highway Authority raises no objection to the application proposals subject to the following conditions.’

The recommended conditions relate to the restriction of windows and doors opening onto the highway, the provision of a cycle store and a location for wheelie bins on collection day.

Nottinghamshire Wildlife Trust – No objections are raised following the submission of the bat survey (CBE Consulting April 2016) and comments:

‘Thank you for sending through this report (CBE Consulting, April 2016). We are satisfied with the methodology and conclusions which appear in accordance with best practice guidelines. The report gives the details of the building inspection, including internal and external features covering basement, first floor and loft space. We wish to draw attention in particular to the recommendation given in the first bullet point of Appendix 1, covering a suggested working methodology in the vicinity of the ridge tiles which were considered could potentially provide bat roost opportunity. Adherence to the recommendations given in Appendix 1, including hand removal of the light panels without disturbance to the ridge tiles, should be secured through a planning condition.’

Environment Agency – ‘The proposal falls within our flood risk standing advice and we have no detailed comments to make.’

NCC Lead Local Flood Authority (LLFA) – No comments received at the time of writing the report.

NSDC Environment Health – ‘This proposal includes refurbishment/conversion of buildings which are of an age where asbestos may have been used in the construction and/or insulation materials. There are no soil screening values for asbestos; it is considered that there is no safe exposure level for human health. Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in Environmental Health at Newark and Sherwood District Council on 01636 650000. Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>. For further information on this subject please visit our website at: <http://www.newark-sherwooddc.gov.uk/asbestos>’

NSDC Conservation Section – Conservation has no objection to the proposed development which is considered to sustain the significance of the heritage asset. The addition of a natural slate roof will improve the appearance of the building within the context of the street. The development therefore accords with heritage objectives set out within CP14 and DM9 of the Council’s LDF DPDs, as well as with paragraph 135 of the NPPF.

NSDC Strategic Housing – No comments received within the consultation period.

NSDC Access and Equalities – The applicant’s attention is drawn to the Building Regulations which contains useful standards in respect of visitable, accessible and adaptable and wheelchair user dwellings. It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

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

- Concerns over the lack of parking provision to cater for the proposed development in a congested area.
- Glazing on the rear elevation would lead to overlooking and a loss of privacy.
- Concerns over access to the site while works are taking place potentially leading to damage of existing property or boundary areas

Comments of the Business Manager

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 site is located within the Newark Urban Area as set out in the Settlement Hierarchy defined by Spatial Policy 1. New housing and employment growth should be focussed in this area as it is considered to be a sustainable location for new development. The new dwellings would also contribute to the 5 year housing land supply for the District.

However as the application building was last in use by the Scouts, the application building would constitute a community facility as defined by Policy SP8 and the proposed change of use of the building to residential apartments would result in the loss of a community facility which is a key consideration in the determination of this application.

The application building also has local interest status and as such any impact on the historical and architectural interest of the building must be weighed against the wider benefits of the scheme.

Loss of Community Facility

Following discussions with the case officer, further information, in the form of evidence of the sales and marketing of the application building as well as the level of interest as a community facility has been submitted in support of the application.

The information submitted confirms that the Scout Group were the owners and the principal users of the facility. Accordingly the facility appears to have had a fairly narrow range of use, largely tied to the activities of the Scout group. The principal users have chosen to dispense of the facility having found sufficient alternative provision elsewhere including a number of locations within the Newark Urban Area. On this basis I am satisfied that sufficient alternative provision exists able to compensate for the proposed loss.

I also note the information put forward by the applicant which highlights that perspective purchasers of the application building have been dissuaded to purchase the property due to level of refurbishment required to bring the building back into use as a community facility. Having had regard to the submitted internal photographs, I am willing to accept this argument.

Given the above, I am satisfied that the applicant has been able to clearly demonstrate that the continued use of the community facility is no longer feasible and that there sufficient alternative provision within the Newark Area. As such, I consider that the proposal has met the criteria contained with Spatial Policy 8.

Heritage

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Core Policy 9 and Policy DM9 of the DPD require development proposals to preserve and enhance the character, appearance and setting of heritage assets.

I am mindful of the positive comments from the Conservation section and I am of the opinion that the proposed external alterations are minor in nature as well as sympathetic to the architectural and historical interest of the application building. The natural slate tiles to the roof are also considered to be a positive enhancement. As such, I consider the proposed development to accord with the aims of Core Policy 9 and Policy DM9 of the DPD.

Highway Safety

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

I have noted the comments from the Town Council in that they feel the development is over intensive which would result in additional traffic on narrow streets which are already congested. They raise concerns that this would be dangerous as the site is close to a school and they raise concern that the scheme does not have any parking provision which will add to existing parking problems.

While I am mindful of the concerns raised regarding the lack of parking provision associated to the proposed development, I am also mindful of the comments made by the Highway Authority, which raise no objection to the proposal on the basis that the site is located close to the Town centre and public transport facilities and thus in a highly sustainable location. Furthermore the units proposed are one bedroom dwellings which are aimed at single person occupancy, and occupiers would be well aware of parking restrictions before choosing to occupy the units. There is limited on-street parking in the area given the existence of parking restrictions in the form of yellow lines and resident parking schemes. All of these factors lead me to conclude that the scheme is acceptable and would not be able to sustain a reason of refusal on highway grounds.

The recommended conditions relating to restriction of windows and doors opening onto the highway, the provision of a cycle store and a location for wheelie bins on collection day are noted and considered appropriate in this instance.

Given the above, it is considered that the proposal would accord with the aims Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Flooding

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

The NPPF states within para 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

Para 104 of the NPPF states that applications for minor developments and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site specific flood risk assessments.

Following discussions with the case officer, a site specific flood risk assessment has been submitted in support of the application.

I note that the Environment Agency have referred to their standing advice. Standing advice for vulnerable development within flood zone 2 requires development proposals to follow advice on surface water management, access and evacuation and floor levels.

In regard to surface water management, I am mindful that there are external extensions to the application building as part of the application and that the submitted FRA has confirmed that the surface water run-off to the combined sewer will not be increased.

I also note that the submitted FRA has confirmed the floor levels in relation to Ordnance Datum (height above sea level) with only the basement floor being below 1 in 100 year flood zone 2. The NPPG advises that further flood resistance and resilience should be considered if floor levels cannot be raised above estimated flood level. The submitted FRA states that further flood resistance and resilience measures are proposed for the basement level in the form of tanking using industry exemplar products.

The proposed development will also provide internal access to higher levels of the building in order to provide safe access and evacuation to low flood risk areas.

Given the above, I am satisfied that the proposed development would not result in any significant increase in flood risk at the site or neighbouring sites in accordance with the standing advice contained within the NPPG as well as the aims Core Policy 9 and Policy DM5.

Ecology

Vacant buildings often provide a habitat for a variety of species, some of which may be protected by law. Core Policy 12 requires proposals to take into account the need for continued protection of the District's ecological assets.

I note the comments from the Wildlife Trust which raise no objection to the proposal following the submission of the Ecology survey. I am therefore satisfied that the proposal is unlikely to have any material impact on protected species. The recommended condition relating to the development according with the recommendations made within the Ecology survey is considered appropriate.

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.

As the proposed scheme does not involve any increase in height or footprint of the application building, I am satisfied that the proposed development would not result in any material overbearing or overshadowing impact on neighbouring properties.

I note the concerns over a potential overlooking impact, however as the only additional glazing to the rear elevation would be rooflights serving the communal hallway and set high within the roof pitch, I am satisfied that the proposal would not result in any material overlooking impact.

In relation to the issue on access during construction works, I am of the opinion that this would not constitute a material planning consideration in this instance and therefore cannot be given any significant weight in the determination this application.

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. The applicants have been successful in demonstrating that there is adequate alternative provision for community facilities within the area and the principle of residential development on this site accords with the Development Plan and all other relevant material considerations. This scheme would deliver housing in a sustainable settlement and contribute to the Council's 5 year + housing supply and the proposal would not harm the historical significance of the application building or the character and appearance of wider locality, result in any material impact on highway safety, or, ecology (including protected species). The proposed development would also not result in any significant increase in flood risk at the site or neighbouring sites in accordance with standing advice. Accordingly it is recommended that planning permission be granted.

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 Ref. 3/47/2015, the revised site location plan dated 22.04.16, the Ecology Survey (CBE Consulting April 2006) and the site specific flood risk assessment received by the District Council on the 4th July 2016 unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

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

03

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.

Roofing tiles

Reason: In order to safeguard the special architectural or historical appearance of the local interest building.

04

The new doors and windows on the street frontage shall open inwards only and shall be provided in accordance with details which have been first submitted to and approved in writing by the LPA prior to their installation. The doors and windows shall then be retained in accordance with the approved details for the life of the development.

Reason: In the interests of pedestrian safety.

05

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be implemented prior to first occupation of any dwelling hereby approved.

Reason: To promote sustainable travel.

06

No part of the development hereby permitted shall be brought into use until a location for wheelie bin storage associated with the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The wheelie bin storage (together with its associated external access) shall be provided on site prior to first occupation and shall be available for this purpose for the lifetime of the development.

Reason: In the interests of Highway safety to avoid bins from being stored on the public highway.

07

The development hereby approved shall be constructed in accordance with the recommendations made within Appendix 1 of the submitted Ecology Survey (CBE Consulting April 2006) including the suggested working methodology and the hand removal of the light panels without disturbance to the ridge tiles.

Reason: Reason: In the interests of maintain and enhancing biodiversity.

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

There are no soil screening values for asbestos; it is considered that there is no safe exposure level for human health. Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and

the Proactive Team in Environmental Health at Newark and Sherwood District Council on 01636 650000. Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>. For further information on this subject please visit our website at: <http://www.newark-sherwooddc.gov.uk/asbestos/>

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 given that there is no net additional increase of floorspace as a result of the development.

04

It is recommended that a separate enquiry is made regarding Building Regulations approval requirements.

Background Papers

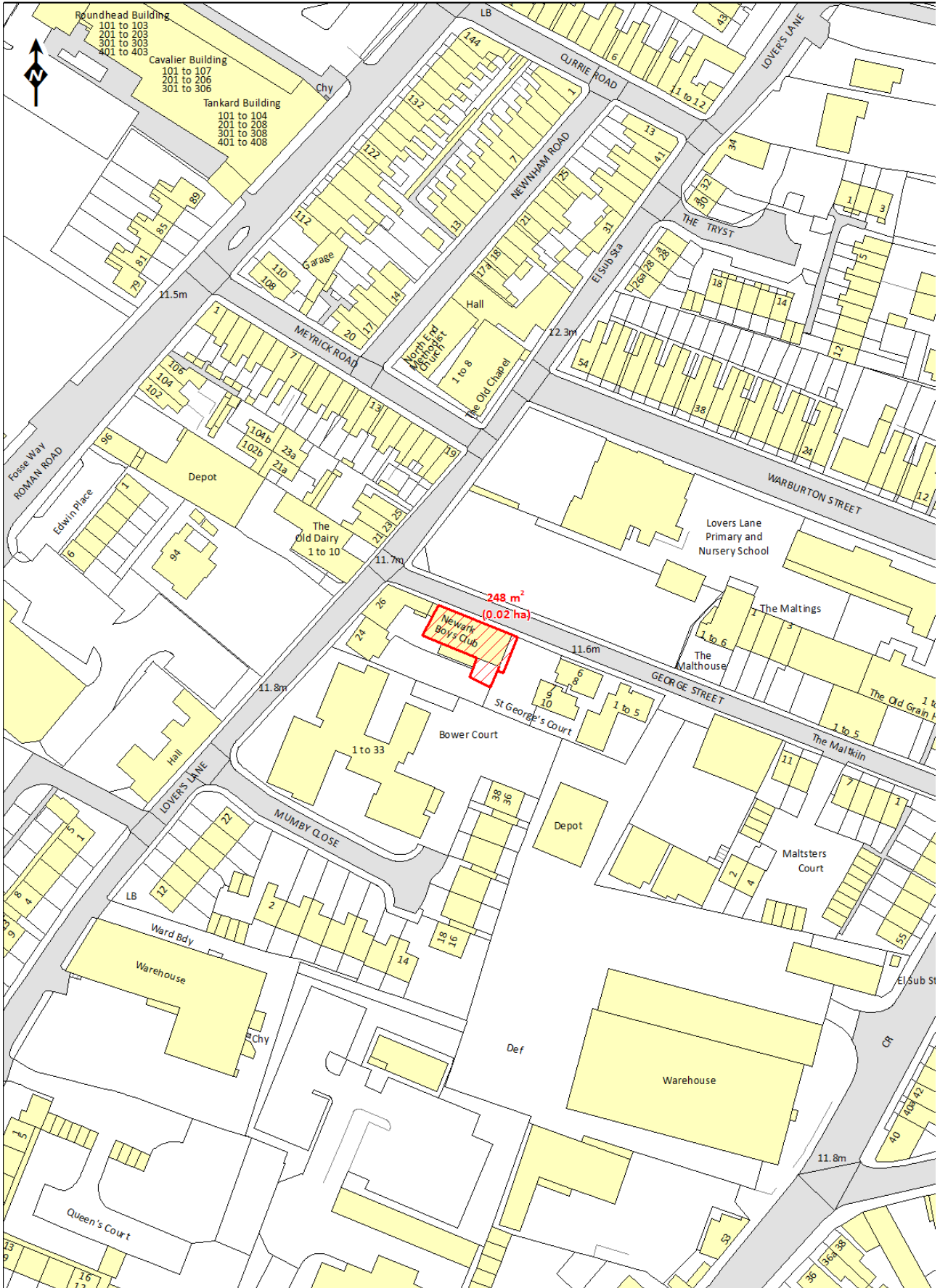
Application case file.

For further information, please contact Gareth Elliott on 01636 655836.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00314/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/01250/OUTM	
Proposal:	Development of brown-field site to construct road and 35 new houses	
Location:	Land to the Rear of Lowfield Cottages, Bowbridge Lane, Balderton	
Applicant:	Kenilworth Estates Ltd.	
Registered:	16.09.2015	Target Date: 16.12.2015
		Extension of time agreed in principle.

The Site and Surroundings

The application site comprises land on the east side of Bowbridge Lane and is located to the south and outside of the Newark Urban Area. The application site is irregular in shape and measures some 1.32 hectares. The strategic site 'Land South of Newark' which covers a large area to the south of Newark includes the site as 'green infrastructure' within the Core Strategy although the outline planning permission for the strategic site (planning application no.14/01978/OUTM) does not incorporate the land in this application and therefore the site is surplus to the development requirements of the strategic site and therefore sits within open countryside. Two storey terraced dwellings known as Lowfield Cottages adjoin the site to the north and rear with a two storey detached dwelling known as Lowfield House adjoining the site to the north east.

The site is currently characterised by soft landscaping including grass and scrub vegetation. The land has an industrial past including use as a plaster works, gypsum quarry, gasworks waste lagoon and scrapyard. The site was remediated for industrial purposes in 1993 and has remained vacant since, returning over time to its current more natural appearance.

A Local Wildlife Site is situated immediately to the east of the site on land at the Balderton dismantled railway with substantial areas of grassland and scrub which now has the Sustrans path. This land is currently being remodelled and a footbridge is being constructed as part of the approved development to construct the Southern Link Road which forms part of the planning permission relating to the strategic site. The nearest listed building is located some 317m to the south of the site at the Grade II listed ruin Gypsum Grinding Mill.

Relevant Planning History

10/00760/OUTM Erection of industrial unit (Extant Permission 07/00759/OUTM) – permission 16.07.2010

07/00759/OUTM Erection of industrial unit – permission 07.09.2007

04/00302/OUT Industrial unit – permission 24.06.2004

00/01079/OUT Construction of 25 light industrial units and convert existing bungalow to office use and create 192 car parking spaces – refused 20.01.2003

02/00193/OUT Residential development – refused 19.07.2002

97/50032/OUT Construction of 25 light industrial units and conversion of existing bungalow to office use and create 192 car park spaces – permission 20.10.1997

93/50027/CMA Waste to energy incineration plant for medical waste – decision by County 15.07.1994

93/50028/OUT Construction of 25 light industrial units and conversion of existing bungalow to office use and create 192 car parking spaces – permission 26.04.1994

93/50026/CMA Engineering and other operations to reclaim and reinstate land to render suitable for new development – decision by County 09.07.1993

03900956 Construct 25 light industrial units, convert bungalow to office, create 192 car parking spaces – permission 21.11.1990

03891392 Construct 41 light industrial units, 192 car parking spaces, convert bungalow to office use – refused 20.03.1990

03890435 Car repair and dismantling business – permission 22.06.1989

03881223 Construction of 16 no. light industrial units and associated car parking – permission 15.06.1989

03870529CM Retain two portable office units – decision by County 10.08.1987

03870002 Change of use of land for parking of HGV trailers and tractor units – refused 24.02.1987

03840954 Change of use of land for commercial vehicle dismantling and storage – refused 11.12.1984

03840134 Erection of tool shed/store, storage building and weighbridge – permission 21.09.1984

0381245 Use land for light industrial and warehouse development – permission 21.07.1981

0381244 Use land for scrap recovery and associated uses – refused 21.07.1981

038145 Temporary residential caravan – permission 30.06.1981

038144 Extension of scrap yard – permission 30.06.1981

038143 Bungalow – permission 30.06.1981

03791253 Amendment of permitted work hours – permission 24.04.1980

0380126 Bungalow and garage – permission 27.03.1980

03791202 Change of use of storage shed to vehicle repairs and maintenance – permission 15.01.1980

03791201 Residential chalet – permission 15.01.1980

0378826 Scrap Metal yard (extension) and security fence and storage shed – permission 15.08.1978

03771125 New office, mess room and toilet – permission 28.02.1978

0377917 Scrap Metal yard security fence – permission 03.12.1977

The Proposal

Outline planning permission is sought with all matters reserved for residential development of the site for 35 dwellings.

The Design and Access Statement accompanying the application confirms that a variety of forms and levels of accommodation would be provided including a single storey dwelling for people with disabilities.

Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 3 Rural Areas
- 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 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM8 Development in the Open Countryside
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

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

Consultations

Balderton Parish Council – ‘Object to the proposal. Members consider the area to be unsuitable for development owing to the area flooding and being so low lying. Land contamination is also a concern in that vicinity.’

Planning Policy – Planning Policy Context

National Planning Policy Framework

Confirms that the Framework has not changed the statutory status of the development plan which is the starting point for decision making, detailing that proposed development which accords with an up-to-date Local Plan should be approved, and that proposed development which conflicts should be refused unless other material considerations indicate otherwise.

In relation to housing the Framework requires Authorities to maintain a supply of specific deliverable sites to deliver a five year supply, as at 1st April 2014 the District has a supply of 6.83 years.

In terms of the location of future development the active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and the focussing of significant development in locations which are or can be made sustainable is a Core Planning Principle. This is supplemented by the emphasis on an integrated approach to considering the location of housing, economic uses and community facilities and services which the Framework holds as central to the promotion of healthy communities. Accordingly it is set out that local planning authorities should avoid new isolated homes in the countryside with rural housing being provided where it would enhance or maintain the vitality of rural communities unless special circumstances are demonstrated.

In terms of the consideration of brownfield land as part of decision making, provided that it is not of high environmental value then the Framework sets out that its effective re-use should be encouraged.

Development Plan

Core Strategy DPD

Spatial Policies 1&2:

In line with the approach to the location of future development and patterns of growth within the NPPF Spatial Policy 1 ‘Settlement Hierarchy’ identifies the settlements which are central to the delivery of the Councils spatial strategy and what their roles will be. Flowing from this Spatial Policy 2 ‘Spatial Distribution of Growth’ sets out the distribution of growth across the District’s settlements. Through this approach Newark Urban Area has been identified as the Sub-Regional Centre with 70% of overall housing growth (9913 dwellings) to be accommodated by the settlement over the plan period (2006-2026).

NAP2A – Land South of Newark:

The site falls within the boundary of the Land South of Newark strategic site allocated through the Core Strategy with NAP2A 'Land South of Newark' setting out the policy approach for the site. In terms of the distribution of development across the site, indicatively illustrated in Figure 5, the Southern Link Road (SLR) provides the southern limit to the extent of residential development, whilst the new employment development is located to the south east of the residential element (south of the 'Jericho Works'). The site which pre-application advice is being sought on is located to the south of the SLR and is outside of both the residential and employment areas - in an area indicatively identified as 'green infrastructure'.

Spatial Policy 3 Rural Areas:

National planning policy seeks to locate rural housing where it would enhance or maintain the vitality of rural communities, accordingly Spatial Policy 3 'Rural Areas' sets out a detailed approach for dealing with proposals within the main built-up areas of villages. Proposals beyond these main built up areas, and outside of the Green Belt, are within the open countryside and the Spatial Policy details that development in such locations will be strictly controlled and restricted to uses requiring a rural setting. The Spatial Policy defers to Policy DM8 'Open Countryside' within the Allocations & Development Management DPD for the detailed consideration of such applications.

Allocations & Development Management DPD

Policy DM8 'Development in the Open Countryside':

Policy DM8 sets out that development in the open countryside will be strictly controlled. In the case of new housing development planning permission will only be granted where the dwellings are of exceptional quality or innovative design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.

Planning History

The site has a long planning history and was remediated around 20 years ago via a government grant. Subsequently there have been a number of planning permissions for industrial development none of which have been implemented. Over time the planning context of the area has changed significantly and the Council has allocated a strategic site which covers a large area to the south of Newark including the site. As was explained to the applicant on numerous occasions during the period that they had an extant permission, this allocation would not stop them from implementing their permission.

Subsequently the outline permission covering the site lapsed on the 16th July 2013 and Officers have met with a planning agent acting on behalf of the applicant on a number of instances, as I understand to discuss the potential for employment development. The applicant was advised that the formal pre-application process should be entered into for the District Council to provide a professional opinion on the likelihood of a positive response on the development of the site for employment purposes.

Land South of Newark now benefits from outline consent and I note that the land to the rear of Lowfield Cottages falls outside of the permissions extent.

Assessment

The site is located within the boundary for the Land South of Newark strategic site and is situated within the area indicatively identified for green infrastructure. I note that the strategic site is now subject to outline consent and that the boundary of the permission excludes land to the rear of Lowfield Cottages. However until such a time as reserved matters are agreed and the permission implemented it remains appropriate to consider the likely impact of any future application on the delivery of the strategic site in line with the policy objectives of NAP2A.

In my view given that the extent of Green Infrastructure (GI) shown on Figure 5 is indicative, the small size of the proposal relative to the overall level of GI broadly identified, the sites location towards the periphery of the strategic site boundary and that a suitable arrangement not requiring the land has been arrived at through the outline consent would lead me to conclude that the release of the land for an appropriate use, other than that envisaged through NAP2A, is unlikely to prejudice the delivery of the green infrastructure to support Land South of Newark.

Although the site is located within the boundary for Land South of Newark it is outside of the Urban Boundary for the Newark Urban Area, which is tightly defined around the proposed built form, and as a result is in planning policy terms within the open countryside.

As set out above national and local planning policy seeks to avoid the creation of new isolated dwellings in the open countryside, and in my view given its location the proposal would quite clearly result in this undesirable pattern of development. Indeed the position of the site in relation to the proposed route for the SLR would only serve to exacerbate the lack of connection with the Newark Urban Area. Whilst Policy DM8 would in some cases allow for new dwellings within the open countryside, where they are of exceptional quality or innovative design etc., this should by definition be an exceptional occurrence where the quality of the dwellings outweighs the harm from development taking place in what is an inherently less sustainable location.'

The above comments were made in September 2015 and went on to set out the housing supply position at that time. The current housing land supply position is set out in the appraisal later in this report.

Notts County Council (Archaeology) – No comments received.

Notts County Council (Highways) – 'This is an outline application with all matters reserved. It is not clear from the application plans whether the applicant is both aware of and has considered the impacts of the proposed Newark Southern Link Road and associated alterations proposed to Bowbridge Lane immediately adjacent to Lowfield Cottages and possibly impacting directly upon the proposed site access. It should also be noted that Bowbridge Lane to the south of the proposed access is to be closed to through traffic such that all vehicle access to the proposed development can only be gained in a northerly direction.

The first phase of the proposed Newark Southern Link road is currently under construction. The applicant will need to demonstrate how the proposed access arrangement can be satisfactorily accommodated with the alterations currently being made to Bowbridge Lane as part of the Newark Southern Link Road scheme. Equally the applicant will need to consider and report on the vehicular access restrictions imposed by the closure of Bowbridge Lane to the south of the application site.

The visibility from the proposed access has not been shown on the site layout plan. The visibility splays should be demonstrated on the plan as being achievable within land within the applicant's control to ensure a safe access can be provided.'

Following the receipt of a plan showing the proposed access arrangements with visibility splays, the following further comments have been provided:

'The applicant/agent has now submitted drawing no. 05C, demonstrating the visibility splays on the proposed road layout of Bowbridge Lane, upon completion of the Newark Southern Link Road. These are acceptable to the Highway Authority.

It is assumed that the development is to be adopted by Notts. County Council, as Highway Authority. There is currently a grass verge in place along the site frontage and a footway is required to be provided to link up with Lowfield Cottages.

As this is an outline application with all matters reserved, there are no highway objections to this proposal subject to:

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking/turning facilities, access widths, surfacing, street lighting and drainage (hereinafter referred to as reserved matters) in accordance with the County Council's current Highway Design Guide (6C's).'

Notts County Council (Flood Team) – 'Acceptable subject to conditions.

- 1 The following comments are based upon the source-path-receptor flood risk appraisal method to determine the potential flood risk both to and from a development.
- 2 The information submitted would appear to adequately address the flood risk on the site however we would ask that the following conditions be placed on any planning permission for the site.
 - 2.1 The development of the site is to be in general accordance with the flood risk assessment.
 - 2.2 The dwelling floor levels are to be 300mm above existing ground levels or the 100yr + climate change fluvial flood level whichever is the higher value.
 - 2.3 Any development within the flood plain that results in a loss of flood plain storage volume is to be balanced either on site (or nearby off-site) with an equivalent volume at a similar level.
 - 2.4 The surface water drainage system should manage all rainfall events on the site upto a 100year return period + 30% allowance for peak rainfall intensity increases due to climate change.
 - 2.5 The site drainage system for the development is to be modelled and demonstrate compliance with the following requirements:
 - 2.5.1 No surcharge during a 1 year event,
 - 2.5.2 No flooding during a 30 year event,
 - 2.5.3 No flooding off-site or to new dwellings on the site during a 100year + 30% climate change event.
 - 2.5.4 Management of all exceedence flows during a 100year + 30% climate change event for durations from 15minutes to 24 hours. All exceedence flows should be directed away from the site boundaries and dwellings and towards the attenuation system.'

Notts County Council (Education) – Can confirm that the proposed development of 35 units would yield an additional 7 primary and 6 secondary places.

Based on current projections, the primary schools are at capacity and cannot accommodate the additional 7 primary places arising from the proposed development on Bowbridge Lane, Balderton.

County Education therefore wish to seek an Education contribution of £80,185 (7 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

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

Notts County Council (Policy) – Comments can be summarised as follows:

County Planning Context

Waste

The proposed site was allocated for waste use in the Waste Local Plan (adopted 2002), however this has now lapsed. In terms of the Nottinghamshire and Nottingham Waste Local Plan: Part 1 – Waste Core Strategy (December 2013), there is a cluster of waste management uses to the south west of the site, but it is not considered that the proposed development would cause any concerns in terms of safeguarding these existing facilities (as per Policy WCS10).

As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.’

Minerals

The site lies within a Mineral Safeguarding and Consultation Area for gypsum (surface). In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these areas. Allocations in District Plans (see Local Planning Context) are excluded from the provisions of Policy DM13, provided that the mineral resource was considered during the allocation process. The County Council are unsure if this is the case in this instance.

The proposed site is surrounded to the east, west and south by historical gypsum workings and all current extraction lies further to the south at Bantycok Quarry. Current reserves are currently expected to be adequate until 2035. The adopted Minerals Local Plan includes an allocation for a southern extension (i.e. in the opposite direction of the proposed site from the quarry). However, due to the level of permitted reserves it is not proposed for this allocation to be taken forward in the replacement Minerals Local Plan.

Due to the historic working of the surrounding area for mineral extraction and the allocation of the proposed site as part of the ‘South of Newark’ allocation (see Local Planning Context) the County Council would not raise any objection with regards to mineral safeguarding. The possibility of prior extraction could be explored in consultation with British Gypsum.

Strategic Planning Issues

Highways

See comments above under NCC Highways.

Travel and Transport

Bus Service Support

The County Council has conducted an initial assessment of this site in the context of the local public transport network.

Although there are a number of commercial bus services operating along the nearby London Road corridor, the walking distance to the closest bus stops is approximately 1.2 miles which is further than the recommended distance in the 6Cs design guidelines.

Due to the size of this potential development, at this time it is not envisaged that contributions towards local bus service provision will be sought, however the local planning authority may wish to consider a planning obligation which will require some form of public transport contribution to serve the site as part of the larger local development.

Infrastructure

Due to the size of this potential development, at this time it is not envisaged that contributions towards local bus stop infrastructure provision will be sought, however the local planning authority may wish to consider a planning obligation which will require some form of public transport contribution to serve the site as part of the larger local development including the provision of bus stop infrastructure.

Further information can be supplied through developer contact with Transport & Travel Services upon receipt of the full planning application.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey. This indicates that the site supports semi-improved grassland of moderate diversity, and provides potential habitat for reptiles.

The report recommends that further surveys are carried out in relation to reptiles, for this reason. If such surveys have already been completed, it is requested that these are submitted; if they have not, then they should be commissioned as soon as possible, noting that September is an optimal survey period for reptiles, with October suboptimal; beyond this, it would not be possible to complete surveys until next April. Without this information it is not possible to comment fully on the ecological impacts of this application.

In addition, whilst some recommendations are made in the Extended Phase 1 Habitat Survey, no firm mitigation is proposed for the loss of habitat that would arise from the proposals (amounting to more than 50% of the existing habitat area). It is noted that the undeveloped part of the site would be retained as 'New Public Open Space (for ball games etc.)'; the retention and

enhancement of existing habitat in this area would go some way to mitigating for the net loss of habitat (noting that further, bespoke mitigation may be required should reptiles be found at the site); development as an 'amenity area' would therefore not be desirable. Further details relating to mitigation for the loss of habitat are therefore requested (such as an indicative landscaping scheme).

Landscape and Visual Impact

NB comments on 'Landscape and Visual Impact' received prior to the submission of the applicant's LVIA and subsequent assessment by the County Council as independent consultants.

Given the isolated location of the proposed development, away from the built edge of Newark, the County Council do not support this application. However, should the development obtain outline permission we recommend the following:-

1. Prior to detailed design of the site layout a landscape and visual impact assessment should be submitted along with proposed mitigation measures to minimise the visual impact on adjacent properties. In particular the location of properties ref 18 and 19 shown on drawing 02D should be reconsidered.
2. Vegetation removal should take place outside the bird nesting period (1st March – 31st July inclusive).
3. Any boundary trees and hedgerows to be retained should be protected during construction to BS 5837: 2012.
4. Detailed proposals should be submitted for landscaping, to include areas of species rich grass to the south east of the site and native planting to enhance the boundary with the adjacent SINC.
5. Planting plans for the native tree and hedgerow planting should be submitted, including species, size at planting, spacing, rabbit protection and proposals for establishment/future management. Species should be as recommended for the South Nottinghamshire Landscape Character Area.

Reclamation

Contamination Impacts

The previous use of the site and the demolition of the buildings give rise to the potential for contamination of the ground at the site. The map extract provided below indicates the extent of the quarry and works at the turn of the previous century.



Given the location and history of the site it is concluded that there is potential for the site to be contaminated.

Conclusions and Recommendations

A conceptual site model for the site should be developed through the preparation of a phase one desk study to assess the environmental and human health risks posed by pollutant linkages at the site. Reference should be made to the Environment Agency's Model Procedures for the management of land contamination CLR11 and BS10175:2011+A1:2013, Investigation of potentially contaminated sites: Code of Practice. Within this document clause 6 refers to a desk study and site reconnaissance. The BS document also refers to the development of a conceptual site model to assess the potential for risk from contamination and the development of an investigation strategy to assess those risks.

Once the phase one desk study has been completed a site investigation can be designed to investigate the identified pollutant linkages. The investigation could also be integrated with the geotechnical investigation required for ground condition assessment for foundation design.

The geo-environmental site investigation must be comprehensive and enable: -

- i. the conceptual site model to be refined;
- ii. a Phase II Risk Assessment to be undertaken relating to soil and on site and off site associated groundwater and surface waters that may be affected, and ground gas and vapour.
- iii. a Method Statement to be developed detailing the remediation requirements.

The County Council will be pleased to comment upon the documents once they are provided.

Rights of Way

The Design and Access statement refers to the creation of a new pedestrian and cycle links on the site and these are shown on the site layout plans. These will provide good links to the Sustrans cycle track to the east of the site. The development itself does not affect any recorded public rights of way, although there may be paths used on the ground by local people which are not recorded. However, the provision of NMU access may well mitigate any complaints about loss of access. The County Council would also advise that the routes provided by the developer are included in the s38 adoption along with the estate roads. A specification suitable for the intended use should be discussed and agreed with NCC Highways Development control.

Developer Contributions

The County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and Newark and Sherwood District Council to ensure all requirements are met.

Education

The County Council wish to seek an Education contribution of £80,185 (7 x £11,455) (See above)

Overall Conclusion

In terms of Strategic Highways, the applicant will need to demonstrate how the proposed access arrangement can be satisfactorily accommodated with the alterations currently being made to Bowbridge Lane as part of the Newark Southern Link Road scheme. Equally the applicant will need to consider and report on the vehicular access restrictions imposed by the closure of Bowbridge Lane to the south of the application site.

The County Council do not have objections to the proposed development from a Minerals or Waste perspective.

In relation to Nature Conservation, the County Council would request that additional surveys are carried out, as set out in detail above.

In relation to Reclamation, a conceptual site model for the site should be developed through the preparation of a phase one desk study to assess the environmental and human health risks posed by pollutant linkages at the site.

The development itself does not affect any recorded public rights of way, although there may be paths used on the ground by local people which are not recorded. However, the provision of NMU access may well mitigate any complaints about loss of access. The County Council would also advise that the routes provided by the developer are included in the s38 adoption along with the estate roads. A specification suitable for the intended use should be discussed and agreed with NCC Highways Development control.

The County Council would wish to seek an Education contribution of £80,185 (7 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

Nottinghamshire Wildlife Trust – Initial comments:

The Trust were pleased to see that an ecological survey of the site had been carried out (Extended Phase 1 Habitat Survey, Total Ecology September 2015) which allowed an assessment of the potential ecological impact of the development.

The Trust reviewed the above report and were generally satisfied with the methodology. Habitats on site were considered potentially suitable to support a range of species, with mitigation recommendations given to ensure impacted are minimised.

Birds

Suitable habitat for nesting birds is present on site. The Trust would wish to see this retained where possible, in particular along site boundaries which would maintain commuting and foraging habitat. Where vegetation clearance is required, the Trust recommended a suitably worded condition to protect breeding birds:

“No removal of hedgerows, trees or shrubs shall 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.”

Badgers

No signs of badger activity were noted, however the Trust supported the recommendation in Section 5.3 for a pre-commencement walkover survey to ensure that the situation has not changed with respect to badgers. The Trust advised that this survey could be conditioned.

Best practice methods during construction should be followed to protect any animal which may enter any excavations. Trenches should be covered overnight, or a ramp or other means of exit should be provided. Pipes over 150mm in diameter should be capped off.

Reptiles

Section 5.3 of the report states that suitable reptile habitat is present on site, reptiles records are known from the vicinity of the site and that offsite habitats provide good ecological connectivity. Further reptile survey work is recommended, however the Trust cannot see any evidence that this has been undertaken. All reptile species are protected from intentionally killing, injuring or selling under the Wildlife and Countryside Act 1981. The report recommends that further, more detailed reptile survey work is undertaken to ascertain whether reptiles are present on site. The Trust recommended that the LPA requested this survey work is carried out and the report is submitted for review before the application is determined

Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force), states that:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.'

Local Sites

The site is immediately adjacent to Balderton Dismantled Railway South Local Wildlife Site. Local Wildlife Sites are afforded protection due to their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a national, regional and local context, making them some of our most valuable urban and rural wildlife areas. With this in mind the Trust requested that a condition be placed on the application should it be approved that requires the applicants to ensure that building materials and machinery are kept as far away from the LWS as possible at any time prior to or during works.

Landscaping

The Trust were pleased to note that the proposed Site Layout Plan appears to indicate tree and hedgerow planting as well as Public Open Space which could help to buffer the adjacent LWS to the east. The Trust recommended that native, locally appropriate species are used wherever possible to maximize the nature conservation value of the proposal. The species list for South Nottinghamshire Farmlands should be consulted for a list of appropriate species. The Trust would also recommend that existing habitats including the grassland are retained where possible, and potentially enhanced. Appropriate ongoing management should be considered. Detailed Landscaping and Management Plans should be secured by way of condition.

Ecological Enhancements

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, the Trust advised that they would welcome plans for biodiversity enhancements on and around the development site. As well as planting and managing new habitats, consideration should also be given to installing bat and bird boxes and creating habitat piles or hibernacula. Additional enhancements may be informed by completion of the outstanding reptile survey work.

In the absence of the further reptile survey work required, the Trust confirmed that they wished to object to this application as there is insufficient information with which to consider the impact on protected species.

The applicant subsequently advised that they had a conversation with Nottinghamshire Wildlife Trust and that it was agreed that as reptiles would be in hibernation until March next year (2016), a detailed reptile survey would be conducted then if the planning application is acceptable. I contacted the Trust who then advised as follows:

'We have previously recommended that the LPA requests the required reptile survey work to be carried out before the application is determined, which is in line with planning policy regarding protected species. NWT have been contacted by the applicant to discuss this position.'

In order to fully understand the use of the site by reptiles, we would still recommend that further survey work is undertaken - ideally this should take place prior to determination to ensure that all material considerations have been addressed. However, this application is in outline and we understand that the applicant would be willing to accept a condition requiring that the surveys are carried out to inform the reserved matters application.

Whilst it is true that reptiles hibernate over winter months and survey during this time is not possible, the timing of the application is not reason enough to deviate from planning policy requirements.

However, the current site layout plan indicates that the eastern side of the site, which is adjacent to the most suitable connected habitat for reptiles, would remain undeveloped. With this in mind, should a population of reptiles be present, the currently proposed layout could accommodate suitable habitat for retention of the population. We would therefore accept under these specific circumstances that the required reptile survey work could be secured through a planning condition attached to the outline application which requires it to be undertaken as soon as possible (bearing in mind survey timing constraints) and the recommendations incorporated into any reserved matters application.'

Natural England – No comments to make.

Trent Valley Internal Drainage Board – The suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the site is to be drained.

Should soakaways prove to be unfeasible the applicant has indicated that surface water would be discharged to the Middle Beck Main River. In this case the outfall construction and discharge rate must be agreed with the Environment Agency.

The design, operation and future maintenance of site drainage systems, and any off site drainage systems required to convey flows to the Middle Beck Main River, must be agreed with the Lead Local Flood Authority and Local Planning Authority.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and overland flows".

The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. The Board note the presence of a bund to the rear of Lowfield Cottages and consideration should be given as to if the bund affords any protection to Lowfield Cottages and flows emanating from the development site.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, within the channel of a riparian watercourse will require the Board's prior written consent.

Community, Sports and Arts Development – No objection to this planning application in principle. Given that the proposal is for 35 residential units there should be a contribution towards Community Facilities as per the Developer Contributions SPD of £1,337.08 per dwelling fixed at May 2015 plus appropriate uplift through indexation at the point of payment. If further information is required about what the contribution will be used for further information can be provided.

Environmental Services (Contaminated Land) – This application is for residential development on land that has a long legacy of industrial uses. These previous uses, including plaster works, gypsum quarry, gasworks waste lagoon and scrapyard are known to be potentially contaminative.

Numerous site investigations have been carried out on this site in the past and have identified that elevated levels of contamination remain. We are aware that some remedial works were carried out in the mid 1990s but the effectiveness of the work has not been verified. Furthermore, this remedial work is likely to have been carried out to ensure that the site was suitable for the use at the time and not for the requirements of modern day standards for residential dwellings with private gardens, which are highly sensitive.

The information accompanying the planning application fails to address our concerns regarding the proposed residential use on a site with such a complex history in terms of contaminative uses and we are surprised that there is no supporting study with the application i.e. desktop report. Prior to development, there would be the requirement for a robust site investigation, to take into account the works that have already been carried out to date and to identify what the current levels of contaminations are at the site to identify the method of remedial work, this we believe will be technically and economically challenging given the proposals. It is essential that our full phased contamination condition is attached to any planning consent given.

Following these comments, the applicant advised as follows:

'This site was remediated with the aid of a DOE derelict land grant. The removal of contaminants was supervised by Nottinghamshire County Council and the Environment agency. The 18 month program was finally signed off by both Notts (letter attached) and the DOE to their satisfaction. It should be noted that Newark and Sherwood had no involvement whatsoever and I believe this would explain their caution. In the event NSC were to give this planning application their approval we would expect to carry out further tests and prepare a report for the LA on further works necessary for the site to meet residential criteria. We have made an allowance for this in our viability statement. However as has been accurately assessed this would mostly amount to ensuring gardens and landscape areas are sufficiently top soiled.'

The Environmental Services team then provided the following further comments:

Environmental Health have no objection to the matters relating to remediation being dealt with by condition at a later stage.

Contrary to the agents comments, Environmental Health expect that the contamination issues at this site could be complex and investigation and remediation is likely to be far more challenging and costly than the developer may have considered. The matters to be addressed by any further investigation must include the following:

- Although aware of numerous site investigations and limited remedial works in the past, any improvement at the site remains to be validated so it is not known how effective this work has been. It is known that the stream to the South of the site (Middle Beck) continued to be affected by elevated contamination for a substantial period after the remedial works were carried out, however the neighbouring land parcels may also have contributed to this.
- The site was formerly landfill (the licence remains active and was never surrendered) and prior to this was a lagoon used for the disposal of liquor for the coal carbonisation industry, these are highly contaminative previous uses. Houses with gardens is a very sensitive use and there is a lack of investigation and validation information to current standards. Hence Environmental Health would expect that robust site investigation work (and remediation and validation) is still required. Environmental Health do not consider that simply placing topsoil in gardens/landscaped areas will be sufficient.
- Finally Environmental Health ask how will the contamination, that is known to exist in neighbouring land parcels that were not subject to the remediation grant, be controlled and be prevented from affecting this development site?

Parks and Amenities – ‘As a development of over 30 dwellings this scheme will need to make allowance for public open space in the form of children’s playing space and amenity open space. I note that the site layout plan appears to show an area of public open space of around 0.6ha in area which is greatly in excess of the requirement for a development of this size. The layout plan also describes this public open space as being for ‘ball games, etc’ and as such it could be described as children’s playing space. However I note that the majority of this area is described in the Flood Risk Assessment as flood plain and would thus question its suitability as children’s playing space and suggest that the applicant be asked to justify how it would be made usable as such. If it cannot be properly used as children’s playing space then an off-site contribution may be justified.’

Severn Trent Water – No comments received.

The Environment Agency – ‘We have no objections in principle to the proposed development. We would however require a detailed site investigation and risk assessment to be carried out prior to any development being undertaken. We are aware that this site has an industrial past and is likely to be contaminated.

If planning permission is granted, we would recommend that the following planning conditions are included on the decision notice.

Condition

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - The site has an industrial past and the risks that any contamination remaining at the site poses to controlled waters (both groundwater and surface water) must be assessed prior to commencement of development.

Condition

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy 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 risks to controlled waters are appropriately remediated as per the agreed strategy, prior to the occupation of the development.

Condition

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 - It is likely that residual contamination may remain at the site. As such, it must be ensured that any on site drainage does not act to provide preferential flow pathways for contaminants into the ground, or the mobilisation of residual contamination.

Advice for LPA/Applicant

The Environment Agency has been based on the current best available data. Studies are currently underway that may change the flood mapping in this area but it is not yet known how. The Environment Agency would also be reluctant to support any development in the area to the East which is currently defined as floodplain in the location plan.

With regards to the surface water at the site the Environment Agency believe it would be more appropriate for the Lead Local Flood Authority to comment on this application.

Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.'

Strategic Housing – ‘The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Balderton is part of the Newark sub area (1) and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 266 flats, the highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for the highest level of need. 234 households require 1 bedroom and 458 require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Balderton: 1,123 households preferred Balderton for their future location preference. This is highest level of demand after Newark
- The Council’s housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need Council therefore considers that in developing new affordable housing will deliver council priorities in terms of housing needs there is a breadth of evidence to support’

‘Affordable Housing Provision

The Council’s Core Strategy sets the affordable housing targets for any suitable site at 30% and applies the following dwelling threshold for Newark:

10 or more dwellings / 0.4 hectares irrespective of the number of dwellings.

The present proposals amount to 35 dwellings in all. This amounts to 10 units of affordable housing on this site as detailed below:-

	Social/Affordable Rent	Intermediate Housing	Total
1 Bed 2p flats	2	0	2
2 Bed 4p houses	4	2	6
3 Bed 5p houses	0	2	2
Total	6	4	10

Access and Equalities – It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

Neighbours/Interested Parties – 2no. written representation has been received objecting to the proposals and raising the following issues:

- Is there any point commenting as they are already surrounded.
- A neighbour had an application refused for a dwelling as it would ‘spoil their house’, yet they have a road (SLR) with footbridge over at the end of their garden.
- The proposal would be too close to existing properties. Existing properties would be overlooked when the new development could be further away to protected the privacy of existing residents in this small rural community.

1no. written representation has been received in support of the proposal.

1no. written representation has been received querying whether the application has already been either withdrawn or refused as current highway works have a direct impact on the application.

Comments of the Business Manager

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 District Council adopted its Core Strategy in 2011 outlining which settlements are central to the delivery of Newark and Sherwood's Spatial Strategy over the plan period to 2026. Spatial Policy 1 sets out the Newark Urban Area as being a sub-regional centre as being the Newark Urban Area which is the main focus for new housing with Service Centres and Principal Villages also identified and Spatial Policy 2 identifies these areas as being those where housing growth in the district is to be accommodated.

The 1.32Ha application site sits outside the Newark Urban Boundary identified on the Proposals Map in the Allocations and Development Management DPD. The site is identified within the Core Strategy as siting within the strategic site 'Land South of Newark' and is annotated indicatively as being for 'Green Infrastructure'. Outline planning permission has since been granted for this strategic site (most recently in January 2015 under planning application ref.14/01978/OUTM) and the approved parameter plans for that application confirm that the necessary land for green infrastructure and flood mitigation does not include this site. The application site is therefore, as a matter of fact, beyond the Newark Urban Area as defined within the ADMDPD and is within open countryside.

Policy DM8 is clear that development in the open countryside will be strictly controlled and limited to certain types of development listed in the policy. The third item of the list refers to new dwellings stating that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area. This policy approach is in full accordance with the NPPF which advocates as one of the core planning principles the need to recognise the intrinsic character and beauty of the countryside.

It is not lost on me, however, that the site is on the very edge of Newark, close to the most significant piece of infrastructure currently under construction within the District (in the form of the Southern Link Road). There are existing residential properties adjacent in the form of Lowfield Cottages, commercial uses to the South, and the residential development associated with the Strategic Site Extension to the north of the SLR. 2 no. recent appeal decisions nearby which allow for further development beyond the main built up area of Newark must also be weighed in consideration, albeit these were in a commercial context (Ref APP/B3030/W/15/3140973 and APP/B3030/W/15/3140050). The latter appeal decision concluded that factors 'on the ground' were of sufficient weight to outweigh any harm by reason of being located south of a defined settlement boundary. An extract of that appeal is detailed below:

- '8. Although the Development Plan is the starting point for my decision, I am also required to give weight to other material considerations. In that regard, the presence of other commercial uses and the accessibility of the site to the highway network are factors that weigh in favour of the proposal. The Council acknowledges that the appeal proposal would not prejudice any proposals for the strategic site development, and I have no reason to disagree with that assessment. Furthermore, the proposed use would have little impact on the character or appearance of the area because of the close proximity and nature of the other commercial uses in the locality.
9. In addition, the construction of the new relief road would ensure that much of the traffic generated by the appeal proposal would have good access to the wider highway network, without having to travel through parts of the existing built-up area.'

All matters must be very carefully balanced in this case.

Delivery of Housing Need

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

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. As set out in the report on 'Five Year Land Supply

Position as at 31 March 2016' published at the Council's Planning Committee on 5th July 2016, the Council attaches weight to its current Development Plan policies on the basis that it can demonstrate a 5YLS on its OAN. However, as the note details the Council will equally acknowledge that until such time as a housing requirement figure has been tested and found sound, it will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term. I attach weight in the context of the current application in the ability of the site to boost the Council's housing supply subject to an appropriately framed condition for implementation within a reasonable period.

The note goes on to state that it is also important, given the expectations of the communities involved, that any development outside of the established main built up area should provide for the appropriate level of affordable housing open space and other social contributions required to meet the needs of the development. Care must also be taken to respect the landscape setting of edge of settlement sites and transitional planting should be provided where appropriate.

Thus proposals for development beyond the main built up area, as is the case with this application (for the avoidance of doubt this site sits sequentially south of the SLR (which forms the urban area of Newark as in the ADMDPD), the Eastern Park provided by the SUE, Lowfield Cottages and Lowfield House, being immediately adjacent to the latter), will need to be considered in the context of the individual harm which a scheme would cause. I go on to assess each issue in turn.

Previous Use of Site

The description of the proposal states that the site is brownfield land on the premise that there is a clear presumption in favour of the use of previously developed land in the NPPF. The definition of brownfield in Annex 2 of the NPPF is as follows:

'Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

Having liaised with Nottinghamshire County Council, they have confirmed the most recent planning history of the site from their perspective as being a 1993 permission to reclaim and reinstated the land to make it suitable for importation of fill material. This work then had to be completed by 31st January 1994. A letter submitted as part of this application (letter from NCC dated 1995) indicates this remediation was signed off in 1995. Permission was also granted in July 1994 for the erection of a waste to energy incineration plant and in 2010 for the erection of an industrial unit. However, these permissions were never implemented and therefore the site has been in its current state since 1995.

It is clear on site that, in the 20 years since remediation was signed off by the County Council, the site has recovered to a more natural state. It is noted that the remains of a small building (former cottage) are evident to the north east of the site adjacent to the boundary with Lowfield House. However, this small building occupies a very minimal proportion of the site and would have a comparably small curtilage and it is clear that the remains of previous industrial use of the site have blended into the landscape in the process of time.

Having regard to the above facts and the definition of previously developed land in the NPPF, I consider the site should not actually be considered as brownfield. The reference in the description of the proposal to the site being brownfield should be removed and should therefore carry no weight in the determination of this application. This position has been confirmed through legal advice. We are thus in a position where there is a lengthy history and intent to develop the site but intent has not turned into action, leaving a site fallow for 20 years.

Sustainability of location

As stated above, until such time as a housing requirement figure has been tested and found sound, the Council will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term.

The site sits adjacent to Lowfield Cottages and approximately 160m south of the nearest residential element of the strategic site 'Land South of Newark'. The associated infrastructure for Land South of Newark includes 2 new schools, 2 local centres and public open space, all of which would be in relatively close proximity to the application site. Phase 1 of the Southern Link Road (SLR) which is currently nearing completion and a new road link with footpath is being provided from a roundabout on the SLR to Lowfield Cottages and the land subject of this application. While I consider that the site lies within open countryside (where new housing would usually be resisted) I am conscious that given the above context it is difficult to maintain that the site is locationally unsustainable, as was borne out by the recent Quarry Farm appeal.

Given the current Housing land supply position set out above (and the current inability to attach full weight to the OAN figure, the only figure which would offer a current 5YLS), the fact that any figure is a minimum, and the 'on the ground' context, I consider that there is potential for this site to make a contribution to the provision of housing in the form of 35 dwellings. I say this in the context of Newark, which is an identified sub-regional centre that will take the majority of growth, as defined in the Council's adopted settlement hierarchy. For the avoidance of any doubt my view may be different in a different context or settlement.

In my view one can only attach weight to the ability to contribute to boosting growth if there is a realistic prospect that this scheme will not only happen, but that it will happen sooner rather than later. I say this given that stalled progress on the Strategic Urban Extension sites is likely to progress with house completions within the next 18 months. Should Members be minded to approve this application it is my opinion that any permission granted be framed such that there is a short timeframe for implementation. This would ensure that any application does achieve what is intended (ie. Boost housing growth in the short term). Any concerns that a material start on site could be made with the site being 'sat on' would be alleviated in some way in my view by the fact that any material start would attract a CIL receipt.

Whilst an appropriately framed planning permission, alongside other factors, would mean that weight in planning terms should be afforded to the delivery of housing it remains necessary to assess whether the proposals meet the requirements of the Development Plan in all other respects.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need.

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

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

The development proposes up to a maximum of 35 dwellings on the application site and the indicative schedule of accommodation is for a mix of 2, 3, 4 and 5 bed roomed dwellings heavily weighted towards three bed roomed dwellings which are anticipated to account for 29 of the dwellings proposed. 23no. of the proposed dwellings would be either semi-detached or terraced with the remainder being detached. Whilst this mix and type of dwellings is only given to demonstrate how the site might be delivered and is not fixed it demonstrates how such development might be accommodated on site and the housing mix includes family housing of three beds or more and a 2 bed bungalow both of which accord with Core Policy 3. The final mix would be influenced by the Council's relevant development plan policies and the housing market when any reserved matters application is submitted. However opportunities can be explored in any reserved matters application to ensure an appropriate mix.

35 dwellings would result in a net density of 27 dwellings per hectare on a site of 1.32 hectares. A wider site is shown on the indicative plan with land to the west utilised for new public open space with new footpath and cycle links to the Sustrans route (although this land is outlined in blue on the submitted site plan). At the time of writing, clarification is being sought from the applicant as to the extent of land which would be provided as open space for inclusion within a revised red line – The minimum amount of open space required to serve the development is set out in the section relating to developer contributions below, this would be secured on-site on a formula basis in any S106 Agreement should Members be minded to approve the application. I am mindful that the public open space of around 0.6ha in area is greatly in excess of the requirement for a development of this size. Furthermore, whilst net densities are slightly below the requirement in Core Policy 3, I am mindful of the characteristics of the site which sits within open countryside and the need to try and assimilate any development into the surroundings. Any reduction in the usual density requirements would only assist in helping to reduce the visual impact of the proposal in this setting and may provide further opportunities for mitigation such as buffer landscaping.

On balance, I am satisfied that the indicative layout and house mix gives an indication as to what the site could deliver. I consider that a development based on these principles provides scope to ensure the housing mix, type and density meets the overall objectives of Core Policy 3.

Impact on Landscape Character

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA).

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

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

Given the sensitive nature of this application with the site located outside existing urban boundaries, the Council has sought independent landscape advice to assess the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant and to provide further advice if there are omissions in the landscape work undertaken by the applicant's representatives. The advice received confirms that the methodology followed in the applicant's LVIA and accompanying viewpoint photography are accepted as best practice for LVIA and the size of the study area with a 2km radius is acceptable.

In assessing the site's characteristics, regard has been given to the public rights of way within the study area, the closest residential properties at Lowfield Cottages, the wider context including the Southern Link Road (SLR) and bridge to take the Sustrans route and bridleway over the SLR and the large industrial buildings at the gypsum works and Lowfield works. Regard has also been given to the scale of development proposed including that the development will be 35 dwellings in a variety of forms but mainly two-storey in height, that boundary hedging and trees are to be retained to the perimeter of the site in addition to new landscape treatment which is yet to be defined. The independent advice is in agreement with the applicant's LVIA that the physical effects of the development on the fabric of the landscape will be minor adverse and concurs that the landscape sensitivity of the site is low.

The Council's Landscape Character Appraisal (LCA) provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The application site is situated within South Nottinghamshire Farmlands Policy Zone SN07 'Elston Village Farmlands' which is defined as having a moderate landscape condition, moderate landscape sensitivity and a policy action to 'Conserve and create'. East Nottinghamshire Sandlands Policy Zone ES06 'Bowbridge Lane Farmlands' is located immediately to the north of the site and is defined as having a good landscape condition, low landscape sensitivity and a policy action to 'Reinforce'. The applicant's assessment of landscape sensitivity is low due to construction activity associated with the SLR and construction activity associated with Land South of Newark years 1 – 10. The independent advice received accepts this conclusion and that the landscape sensitivity of Policy Zone PZ SN07 will continue to be downgraded due to these adjacent construction projects. The independent advice also agrees that the development would have a low magnitude of impact over the study area as a whole.

The applicant's LVIA includes an assessment from 8 viewpoints which concludes that there are no important adverse visual effects (that is impacts above moderate adverse which would constitute an 'important effect' in the terms of the Environmental Assessment Regulations). The independent advice agrees with his conclusion but considers there are some omissions. The Viewpoints considered in the applicant's LVIA are:

- Viewpoint 1 – Bowbridge Lane, adjacent to Lowfield Cottages
- Viewpoint 2 – Bowbridge Lane, adjacent to 'Collect a Wreck' car breakers yard.
- Viewpoint 3 – National Cycle Route 64, adjacent to Hawton Lane
- Viewpoint 4 – Hawton Bridleway 1, just off Grange Road
- Viewpoint 5 – Hawton Bridleway 3, just off Cotham Lane
- Viewpoint 6 – Entrance to the Tawny Owl pub on William Hall way
- Viewpoint 7 – Grange Lane, close to Balderton Grange
- Viewpoint 8 – Newark on Trent cemetery

The independent advice considers that further viewpoints should have been included to consider views of recreational receptors from Hawton Bridleway 6 to the west of the site, Balderton footpath 11 to the north of the site and the potential view from the proposed Sustrans overbridge that will pass immediately to the north east of the site. Furthermore the timescale of the assessment meant that a winter survey with trees without leaf cover was possible and therefore viewpoints 3, 5, 6, 7 and 8 were not carried forward in the assessment as vegetation restricts views towards the site. The independent advice received disagreed with this approach as it does not follow the accepted methodology for visual assessment. The independent advice takes into consideration the viewpoints considered in the applicant's LVIA and carries out its own assessment of the viewpoints not carried through due to existing vegetation and the additional viewpoints identified from recreational receptor points through a mix of site visit analysis and desk based analysis. The independent assessment concludes on assessment of all viewpoints that whilst the applicants visual assessments includes some instances where the impact has been underestimated, overall none of the amended visual impacts are above moderate adverse which is the level at which any visual impact would become significant. There are moderate adverse visual impacts for a small number of residents in properties adjacent to the site (Lowfield Cottages and Lowfield House) and potentially for users of the elevated section of the Sustrans cycleway where it crosses the Southern Link Road to the north east of the site. Overall the independent assessment agrees with the Newark and Sherwood Strategic Land Availability Assessment (March 2010) which concluded that the application site should not be developed in isolation due to the level of separation from the existing settlements of Hawton and Balderton. However, if the site is developed and seen as part of the larger Newark Growth point development the development could be supported in visual impact terms.

In terms of the potential for mitigation for the level of impact identified, the independent assessment acknowledges a detailed landscape proposals drawing as not been provided at this stage but recommends conditions to ensure vegetation removal is undertaken outside the bird nesting season, protection of any boundary trees and hedgerows to be protected during construction including that providing screening to neighbouring residential properties, detailed landscape proposals to include species rich grassland to the south of the site and native planting to enhance the boundary with the adjacent SINIC, planting plans for native tree and hedgerow planting and that such conditions will help to meet the objectives of landscape Policy Zones PZ SN07 and PZ ES06 such as reinforcing hedgerows and enhancing visual unity and softening surrounding built development through landscape planting.

The residential development would alter the existing character of the site through the built form of the dwellings and the internal infrastructure such as the road network and boundary treatments between dwellings. However, the scheme would be seen in context with existing dwellings to the north and the strategic site infrastructure and dwellings at land south of Newark which would be in close proximity to the site. Having regard to the LVIA assessment submitted as part of the application and that the independent assessment of the LVIA concludes that the overall visual impact would not exceed moderate adverse, I am satisfied that the visual impact of the proposed development would not be so significant to warrant a refusal of planning permission in this instance. Any reserved matters application would need to be accompanied by full landscape plans which would need to incorporate the mitigation measures recommended in the independent advice received.

Impact on Ecology

The paragraphs under Section 11 of the NPPF relating to 'Conserving and enhancing the natural environment' are relevant.

Core Policy 12 and Policy DM7 relate to 'Biodiversity and Green Infrastructure' and seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The nearest Local Wildlife Site (LWS) is situated immediately to the east on land at the Balderton dismantled railway with substantial areas of grassland and scrub which now has the Sustrans path. This land is currently being remodelled and a footbridge is being constructed as part of the approved development to construct the Southern Link Road which forms part of the planning permission relating to the strategic site.

I note the comments received from Nottinghamshire Wildlife Trust and the County Council's Ecologist which note that an Extended Phase 1 Habitat Survey has been carried out and submitted as part of this application and includes mitigation recommendations to ensure impacted are minimised.

The applications relating to Land South of Newark and the associated footbridge over the SLR include conditions to ensure mitigation including habitat creation is incorporated into this neighbouring development. I note the Wildlife Trust's requested condition should this application be approved that requires the applicants to ensure that building materials and machinery are kept as far away from the LWS as possible at any time prior to or during works. It would be reasonable to attach such a condition should planning permission be forthcoming.

Any planning permission could include conditions requiring the precise details of landscaping to be provided as a reserved matter to retain as much of the existing boundary planting as possible assist in maintaining habitat for bird species on the site. The suggested condition requiring any vegetation clearance to be carried out outside the bird nesting season could also be attached. The suggested walkover survey for badgers and best practice methods during construction to protect any animal which may enter any excavations could also be conditioned.

With regards to the additional reptile survey work required, whilst it would usually be best practice to request this survey work be submitted prior to determination of the application, I note the further comments of the Wildlife Trust who are happy for this requirement to be conditioned in this particular instance having regard to the fact that the current submission is an outline application and furthermore that the illustrative layout plan indicates that the eastern side of the

site most suitable connected habitat for reptiles, would remain undeveloped and therefore has the potential to accommodate suitable habitat for retention of the population. I therefore consider that the suggested condition is reasonable in this particular instance and any planning permission can also include the advisory note regarding the protection of reptile species provided by the Trust.

I am also mindful of Paragraph 118 of the NPPF which encourages new developments to incorporate biodiversity in and around developments. A condition relating to the details of landscaping could be attached to any planning permission requiring native, locally appropriate species to be used in addition to an advisory note referring to the species list for South Nottinghamshire Farmlands. Opportunities for enhancement of the grassland can also be explored once the final landscaping details are submitted as part of a reserved matters application. Appropriate ongoing management is considered under the section relating to developer contributions below.

I also consider it reasonable to attach a condition requiring details of bat and bird boxes to be incorporated in to the development. Opportunities for the creation of habitat piles or hibernacula can also be considered as part of the final landscape scheme submitted under reserved matters which should be informed the additional reptile survey work required.

On balance, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Design, Layout and Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has submitted a Design and Access Statement to present the site opportunities and constraints and to explore potential design solutions for the site. In addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

The indicative layout shows 35 dwellings with associated private amenity space. Properties are positioned along the spine road entering into the site with further properties set around a cul-de-sac branching northwards. Land to the eastern portion of the site is shown to be utilised as public open space with new footpath and cycle links to the Sustrans route to the east. The indicative schedule of accommodation is for a mix of 2, 3, 4 and 5 bed roomed dwellings heavily weighted towards three bed roomed dwellings which are anticipated to account for 29 of the dwellings proposed. 23no. of the proposed dwellings would be either semi-detached or terraced and the Design and Access Statement states this mix is intended to provide local distinctiveness and a sense of place. A simple palette of brick and tile/slate would be used with some contrasting materials. In the majority of cases on the indicative plan, hedges and gates are shown to the front gardens of properties. Such principles could be carried forward to the reserved matters to ensure the development is sensitively designed to reflect the generally rural location.

Whilst the finer detail would be considered by way of the reserved matters should planning permission be granted, the indicative plan and Design and Access Statement help to provide a vision of what could be achieved on the site. The mix of property sizes which are predominantly terraced or semi-detached draws on some of the character of the existing terraced properties at Lowfield Cottages and also allows for higher densities to be achieved on the land at less risk of flooding. More thought would need to be given to creating more of a feature of properties at key locations on the site, for example on corner plots. The indicative plan shows the first property on entering the site to be positioned side on and set in from the boundary with Bowbridge Road and this may subject to precise details help in reducing the prominence of the site from the main road which in this particular instance may be desirable given the open countryside location.

Front curtilage space will provide opportunities off street parking space, however, this would need to be carefully designed to ensure swathes of hard surfacing is interspersed with soft landscaping, and this will require particular attention in areas where terraced units may be proposed given curtilage space is more limited here.

Rear gardens range from 8.0m – 12.5m in depth to the north of the spine road and are mainly rectangular in shape. Gardens to the south of the spine road are generally larger save for the single proposed bungalow on the site and some of these gardens are more irregular in shape and may benefit from work to reconfigure rear spaces (e.g. Plot 30) were a similar scheme to come forward at the reserved matters stage. However, overall the indicative layout shows development at this density could be achieved without unduly impacting on the interface distances between the proposed properties as in the majority of cases properties do not back on to each other. There is one instance at plots 19 and 24 where space between properties is constrained, however given this is an exception I consider this could be easily designed out at the reserved matters stage. Properties are also shown to site with side elevations facing existing properties, other than plots 2 and 3 facing Lowfield Cottages and plot 18 facing Lowfield House. In these instances, if a similar scheme were to be put forward under the reserved matters, careful consideration would need to be given to the location of main first floor windows in order to ensure there are no undue overlooking. I am satisfied that the plan also shows properties could be laid out to ensure no undue overbearing or overshadowing impacts would result from the proposals other than plot 18 which could be overbearing depending on final design given its layout and siting adjacent to the boundary of Lowfield House. Again, I consider there is likely to be scope to design this out on any future layout plans for the site.

Given the site will occupy a gateway location and would be visually distinct from the Newark Urban boundary, I consider it will be imperative that any final design helps to manage the transition into the main built up area. I therefore consider that the development should be no higher than two storeys, as is the intention in the Design and Access Statement provided, and where possible the provision of buffer planting is incorporated to the external boundaries of the site. Any reserved matters application relating to layout will need to demonstrate that suitable landscape buffers can be delivered and details of future maintenance also needs to be confirmed by condition to ensure the long term retention of the buffer landscaping.

With regards to other landscaping issues to be considered, whilst this is a reserved matter any hedgerows to the external boundaries of the site which form part of residential curtilage will need to be carefully managed and controlled by condition on any reserved matters application to ensure the integrity of buffer planting is not compromised through the management of individual plots

The final location of open space(s) clearly falls to be determined at reserved matters stage, however, whilst the wider concept plan is indicative only, it shows how this could be provided on site and provide links to the existing footpath/cycle network and provides a guide for the detailed layout in any reserved matters application.

Whilst there are a number of outstanding issues regarding the site layout itself, which will require further discussion at reserved matters stage, the position of the site access points indicated on the layout plan are considered acceptable as considered in further detail below under 'Highway Matters'.

On balance, I am satisfied that the indicative layout shows there is scope for the development to be designed to sympathetically in order to reduce any impact on the character of the open countryside and in order to ensure the amenity of existing dwellings and proposed dwellings is protected. The proposals therefore have the ability to ensure the objectives of Policy DM5 can be achieved.

Impact on Highways Network

Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

The application has been submitted in outline with all matters reserved. However, the indicative plan provided included how access might be provided to the site. The Highway Authority raised concerns as to whether the applicant was aware of the impacts of the proposed Newark Southern Link Road and associated alterations proposed to Bowbridge Lane and also requested a plan to demonstrate that adequate visibility could be achieved. The applicant has now provided a plan which demonstrates this and the Highway Authority has confirmed that this is acceptable subject to details provided as part of any reserved matters application showing suitable parking and turning facilities, access widths, surfacing, street lighting and drainage in accordance with their Highways Design Guide.

The proposal would also have strong pedestrian and cycle links due to its proximity to the new road arrangements and associated footpaths.

On the basis that the Highway Authority have raised no objections to the scale of the development and have confirmed suitable visibility for access and egress can be achieved, I am satisfied that the proposal would have an acceptable relationship with the highway in accordance with the aims of Core Policy 9, Spatial Policy 7 and Policy DM5.

Flood Risk and Drainage

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. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk Flood Zones.

The Flood Risk Assessment (FRA) (dated April 2015) submitted as part of this application assesses the wider site measuring approximately 2.4Ha. The FRA concludes that the majority of the site is located within Flood Zone 1 and therefore at low risk of flooding but acknowledges that the Environment Agency have confirmed that previous studies have identified that the site is at risk of flooding from local watercourses. The applicant's consultants have reviewed the hydraulic modelling carried out for the development at Land South of Newark which demonstrates the site lies partially within Flood Zone 3. However the FRA states all residential development and its access would be located within Flood Zone 1 and therefore the risk of flooding to properties and people is considered to be low in the FRA. Mitigation measures including raising finished floor levels by 300mm and through reprofiling in any on site landscaping to ensure surface water is directed away from properties is also recommended. Use of infiltration techniques such as soakaways is recommended in the FRA subject to site investigation. Should this not be possible, drainage through a new pipework to the local watercourse (Middlebeck) is suggested.

A FRA addendum has been provided (submitted July 2016) which refers to the up to date position with regards to the works being undertaken to implement the development at Land South of Newark and states that as a result of the development land to the east of Bowbridge Lane will be removed from the floodplain. The EA's up to date flood map layers (April 2015) on the Council's mapping system also show the vast majority of the site to be located in Flood Zone 1 with a very small portion to the front western corner shown to be in Flood Zone 2 (where plot 1 is positioned on the indicative plan). As Members would expect the applicants for the Land South of Newark scheme are continuing to work with the EA to model and design works associated with the Land South development. Given that this is continually changing at the time of writing Officers have asked the EA for an update on their position with respect to development at this site.

I note that Notts County Council as Lead Local Flood Authority have raised no objections provided that any development within the flood plain that results in a loss of flood plain storage volume is balanced on site with an equivalent volume at a similar level. With regards to the comments of the Parks and Amenities Officer raising concerns about any open space being located in the floodplain, given the land available within the applicants ownership and that the current open space proposed being greatly in excess of that required for a development of this scale, any reserved matters application can provide comfort that this space can be profiled to ensure open space in line with the developer contributions SPD is provided and designed to reduce flood risk. I would note that open space can be acceptable in areas at risk of flooding, subject to the extent of flooding and drainage intervention required.

I note the comments of the Internal Drainage Board and their comments can be attached as a note to any planning permission and used to inform the final drainage design.

Land Contamination

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Policy DM10 which requires development proposals with the potential for pollution to take account of and address their potential impacts in terms of health, the natural environment and general amenity.

The site has a long legacy of industrial uses including plaster works, gypsum quarry, gasworks waste lagoon and scrapyards which are known to be potentially contaminative. I note the Environmental Health Officer's comments that whilst remediation has previously been carried out following the cessation of these uses numerous site investigations have been carried out on this site in the past and have identified that elevated levels of contamination remain. I note the comments at the lack of supporting information with the application and concur that a robust site investigation will be required to fully establish the extent of remedial work required for residential use of the site. The comments of the Environment Agency are also noted in this regard and they recommend a similar condition to deal with any contamination on the site. The Environmental Health Officer's full phased contamination condition can be attached to any planning permission and the Environment Agency could be consulted as part of any Discharge of Condition application.

On this basis, whilst the contamination issues at this site are likely to be complex provided the condition is complied with, I am satisfied that the development will comply with the aims of the NPPF and Policy DM10.

Other Matters

I note the comment received with written representations with regards to planning permission being refused for a dwelling on a neighbouring site. A full planning application has not been received for a new dwelling on this neighbouring site and any informal advice given would have been based on individual site circumstances and would also have been relevant to the housing land supply situation at that particular time.

Developer Contributions

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

A viability appraisal has been submitted by the applicant and the Council appointed an independent viability assessor to scrutinise the findings. The conclusions reached are set out below. However I consider it first useful to set out the contributions requested:

Open Space

The indicative layout plan shows an area of public open space measuring in the region of 0.6Ha to the west of the site. The Council's Parks and Amenities Officer has confirmed that children's open space and amenity open space would be required for a development of 35 dwellings in accordance with the SPD. Using the formula in the SPD I have calculated that for Children's playing space at 18m² per dwelling 630m² of children's playing space would be required and at 14.4m² per dwelling 504m² of amenity open space would be required. This therefore totals 1,134m² of open space which is significantly below the area shown on the indicative layout plan. There is a balance to strike in open space provision set out between what is qualitatively required and what is being offered in quantitative terms. The applicants have only offered amenity open space and not any children's play space (and its associated equipment, the level of which would be expected to meet the SPD). They have, however, offered more amenity space than one would normally seek. The level of amenity space to be safeguarded as part of this application will be confirmed at Committee.

The Council would wish to see any open space on the site maintained by a management company or via a separate agreement with the Town Council (which the Council would be willing to broker should the applicant pursue this option). Consequently maintenance costs would not be sought in this instance.

Education

I note the County Council's response and their confirmation that a contribution of £80,185 equating to 7 primary school places would be required to accommodate the additional pupils generated from this development. However, given the situation in respect of viability (see below), it is considered the development could not afford to make a full contribution in this particular instance. The viability appraisal suggests that a contribution of £30,000 could be achieved, which would provide for 2 places (totalling £22,910). In this respect the development fails to mitigate harm by reason of insufficient infrastructure.

Affordable Housing

I note that Strategic Housing have suggested that 30% of the housing should be affordable housing in line with the Core Strategy and the Developer Contributions DPD and that this would equate to 10 units of affordable housing on the site. The ability to make this contribution in light of the viability situation is considered further below and concludes that the development cannot support any contribution towards affordable housing.

Community Facilities

I note the comments received during consultation. The SPD states a contribution of £1,337.08 per dwelling would be required for a development of 35 units and therefore a total of £46,797.8. I am mindful of the viability situation set out below and that information has not been provided from the Community Facilities Officer as to where such a contribution might be spent. I also note that within close proximity to the site a considerable contribution towards community facilities has been secured through the legal agreement relating to the strategic development at Land South of Newark. Given the rule of 5 in terms of developer contributions secured for a specific purpose within a defined area and that any contribution in this instance is likely to be significantly reduced, I do not consider it would be appropriate in this instance to request a contribution be made having regard to the viability situation set out below.

CIL

The site is situated within the Newark Growth Point Community Infrastructure Levy Zone where residential development is charged at £45m².

Turning to the S106 again it is clear that the applicant has only limited room for negotiation given the viability assessment undertaken has demonstrated the site will only be viable for the proposed development, when factoring in costs including CIL and further remediation of the site, if very limited S106 contributions are made.

Viability

The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a competitive return to the landowner and developer.

The key assumptions for assessing viability of the proposed development are set out in the table below:

GENERAL		
Net Developable Site Area		1.2Ha
Total Unit Numbers		35
AREAS		
Net Residential Sales Area	Houses	3285qm
	Apartments	0sqm
Gross Construction Area	Houses	3285sqm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	Houses	£2152qm
	Apartments	NA
CONSTRUCTION COSTS		
	Houses	£1047sqm
	Apartments	NA
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Costs		£485,000
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£806,911
Existing Land Use Value		£200,000
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£523,425
OTHER FEES & COSTS		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		3.0%
Contingencies		5.0%
FIXED DEVELOPER CONTRIBUTIONS		
CIL		Circa £178,965
Planning Obligations	Policy Based Requirement	£213,041

FINANCE COSTS		
Interest		5%
Arrangement Fee		1%
DEVELOPMENT PROFIT		
Development Profit Return on GDV		20%

Assumptions Comments

The sales value and construction cost assumptions of the applicant have been broadly accepted by the independent viability assessor. The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

Section 106 Infrastructure contributions of £213,041 towards Education, Community Facilities and Open Space have been requested on the site based on the requests set out above. I have already rehearsed above that Community Facilities (£46,797.8) could not be reasonably sought in this instance. Equally if open space is provided on site with a quantitative improvement offer (with a management company to ensure maintenance costs are adequately provided for) this figure would further reduce by £86,058.7, leaving a residual of the education contribution, which can only be met by providing for 2.6 out of the 7 required primary places.

Indexed CIL charges of £178,965 have been applied.

The independent assessor has confirmed that the most significant element of the appraisal that impacts on the viability of the scheme overall are the abnormal construction costs associated with the site. For the purpose of the appraisal the applicant's allowance of £485,000 for site remediation has been made. The applicant has submitted that historic remediation costs related to the previous industrial use of £985,000 should be allowed within the appraisal. It is considered that these should be discounted in any assessment of a new proposed use for the site and these have not been allowed in the independent assessment.

Viability Results & Conclusions

The independent viability assessor has confirmed that the development could not deliver the policy target of 30% Affordable Housing. Even with no Affordable Housing the development demonstrates negative viability of -£192,473 based on a standard development profit return of 20% on Gross Development Value. The applicants have argued that given the monies already spent on previous remediation (and the need to recover some costs) that a return lower than 20% is one they are willing to absorb. Based on the assessments to date the return would be in the region of c17%.

In conclusion it is considered that it is not economically viable for the scheme to deliver any Affordable Housing, though it should be recognised that the development will contribute £178,965 of Community Infrastructure Levy subject to indexation rates and has potential to deliver approximately £30,000 of infrastructure contributions (subject to further analysis of abnormal costs). In considering this final aspect I am mindful that Environmental Health expect that the contamination issues at this site could be complex and investigation and remediation is likely to be challenging and costly. On this basis and in the interests of not putting the applicant to additional time and considerable expense to enable a definitive cost on remediation to be defined before outline planning permission is granted, I consider a legal agreement to secure a management company to manage the final agreed area of open space and £30,000 to be provided towards primary education is reasonable in this instance based on the considerations set out above.

Overall Conclusions and Planning Balance

The proposal has been submitted at outline stage for the provision of 35 dwellings on a site which, whilst originally identified within the strategic site Land South of Newark, is surplus to the requirements of the urban extension and is open countryside.

In usual circumstances residential development in the countryside would be resisted. The site is beyond the defined urban area for Newark, it fails as a matter of fact to provide for adequate required infrastructure in terms of primary education, and would not provide for affordable housing (albeit a viability exercise which has been independently assessed supports this position, as does the NPPG in terms of requiring Local Planning Authorities to be “flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability.” (NPPG, Paragraph: 019 Reference ID: 10-019-20140306).

Balanced against this is the fact that on the ground factors make it difficult to present sustainability argument in terms of proximity of the site to a combination of the SLR, existing residential units, existing employment uses. Also of relevance are 2 no. recent appeal decisions nearby (in a commercial development context), the fact that the site is close to the sub-regional centre, the focus for growth across Newark and Sherwood, and the need at the present time to boost housing supply until such time as 1) the Council has progressed with its adopted housing target and 2) the Council has a deliverable 5YLS, which is largely reliant on progress of the strategic sites.

This case is very finely balanced and professionally has split opinion. If the position on the OAN and the Council’s housing target was a matter to which full weight could be attached the recommendation set out below may indeed be different. However, in attaching weight to a scheme which would boost housing numbers locally, which is acceptable in most other respects (save for education and affordable housing, the latter of which Local Planning Authorities are encouraged to be flexible upon seeking where viability is an issue) I am minded, in this particular context, to recommend a balanced approval. This is subject to a time appropriate condition for implementation to make clear that it is the housing numbers issue which in my view just tips a balance in this instance.

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement for a management company to be set up for maintenance of an area of open space and a financial contribution towards primary school place provision.

01

Applications for approval of reserved matters shall be made to the local planning authority not later than 9 months from the date of this permission.

The development hereby permitted shall begin not later than 9 months 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 access, 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

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

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

04

The development hereby permitted authorises the erection of no more than 35 dwellings.

Reason: To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 35 dwellings.

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 surface water drainage scheme, 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. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- Management of all rainfall events on the site up to a 100year return period + 30% allowance for peak rainfall intensity increases due to climate change.

- Modelling of the site drainage system for the development to demonstrate compliance with the following requirements: no surcharge during a 1 year event, no flooding during a 30 year event, no flooding off-site or to new dwellings on the site during a 100year + 30% climate change event.
- Management of all exceedence flows during a 100year + 30% climate change event for durations from 15minutes to 24 hours. All exceedence flows should be directed away from the site boundaries and dwellings and towards the attenuation system.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

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.

07

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: It is likely that residual contamination may remain at the site. As such, it must be ensured that any on site drainage does not act to provide preferential flow pathways for contaminants into the ground, or the mobilisation of residual contamination.

08

The development hereby approved shall be completed in general accordance with the Flood Risk Assessment dated May 2015 and Flood Risk Assessment Addendum received July 2016 submitted as part of this application and any plans submitted as part of the reserved matters detailed under condition 2 of this planning permission shall demonstrate the following:

- Dwelling floor levels are to be 300mm above existing ground levels or the 100yr + climate change fluvial flood level whichever is the higher value.
- Any development within the flood plain that results in a loss of flood plain storage volume is to be balanced either on site (or nearby off-site) with an equivalent volume at a similar level.

Reason: To prevent the increased risk of flooding in accordance with the aims of Core Policy 10 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

09

Prior to the commencement of development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. 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 during the next available planting season 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 on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

010

Prior to the commencement of the development in any phase, an Arboricultural Method Statement in respect of that phase including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The details shall include for the retention of existing boundary planting other than that required to be removed to facilitate provision of the visibility splay to serve the vehicular access point 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 in the phase to which it relates. The development of any phase shall then be carried out in accordance with the approved details for that particular phase. 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 on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

011

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

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

012

No removal of hedgerows, trees or shrubs shall 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 and approved in writing by the local planning authority prior to vegetation clearance commencing during the specified period in this condition.

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).

013

Details submitted pursuant to the first application for approval of reserved matters consent shall include the further reptile survey work recommended in the Total Ecology Extended Phase 1 Habitat Survey dated September 2015. Should the additional survey work find evidence of reptiles on the site, details of suggested mitigation to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed mitigation shall be carried out prior to the occupation of the first dwelling on the site and retained thereafter.

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).

014

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

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

015

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, surfacing, street lighting and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

Reason: To ensure the development is constructed to adoptable standards.

016

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development in areas away from the boundary with the adjacent Local Wildlife Site)
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

017

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.

018

No development shall be commenced until a pre-commencement walkover survey for evidence of badgers on the application site has been undertaken as recommended in Section 5.3 of the Total Ecology Extended Phase 1 Habitat Survey dated September 2015. A report on the walkover survey shall be submitted to and approved in writing by the local authority prior to commencement of works with details of any mitigation measures should any evidence of badgers be found. Once development commences, best practice methods during construction shall be followed to protect any animal which may enter any excavations. Trenches shall be covered overnight, or a ramp or other means of exit should be provided. Pipes over 150mm in diameter shall also be capped off.

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).

Informatives

1.

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.

2.

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement

and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

3.

You attention is drawn to the attached comments of the Trent Valley Internal Drainage Board dated 1st October 2015.

4.

The Environment Agency comments provided as part of this application have been based on the current best available data. Studies are currently underway that may change the flood mapping in this area but it is not yet known how. The Environment Agency would also be reluctant to support any development in the area to the East which is currently defined as floodplain in the location plan.

5.

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 Martin Russell on ext. 5837.

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

Application No:	16/00155/FUL
Proposal:	Erection of 3(No.) Three Bedroom Houses
Location:	8 Willow Drive North Muskham Nottinghamshire NG23 6EX
Applicant:	Mr D A Brown
Registered:	14 March 2016
	Target Date: 9 May 2016
	Extension of Time Agreed until 5th August 2016

This application was deferred from July Planning Committee to allow officers to seek revisions to the layout of the proposed development. The recommendation of Officer's remains of approval, for clarity the report below has been updated from the July agenda with additional text bolded.

The Site

This application relates to 0.847 hectares of land located at the head of a cul-de-sac within the built up area North Muskham village. The site comprises a vacant plot which was part of small comprehensive residential developments of 8 dwellings granted planning consent in 2004 and is the final plot to be developed. Permission was previously granted for a two storey detached property.

Two storey dwellings exist to the north, south and west of the site and to the east the land is adjoined by a paddock area.

The immediately adjoining neighbour to the south (no. 6 Willow Drive) is a two storey detached dwelling. This property has principle room windows to its rear elevation and no windows to the gable facing the site. 1.8m high close boarded fence forms the boundary with the application site. There is a detached outbuilding sited within the rear garden of this property.

To the north, the adjoining properties on Willow Drive are large two storey detached dwellings with open plan frontages whilst to the west on the opposite side of Willow Drive there is a terrace of 3 two storey dwellings. The front boundary of the site comprises a 1m high brick wall.

The site lies in Flood Zone 2 as indicated on the Environment Agency's Flood Risk Maps, at medium risk of flooding.

Relevant Planning History

Outline planning permission was granted in July 1999 for the erection of 5 dwellings – 99/51345/OUT. This permission was not implemented.

Conditional planning permission was granted in February 2005 for the erection of 8 dwellings – 04/02777/FUL. Conditions attached to this permission were subsequently discharged. 7 of the 8 dwellings approved have been constructed and this permission therefore remains extant.

The Proposal

Full planning permission is now sought for the erection of a terrace of 3 no. two storey dwellings set back from the front boundary with the highway by some 6m. The dwellings would have a cumulative footprint of 8m depth and 14m width and would have a maximum height of 9m. Six off street parking spaces are proposed to the front of the properties. A dormer window is proposed to the rear roof slope of each dwelling. The dwellings would have a minimum rear garden depth of c12.6m.

Close boarded fencing c1.8m high is proposed to the rear and side boundary with no. 10 Willow Drive.

Proposed materials are red brick and clay pantiles with timber fenestration.

A Flood Risk Assessment has been submitted with the application.

Revised plans have been received which propose the following:-

- **The removal of the existing front boundary wall;**
- **the resiting of 5 of the off street parking spaces to the front of the proposed dwellings closer to the highway and the relocation of one space within the curtilage of plot no. 8C; and**
- **the relocation of the proposed dwellings by a minimum of circa. 6m further forward.**

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure

Allocations & Development Management DPD

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

Other Material Planning Considerations

National Planning Policy Framework 2012

Consultations

North Muskham Parish Council - After deliberation, Councillor Hutchings proposed, seconded by Councillor Saxton and carried UNANIMOUSLY that the application be not supported in its current form due to the following reasons:

- the impact on adjoining properties
- the critical mass impact because of the minimal 1m gap between the proposed development and the adjoining property
- the obvious impact the proposal would have on car parking in the area

It was suggested that consideration be given to reconsider the number of units and that the applicant should also look to moving the building line forward to minimise the overbearing impact on the adjoining property. It was suggested that consideration should also be given to alternative parking arrangements which could be incorporated to the rear of the proposed units.

Members also questioned the viability and indeed the need of the fronting wall constructed post previous planning permission as this is out of fit and uniformity with the rest of the open frontages to the cul de sac.

Further, there is a concern that the site is in disrepair and constitutes a hazard if left in its current condition. The planning authority is urged to consider taking action to make it secure.

The Parish Council has asked its local representative, Councillor Mrs Saddington, to call this proposal in as it is considered it needs to be deliberated by the full Planning Committee following a site visit, which is suggested to be essential to understand the issues concerned, and not determined under delegated powers.

NCC Highways Authority – This proposal appears to marry in with previous intentions for the site with adequate access and parking being provided.

Following the submission of a revised layout as outlined in the proposal section of this report the Highway Authority has confirmed acceptance of the scheme subject to a condition requiring all parking areas to be surfaced in a hard bound material which shall be maintained for the lifetime of the development.

NSDC Strategic Housing - In terms of housing need there is demand for up to ten market properties.

Environment Agency – The site falls within Flood Zone 2. Standing advice therefore applies

Trent Valley Internal Drainage Board - There are no Board maintained watercourses in close proximity to the site.

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

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

- The proposal would impact on highway safety;
- The proposal would exacerbate existing on street parking issues;
- Over intensive development of large properties on Willow Drive

- It is suggested building 2 family houses with garaging and parking spaces set forward to be in line with the existing properties;
- The original permission was for a single dwelling not three properties;
- The new large houses on Willow Drive are out of character with others in the area and this would exacerbate the situation;
- The retention of the existing wall to the front of the houses is not sensible. It would be better if this were removed to allow direct access to the site;
- The proposed dwelling would be three storeys high and will have an overbearing and overlooking impact;
- The proposed dwellings would be a minimal distance from the adjoining property and would result in overshadowing and overbearing impact on the neighbouring property;
- The layout would be out of character with the area;
- The properties should be re sited in line with the building line of the adjoining dwelling;
- Loss of privacy;
- No objection is raised to the principle of the development of the site - it is with the level and detail of the proposal.

Adjoining neighbours have been notified of the revised proposals. Any additional comments received will be reported verbally to Planning Committee.

Comments of the Business Manager

Principle of Residential Development

There are a number of factors that require consideration in this scheme. Firstly I am mindful that planning permission has previously been approved in 2004 for a new detached dwelling on this site as part of a wider residential development and that this permission remains extant. This constitutes a realistic fallback position and therefore is a material planning consideration.

However, the current application relates to a materially different development on this plot in terms of the number of dwellings and layout details and as such has to be assessed against the current national and local development plans.

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

North Muskhams 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. 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 are 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character.

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

5 Year Housing Land Supply

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

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

current Development Plan policies. For applications such as this [said in the context of small number of dwellings] it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Location

In this case the host village has a primary school, a public house, a village hall plus access to bus services to the town. I therefore consider that North Muskham is sustainable in the context of SP3 and the NPPF. SP3 3 also states that new development should be within the main built-up areas of villages. The application site lies towards the western edge of the village but within the main built up area. As such I consider the proposal meets the first criteria of SP3.

Scale

SP3 sets out that new development should be appropriate to the proposed location and small scale in nature.

This criterion relates to both the amount of development and its physical characteristics. I am satisfied that a further 2 additional dwellings (over and above those which had been previously approved in 2004) within the parish would not be considered as a significant scale in a village the size of North Muskham given that the proposal represents an increase of circa 2.6% to the number of households (Census, plus completions as of 31/03/2015).

The physical characteristics (including scale) of the proposal are discussed in detail within the Impact on Character section below.

Need

SP3 states that new housing will be supported where it helps to meet a proven identified local need.

A Housing Needs Survey for North Muskham was undertaken and published by Midlands Rural Housing in March 2015. This concluded a preference for 10 market houses in the village of 1 x 2 Bed house, 2 x 3 Bed houses, 5 x 2 Bed bungalow and 2 x 3 bedroom bungalows.

This application is for 3 x 3 bedroom houses. The extant scheme has permission for a large detached family homes. Therefore arguably this revised scheme contributes better to the housing needs of the village than the extant permission.

Impact on Character

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Criterion 4 of Policy SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting.

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 requires the rich 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.

Revised plans have been deposited which relate purely to the layout of the proposed development as discussed below. The scale and design of the proposed dwellings remain as originally proposed.

The comments received regarding the proposal being out of character in terms of scale and layout are acknowledged. However, the application site falls within an established built up residential area of the village. The older properties on Willow Drive are two storey detached dwellings set back from the highway. The more recent dwellings comprising the newer residential development at the head of the cul-de-sac are larger in scale, some with dormers to the roof slopes and are generally set back from the highway. Directly opposite the application site is a terrace of three two storey dwellings with a small two storey projection to the front similar in scale and design to the larger detached properties to the north numbers 17 and 12 Willow Drive and not dissimilar in scale and design to that proposed.

I am therefore of the opinion that the scale and design of the proposed dwellings would reflect those of the existing adjoining properties within the newer part of development on Willow Drive and would have no greater impact on the character of the area than these existing dwellings.

I am mindful that the revised proposal will result in the frontages of the dwellings being predominantly hard landscaped to enable the provision of the off street parking spaces. Given that there is scope to provide some planting to the frontage of the development, it is therefore considered reasonable to attach a condition, should Members be minded to grant planning permission, requiring the submission and approval of precise details of landscaping to ensure the creation of some pockets of soft landscaping which will soften the visual impact of the development within the streetscene.

Taking these factors into account I am satisfied that the form, layout, scale, design and appearance of the proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area. The proposal therefore complies with the aims of criterion 4 of Spatial Policy 3, Core Policy 9 and Policy DM5.

Amenity

The impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Criterion 4 of Spatial Policy 3 states that new development should not have a detrimental impact on the amenity of local people nor upon the local infrastructure. 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. In addition consideration should be given to the potential for crime, anti-social behaviour.

The previous extant planning permission proposed a two storey detached dwelling on this plot sited in a similar position and of a similar footprint to the development currently proposed. I am of the view that consideration has to be given that as a fall-back position, this dwelling could be constructed as approved in 2004 without the need for any further permissions at any time without further reference to the Local Planning Authority.

I note the comments with regards to impact on amenity in terms of separation distances between buildings and overbearing and overshadowing impact. However, being mindful of the siting and scale of the previously approved dwelling on this plot and taking account of the orientation of the plots, I do not consider that, on balance, the impact of the current proposal on neighbouring amenity would be significantly greater than when the previous proposal was considered and permission granted.

Indeed there are no windows proposed to the side gables of the proposed dwellings which would safeguard neighbouring properties from any undue overlooking impact. It is not considered necessary to attach a condition preventing the insertion of a first floor window to the side gables of the development as this in itself would not constitute 'permitted development' and would require permission in its own right. I am therefore satisfied that the proposal would not result in any undue or direct overlooking impact.

Each of the proposed dwellings has been afforded private amenity space within their rear gardens which I consider to be commensurate with their context.

I note that the proposed scheme has been revised in line with the comments of Members at July Planning Committee. The existing boundary wall is now shown to be removed which has enabled the proposed dwellings and off street parking spaces to be relocated further forward and more in line with the neighbouring property at no. 6 Willow Drive.

Although the relationship between the development as originally proposed and its impact upon the amenity of the occupiers of the adjoining dwelling at no. 6 Willow Drive was not considered to be so unacceptable to recommend refusal as discussed above, it is acknowledged that the revised scheme is considered to result in a better relationship between the two properties and will reduce any impact that the proposed development may have upon the residential amenity of the occupiers of this neighbouring dwelling.

Taking the above into account it is considered that the proposal would accord with the requirements of Policies SP3 and DM5.

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 whilst SP3 seeks to ensure that the impact on local infrastructure including the highways network is acceptable.

I acknowledge the comments received from local residents/interested parties with regards to the proposed accesses, highway safety and on street parking. However, the Highway Authority considers that the proposal accords with previous intentions for the site with adequate access and the appropriate number of off street parking spaces being provided.

The comments received with regard to the removal of the existing 1m high brick wall erected to the front of the site are noted. This wall was approved and has been erected as part of the comprehensive residential development of the 8 properties. The highway authority has raised no concerns with its retention.

As a result of negotiations and discussions with the Highway Authority a revised layout plan has subsequently deposited which shows the removal of the existing front boundary wall, the resiting of 5 of the off street parking spaces to the front of the proposed dwellings closer to the highway and the relocation of one space within the curtilage of plot no. 8C to allow the safe access and egress of vehicles taking account of the presence of an existing street lighting column on the public footpath to the front of the site. I note the comments of the Highway Authority and consider it reasonable, should Members be minded to grant permission, to attach the suggested condition in relation to the surfacing of the proposed parking areas as requested.

Taking account of the revised layout of the proposed development and the comments of the Highway Authority I am satisfied that the proposed development would not result in any significant parking or traffic problems or raise any highway safety issues to justify refusal on these grounds and would therefore accord with the requirements of policy DM5.

Flooding and Drainage

The application site is located within the Environment Agency's Flood Zones 2 and 3. Core Policy 10 states that development proposals will be located in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding. Development proposals within the Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones.

I note that the Environment Agency have advised that Standing Advice is applied to the proposal. The applicant has submitted a FRA. Although no sequentially preferable sites are specifically identified I am mindful that the application has an extant permission for a new dwelling on this plot, which carries significant weight. Whilst the scheme has not robustly demonstrated that it has passed the Sequential Test as advocated in the NPPF, this is outweighed by the fact that one dwelling already has extant permission and is a strong material consideration. In my view it would be somewhat irrational to argue that the other two dwellings fail the test when in reality the development proposed would be similar in footprint terms. The number of people occupying the dwellings may increase but not to a degree that this would alter the outcome.

Moreover the Flood Risk Assessment confirms that the built form of the current proposal would have a smaller plan area than that previously approved and that this would not reduce the available capacity of the flood plain.

The FRA also confirms that the finished floor levels of the properties would be 600mm above the predicted flood level and that the Environment Agency provides flood warnings which would alert the occupants to any overtopping of the River Trent. I consider the proposal passes the Exception Test as set out in the NPPF, meaning that the development is safe in flooding terms.

Taking these matters into account, on balance, I consider the proposal would broadly accord with the aims of the NPPF and Core Policy 10 and DM5 and would minimise flood risk.

Site Condition

The comments received with regards to the current state of the site are noted. This matter has previously been investigated by the District Councils Enforcement Officer and it was found that the condition of the land was not such that it would be expedient to take action in that instance. Having visited the site I would concur with the Enforcement Officers comments.

Alternative Layout

I also note the comments received with regards to alternative proposals and layout. The District council has to assess the proposal before it and in accordance with current national and local planning policies.

As discussed above a revised layout has been deposited for consideration in line with Members comments at July Planning Committee.

Planning Balance and Conclusion

The principle of residential development on this site is acceptable both in policy terms and by virtue of the fact that there is an extant permission for one dwelling on the site already. It is considered that the uplift of two further dwellings on this site would have no significant demonstrable impacts such as from highway, flooding or upon amenity.

I have concluded that the proposal meets all 5 criteria of SP3, including meeting a proven local need.

This application site has been vacant now for a number of years and has been the subject of complaints due to its untidy/unkempt state. This application represents an opportunity to secure a viable long term use of the site that would improve the state of the plot. Furthermore representing an uplift of 2 dwellings (over the dwelling already committed to) it would contribute in a small but positive way to boosting the districts housing land supply.

For the reasons stated above **and following the revisions to the layout of the proposed development**, the application is considered to comply with relevant local and national planning policy and is considered acceptable, subject to conditions.

RECOMMENDATION

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

01

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

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

02

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

- Topographical Survey (Proposed Site Plan) - **drawing no. 3/37/2015 dated 17th May 2016 received on the 22nd July 2016**
- Plans and Elevations as proposed - drawing no. 3/37/2015

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

Reason: In the interests of visual amenity.

04

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

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

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

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

07

The Development shall be carried out in full accordance with the flood mitigation measures contained within the Flood Management Proposal section of the Flood Risk Assessment produced by Clive Davies dated 17th May 2016.

Reason: To prevent flooding elsewhere by ensuring that no loss of floodplain storage occurs as a result of this development.

08

Before the dwelling hereby approved is first occupied potential residents shall first:

- a) (register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by the Environment Agency);
- b) within 14 days provide the local planning authority with confirmation from the Environment Agency that they have done so.
- c) Submit to the LPA an evacuation scheme which details under what circumstances, triggers (including the Flood Warning Service), and locations occupiers will be evacuated to in the event of a Flood.

Residents shall maintain their registration with the Flood Warning Service (or any replacement service) at all times and should the dwelling be sold or occupied by new tenants registration with the Flood Warning Service will be made a condition of the sale/tenancy. Residents shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of any written request from the local planning authority for such confirmation.

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

09

Prior to the occupation of any dwelling the proposed boundary treatments as shown on the approved layout plans (drawing no. **3/37/2015 received on the 22nd July 2016**) shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

010

Prior to the occupation of any dwelling the proposed hard surfacing, **including all parking spaces**, as shown on the approved layout plans (drawing no. **3/37/2015 received on the 22nd July 2016**) shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

11

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..

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

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Notes

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 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

02

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

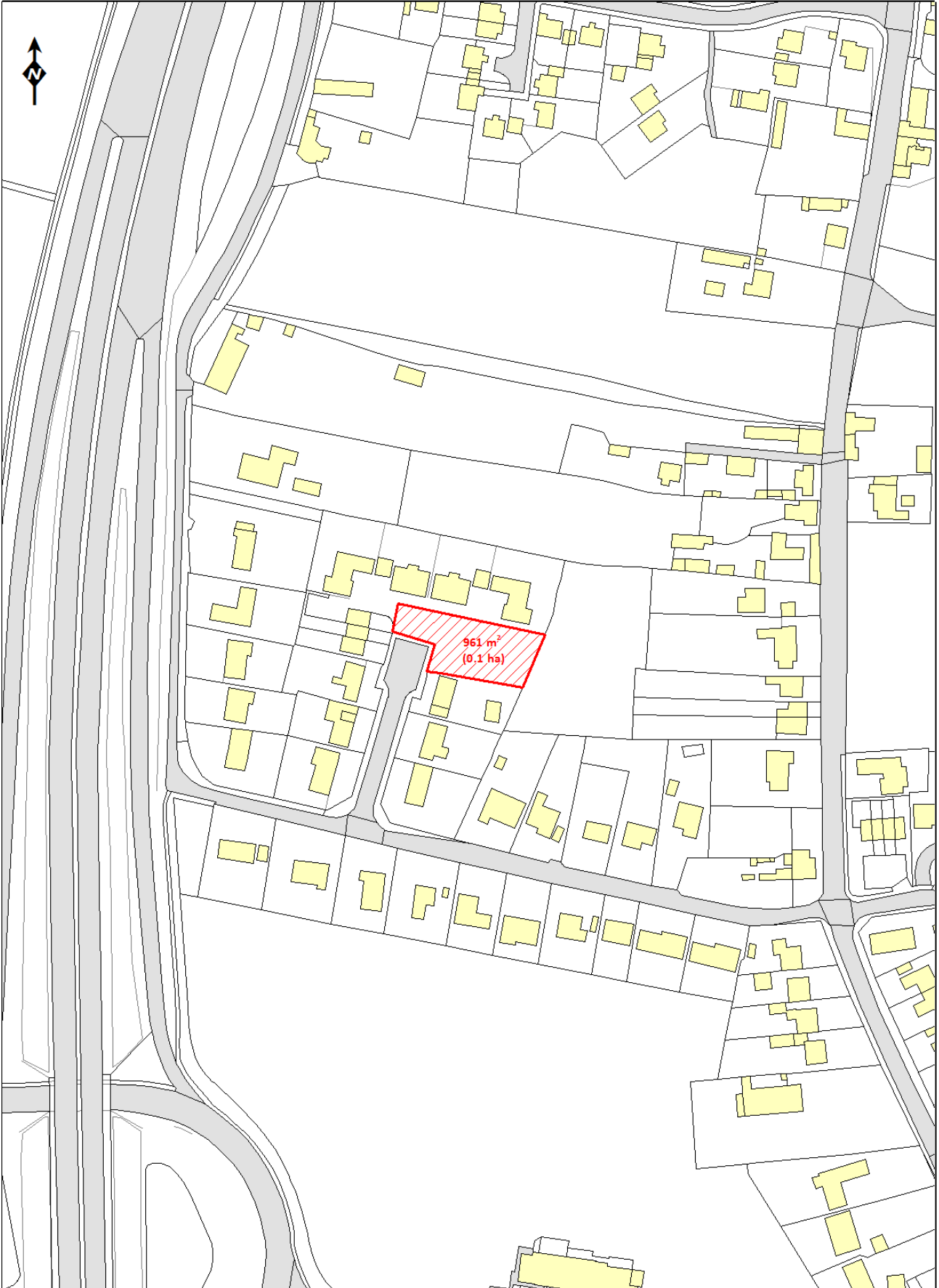
Background Papers

Application case file.

For further information, please contact 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



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00782/FUL	
Proposal:	Alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings (re-submission of 15/02253/FUL)	
Location:	The Plough, Main Street, Coddington, NG24 2PN	
Applicant:	Mr & Mrs D. Burke	
Registered:	23/05/2016	Target Date: 13/07/2016

This application is presented to the Planning Committee as the scheme seeks to address previous Member concerns. It is the view of the Business Manager, Growth and Regeneration, that the matter warrants determination by the Planning Committee. In addition to this, the Parish Council have objected to the proposal where officers professional view is to recommend approval.

The Site

The site comprises two distinct parcels of land on opposite sides of Beckingham Road located within the Coddington Conservation Area.

The land to the south of the road contains the public house ‘The Plough’ which fronts onto Main Street. The public house is currently vacant. The building comprises a two-storey painted brick building with a pantiled roof with a parapetted gable to its southern end and a hipped form at its northern end. An attached, elongated two-storey rear return, with a slated roof is set to the rear, and this faces towards Beckingham Road. The public house is located at ground floor, and on the first floor are two self-contained apartments and an office.

To the rear of the main building is a narrow parcel of land defined by a row of conifers (on adjacent land) set behind a fence which then opens out onto a wider area of overgrown grass land enclosed by a hedgerow to the north with a mixture of close boarded fencing, hedgerow and brick wall on all other sides. This area of grass is defined as a Main Open Area with the Allocations and Development Management Development Plan Document (DPD). All Saints Church is Grade II* listed and located to the south of the site. Residential properties and their respective garden areas border the south, east and west of the site.

To the north side of Beckingham Road is the public house car park laid with bound hard standing (albeit not formerly marked with white lines) that serves the pub and an area of open space (grassed) located between the car park and two storey dwellings at Hall Farm. The west side of the car park contains approximately six Newark and Sherwood District Council recycling banks which are understood to be located there on the good will of the landowner. A number of trees/hedgerow define the boundary between the existing car park and grassed area and are afforded protection by virtue of their position within the Conservation Area. A tree protected by a Tree Preservation Order is located within the rear garden area of 3 Hall Farm, immediately adjacent to the site.

Relevant Planning History

15/02253/FUL – Full planning permission was sought for the alternation of public house to form three first floor apartments, relocation of car park and erection of three dwellings. The Officer recommendation was for refusal based on highway safety grounds. When presented to the Planning Committee, Members accepted this and added an additional reason relating to loss of amenity. The application was refused on 4th May 2016 for the following reasons:

01

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing field access which affords restricted visibility for drivers emerging from the access. As a result, the proposed development would have an adverse impact on highway safety, contrary to Section 4 of the NPPF, Spatial Policies 3 and 7 of the Core Strategy (Adopted 2011) and Policy DM5 of the Newark and Sherwood Development Management and Allocations DPD (Adopted 2013).

02

In the opinion of the Local Planning Authority the scheme would have an adverse impact upon the amenity of nearby residential properties in terms of creating an unacceptable level of noise and general disturbance from the relocated car park and in terms of loss of amenity from the proposed new build dwellings on properties on Main Street. The proposal is therefore contrary to Core Policy 9: Sustainable Design of the adopted Newark and Sherwood Core Strategy DPD, 2011 and Policy DM5: Design from the Allocations & Development Management DPD in addition to the NPPF, a material planning consideration.

APP/B3030/W/16/3151592 - An appeal has been lodged (but not yet registered by the Planning Inspectorate). The applicant has request that the appeal be dealt with by written representations.

The Proposal

Originally the proposal sought full planning permission for:

- Alterations to the public house building to form three apartments and an office at first floor level (in lieu of two existing apartments). The ground floor public house use would remain;
- Three new dwellings are proposed on part of the existing pub car park; one 4-bed detached with attached double garage (measuring 13.5 metres by 8.7 metres and 9.4 metres to the ridge) and two semi-detached units 1 x 4-bed and 1x 3-bed (together measuring 12.6 metres by 8.7 metres and 8.7 metres to the ridge). These dwellings are laid out differently to the previous scheme with dwellings sited further west. Vehicle access would utilise the existing pub car park access points;
- Reconfiguration of public house car parking including expanding the parking area to the north. New hard standing would be laid to the north of the existing car park on an area of land which is currently overgrown. Car parking for 16 vehicles (cars would be parked parallel to the road) would be provided. Four of these car parking spaces would serve the proposed apartments within the public house building whilst the remaining 12 spaces proposed are to serve the public house on the opposite side of the road.

However following Planning Officer concerns, the layout of the scheme was amended. Specifically;

- The dwellings have been re-sited towards the east of the site (within the existing car parking area) some 13.95m from the nearest neighbour on Main Street.

- The public car park has been moved to the western edge of the village, adjacent to Plot 1. This would provide 18 car parking spaces but would utilise a grasscrete product to avoid the laying of large expanses of new hard surfacing. Further planting is also indicated as being proposed to screen the car park on all sides and to create a stronger green buffer to this end of the village.

The scheme was then amended again in response to Highway concerns. These amendments comprise;

- The eastern (existing) car park access would be closed off;
- Plot 1 has been handed (mirrored) so that the garage and parking (and associated manoeuvring) would be away from the highway access.

A Phasing Plan (DB 401 A113 P1) has also been submitted which shows the following order of works;

- Phase 1 – Works to The Plough Public House utilising the existing car park
- Phase 2 – Construct/Lay new car park utilising existing car park during this phase
- Phase 3 – Erect Plots 2 and 3 (the pair of semi's)
- Phase 4 – Erection Plot 1 (the detached dwelling)

A combined Design and Access, Planning and Heritage Statement (3 versions) and Viability Appraisal have been submitted with the planning application.

Public Advertisement Procedure

16 neighbours have been notified individually by letter. The application has been advertised in the local press and a site notice has been displayed at the site.

Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- 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

Allocations and Development Plan Development Plan Document (DPD) Adopted July 2013

- Policy NA/MOA Newark Area – Main Open Areas
- 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 (NPPF) 2012
- Planning Practice Guidance (PPG) 2014
- Spatial Policy 3 Guidance Note (September 2013)
- DCA Housing Needs Survey (2014)
- Draft Conservation Area Appraisal for Coddington 2002

Consultations

Coddington Parish Council – Object as follows (on the original scheme):

“The application is considered in three parts:

1. The Public House

The renovation of the public house is welcomed, including the three first floor residential units.

2. The Paddock

CPC welcomes the removal of the proposal to construct a car park on the paddock. However, should permission be granted for this application, CPC requests that the following conditions be applied in relation to the paddock:

a) A two metre high wall, constructed in reclaimed bricks or an equally appropriate brick, be erected along the southern boundary of the paddock to protect existing residents from the loss of privacy should the area be used by the public house patrons.

b) Screen landscaping should be provided along the western edge of the paddock to secure privacy for the adjacent dwellings to the west, should the paddock be used by the public house patrons.

3. Proposed housing on the northern side of the C208

CPC remains opposed to the proposal to erect three dwellings on the northern side of the C208 on the following grounds:

a) The proposed housing is contrary to the Core Strategy SP3. The District Council has consistently rejected proposed housing development in Coddington on the basis of the lack of local need. The applicants quote the District Council’s own housing survey as identifying a need. However this argument has been rejected by NSDC on previous occasions.

The applicants claim that the housing is required to assist in the financing of the public house renovation. This is illustrated in the tables contained in the Development Appraisal/Viability document. A net profit of £87,413 is identified from the housing, reducing the pay-back period to an acceptable 11.1years. However the total cost of the renovation still contains a figure of £56,000 for the construction of a car park on the paddock, which is no longer proposed.

Furthermore, a local resident has made a firm offer in writing (copy provided to the District Council) to purchase the paddock from the applicants for £52,000. Therefore, the applicants potentially have some £108,000 available without having to construct the housing. This figure is in excess of the profit achieved from the proposed housing and reduces the payback period to 10.6 years. This removes the financial justification for that housing as an exception to policy SP3.

b) The proposed housing is now located further to the west of the existing car park. CPC considers that this represents an even more unacceptable intrusion into the open countryside, contrary to statutory policy, and would result in ribbon development totally at odds with the character of the village.

c) CPC is well aware of the pressure placed on the District Council by the Government's requirement for it to demonstrate a 5 year supply of deliverable housing sites. However as the applicants note at para14, NPPG does not advocate growth at the expense of other important planning issues. It is the contention that this element of the application does flout planning issues: the protection of the open countryside and the setting of the village, the conservation area and the statutory planning policies of the District Council.

d) Furthermore, NSDC has within the last year, granted permission for 3 dwellings, demonstrating that it is not rejecting growth within the village. This permission was granted on the basis of its potential contribution to the architectural/street landscape quality of the area.

The important difference between that application and the present proposal is that the former site lay well within the built up area of the village and enhanced the Conservation area. The same cannot be claimed for the proposed housing on the northern side of the C208. It is also important to note that three residential units, to which CPC raises no objection, are proposed within the public house renovation, again adding to the village's housing stock. Moreover, there is also an extant planning permission for 8+ dwellings on land behind Post Office Row/Brownlow's Hill which is about to be implemented.

It is therefore submitted that as an 'other village', Coddington is already making a significant contribution to housing provision without these 3 additional dwellings.

e) If, despite these objections, the District Council decides to grant permission for this application, CPC requests that the following conditions be applied to the new housing development:

- (i) That no new houses are erected until the public house has been renovated and is operational.
- (ii) That substantial landscaping be provided along the western and northern boundaries of the housing development.

Conclusion

It has been demonstrated that the financial justification for the three dwellings on the north side of the C208 no longer exists. Furthermore, permission has been granted for 3 dwellings in Coddington and 3 residential units would be provided in the public house renovation. These 6 dwellings, along with those contained within the extant permission represent a very substantial contribution to the District's housing provision, particularly in a village the size of Coddington.

It is therefore submitted that this application is in conflict with statutory planning policy, notably policy SP3 and the countryside conservation policies. On this basis, the application should be rejected. If however the District Council is minded to approve the application, it is requested that the conditions suggested be applied, along with any others NSDC considers appropriate."

Highways Authority – No objection:

“Site Plan DB401-A102 Rev P8

A further plan has been submitted with acceptable manoeuvring space from the parking bays for the residential units. The access point to the east is to be closed off fully to vehicles. In view of the public house car park being relocated further to the west of the residential units, it is recommended that the existing grass verge along the frontage be constructed as tarmac footway to assist customers walking from the car park to the public house.

Therefore, there are no highway objections to this layout as shown subject to the following:

1. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with plan DB401-A102 Rev. P8. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety and to ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

2. No development shall commence on any part of the application site until a footway is provided along the site frontage of Plot 1-3 in place of the existing grass verge, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety.

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

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

Note to Applicant

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

Nottinghamshire Wildlife Trust – Comment as follows:

“We note that no ecological information has been submitted and have the following comments.

Works to the public house could impact on bats if they are using the building. However, from the submitted plans it appears that works to the roof and associated structures may not be required. Provided this is the case, impact on bats is considered unlikely. We would be grateful if you could remind the applicant of their legal obligation regarding bats. Should any bat/s be found under any aperture, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for

the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

From a review of available streetview imagery, the area where the new dwellings are proposed appears to contain a number of trees with areas of rough grassland behind and the new carpark area appears to consist of rough grassland. If the development would require removal of the trees or other vegetation, this should be undertaken outside of the bird breeding season (i.e. avoiding March to August inclusive). Replacement planting should consist of native, locally appropriate species.

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, we would welcome plans for biodiversity enhancements on and around the development site. These could include enhancing existing habitats, for example gapping up and strengthening hedgerows, as well as creating new habitats, such as installing bat and bird boxes."

NSDC Conservation Officer – On 2nd amendments - "I can confirm that Conservation has no objections to the further revised plans following highway in-pit. The garage element will be set well back and not unduly prominent. Overall, the scheme will cause no harm to the CA or setting of the Church."

On 1st amended plans – "Further to our recent discussions, I can confirm that the revised scheme for the new build and car park will cause no harm to the character and appearance of the Coddington Conservation Area. The use of grasscrete and landscaping helps to reduce impact on the rural landscape setting of the CA, and as set out in my previous comments, the design of the new build in terms of its scale, form, appearance and layout is considered to be acceptable."

Comments on original plans were as follows:

"Preliminary

The Old Plough and associated land is situated within Coddington Conservation Area (CA). The Old Plough is a historic building that is prominent within the street. As such, the building contributes positively to the significance of the CA.

The important landmark Church of All Saints, which is Grade II* listed, is located to the southwest. Impact on the setting and significance of this parish landmark is an important consideration.

Legal and Policy Considerations

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

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (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.

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

The Council's draft CA Appraisal for Coddington provides a useful assessment of the character and appearance of the CA. The land to the west of the Plough is identified as an important open space due to the views it offers of the church.

Assessment of Proposals

This application is a revision of an earlier planning application refused permission (ref 15/02253/FUL) which sought to relocate the parking area to a paddock area adjacent to the public house (on the south side of Beckingham Road). The submitted proposal seeks to address the reasons for refusal.

The proposal seeks to maintain the use of the pub whilst converting parts of the building into apartments. It is argued that this will help make the operation of the public house more viable. The proposal also seeks to alter the car park area and develop adjacent land into three dwellings.

The maintenance of the paddock area ensures that there is now no harm to the land identified in the LDF as visual amenity to the landmark church. This is welcomed. The reuse of the pub is also positive, and the apartment element is consistent with the existing internal arrangements, with little external alteration.

The car park amendment will cause no harm to the CA. The roadway is modern, and the car park maintains the existing hard standing character of this part of the site.

The residential development is thoughtfully designed. The scale, form and appearance of the development references historic vernacular buildings within the CA, and generally has a positive relationship to the street.

Overall, the scheme causes no harm to the CA or setting of the landmark listed church. The scheme is therefore consistent with the objective of preservation required under sections 66 and 72 of the Act. The proposal is also considered to comply with DM9 of the LDF and section 12 of the NPPF.

If approved, full details of all facing materials, detailing (eaves, bays, verges, headers etc), joinery (timber to be retained), boundary treatments and other accretions to be agreed. PD should also be restricted.”

NSDC Environmental Health Officer – No comments has been received on the amended plans. Any comments received following the printing of this agenda will be reported to Members on the late items schedule.

The following comments were made to the original proposal: “I refer to the above application and note the new layout of the car park. The location of the car park will bring vehicles into close proximity to residential premises, particularly the back gardens. I also note the raised level of the car park. Given the hours of use of the public house there is considerable scope for complaints about noise and disturbance from vehicles and patrons using the car park.”

NSDC Housing Officer – Comments made as previous scheme remain relevant: The District Council undertakes parish housing needs surveys throughout the district to identify housing need for affordable homes and to provide information regarding local people’s preferences/demand for market housing. There is no current parish housing needs survey for Coddington. The Council has engaged with the Parish Council regarding commissioning a survey, however the Parish Council have felt at this time they do not require a survey but will give further consideration at a later date.

The DCA Housing Needs Survey (2014) provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. The village of Coddington is part of the Newark and Rural South sub-area. For this area, there is a small preference for 1 bedroom property (79 homes) in the market sector, however the majority of preference is for 2 and 3 bedroom homes (722 combined).

In the absence of a survey it is difficult to estimate the preference for market housing at a local level and I would recommend that a survey be undertaken to provide evidence of local people in need of both affordable and market housing.

NSDC Environmental Health (Contaminated Land) – No observations.

NSDC Access and Equalities Officer – a building regulations application is required.

NSDC Waste, Litter and Recycling – Previous comments remain relevant which state:

Comments received 11.02.2016:

I have spoken with the applicant's representative and visited the site. The public house car park has traditionally housed a set of recycling banks that is well used and supports the needs of the local area well. I can confirm that there is no legally binding written agreement about the siting of the banks and there is no legal obligation on any land owner to site such infrastructure. As a local authority and a waste and litter collection authority we rely heavily on the good will of landowners to allow us to site such equipment that serves the local population. It would appear from my conversations that the applicant is nervous that the siting of recycling banks may adversely affect the planning application and as such is seriously considering asking for them to be removed altogether, which is a shame. However I can see no issues with waste collection from any of the new properties or the public house that is remaining in situ.

Comments received 31.12.2015:

In order for me to support this application from a waste management perspective I need further information on the new waste storage area mentioned in the main application form and further information on container sizes and storage.

NSDC Independent Viability Advice – This is an identical scheme (in terms of the level and amount of development proposed to the recently refused scheme) so the previous viability assessment remains valid which stated:

The applicant has sought to justify the development of three new build houses within the curtilage of the existing public house by submitting a viability appraisal which demonstrates that the profit subsidy is required from new build development to make up for the deficit incurred as a result of the refurbishment costs associated with refurbishing and retaining the public house at ground floor level and altering the first floor into three apartments.

An independent viability assessment has been commissioned to determine whether the applicant's submission is justifiable and, if it is, the minimum level of new build development which would be required to make the refurbishment of the existing buildings economically viable. Separate viability appraisals of the residential and commercial elements of the scheme have been undertaken to determine the overall viability position.

The main premise of the independent viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

In this case two viability appraisals have been undertaken. The first appraisal assesses the viability of converting the existing public house into three dwellings. The second appraisal assesses the viability of developing the three detached houses proposed in the grounds.

Assumptions Comments:

The viability methodology adopted by NSDC firstly calculates a benchmark land value allowance for the purpose of the viability appraisal. This is based on a 50% uplift in the value with alternative planning permission being added to the deemed existing use value. For the residential element of the scheme this generated a land value allowance of £106,118. The Public House development generated a negligible residual land value so a nominal allowance of £50,000 has been made.

The assumptions are based on a mixture of information supplied by the applicant and the standard allowances adopted by NSDC. The independent appraiser has advised that the applicants' sales values per sqm for the residential units seemed low and has adopted higher sales values. The applicant's allowance for new build residential construction was adopted but higher rates for the public house residential and commercial refurbishment reflecting BCIS rates have been adopted. The applicant's allowance of £56,000 for the setting out of the new car park was agreed.

Viability Results & Conclusions:

The public house refurbishment appraisal concludes that the conversion would create a negative deficit of -£40,000 (having allowed for a reasonable return for land and the developers profit). The refurbishment of the first floor of the public house (with a zero allowance for land value and developer profit) demonstrated negative viability of -£26,000.

The overall negative viability of the scheme with no 'enabling' new build housing was assessed at therefore approximately -£66,000 even with no profit allowance on the residential element.

The re-appraisal of the residential element including the three new build houses demonstrated a developer profit of £193,000 but overall negative viability of -£26,000 largely as a result of the CIL charge.

It is therefore considered that in order to obtain a reasonable return on retaining and refurbishing the public house the 'enabling' development of three houses is justified on viability grounds."

A total of 7 neighbours/local residents have commented on the original scheme.

6 objections summarised as follows:

- Previous objections in relation to loss of privacy and light remain valid and should be considered.
- Concern at the location of the proposed car park which would be considerably closer to the boundary of adjacent properties than the existing car park which will increase the level of noise nuisance arising from the slamming of car doors, car engines running, and the voices of the patrons of the public house late at night.
- Also consider that the proposed car park is inadequately sized for the public house and it is likely that there will be abuse of the designated parking areas for the proposed dwellings/apartments by the patrons of the public house;
- Intrusion into the countryside from houses;
- Danger of increased traffic and junction of Main Street with C208;
- Agree with comments of the Parish Council
- The Plough is such an eyesore in its present state but it appears so obvious that these proposals are still only a softener to try to get the village on side and then once it fails a change of use would soon see it as more housing in some shape or form;
- Object to the 3 new dwellings on conservation grounds;
- These dwellings are not currently required in Coddington.
- Infilling land for houses could ruin character of the area;
- Houses are not in keeping with others in the area and will not fit this particular part of the Conservation Area;

- The need for flats should be examined as the rental income is supposed to offset any loss the public house might make;
- Irresponsible to add parking spaces where tenants, staff and customers would have to cross a busy road as it would not be safe.
- Concerns that the Design and Access Statement is confusing and inaccurate (refers to western paddock car park and 112 parking spaces)

1 Letter of support with comments as follows:

- Typo on page 25 which states "in addition to the 112 parking spaces". This must be corrected.
- The application states, Residential Development Valuation, Table 2c, car parking, a figure of £56,000. This is identical to the previous scheme although the amended scheme is much smaller. If this amended, and a valuation of the surplus land within the western paddock is included, it removes any financial justification to build the houses to support the development of the Public house within the applicants time scales for a return on his investment. As such it is reasonable to think that the building of the houses is being supported by the intention to develop the pub, rather than the converse. I suggest therefor that a condition is applied to any consent, that the development of the public house is completed prior to commencing building of any houses.

In respect of the first set of amended plans the following comments have been made.

- Houses will be subjected to having a building site at the bottom of gardens for an indeterminate period of time with all of the noise, dust etc that is involved in that.
- Traffic issues - the crossroads that the Plough is situated on is one of the most dangerous in the Newark/Coddington area, near misses are regular occurrences at all hours of the day & night, with a front garden wall seriously damaged as a result of a car crashing into it as part of a 3 vehicle collision injuring people. Not conducive to what is supposed to be a village. This scheme will make it traffic and noise worse.

In relation to the second set of amended plans, to date one neighbour/interested party has made comments (objecting to the scheme) summarised as follows. Please note that any further comments received will be reported to Members as late items.

- Dangers on the A17 with traffic turning into the entrance for the proposed dwellings and also more traffic entering for the proposed new car parking areas for the Plough
- Loss of privacy and natural night to Hall Farm residents from new dwellings
- Noise and general disturbance to residents of Hall Farm from the newly appointed car park together with lights shining into dwellings, car doors opening and closing and noise from the people parking too. Residents already encounter the bottle bank being used at all hours 7 days a week and now have these additional proposals that will bring more noise.
- Traffic congestion at busy times (e.g. morning school run) and this scheme would make it worse.

Comments of the Business Manager

Introduction

This application is a revised scheme to the previously refused scheme under planning reference 15/02253/FUL. The refused scheme is now the subject of an appeal which the applicant has asked to be determined by written representations. This application seeks to overcome the previous reasons for refusal and the applicant is essentially twin tracking both proposals.

Members may recall that this item was on the agenda for 5th July 2016 Committee with a recommendation for refusal based on the perceived adverse impact on residential amenity from the relocated public house car park. However following the receipt of amended plans submitted in an attempt to overcome concerns, the proposal was withdrawn from the agenda to allow consideration of these plans and to allow a further round of public consultation. A second set of amendments have been submitted (on Monday 18th July 2016) in an attempt to address highway concerns (made verbally) and a further round of consultation has ensued. The scheme is now presented to Members on the basis of the second set (those listed in recommended Condition 17) of revised plans.

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 application site is located within the village of Coddington which is defined as an 'other village' in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Therefore development within Coddington should be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. Policy SP3 states that new development will be considered against five criteria including Location, Scale, Need, Impact and Character which are discussed below.

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

5 Year Housing Land Supply

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Location

In this case the host village has a primary school, another public house, a village hall, a community centre and a shop plus access to bus services to the town. I therefore consider that Coddington is sustainable in the context of SP3 and the NPPF.

In relation to 'location', SP3 also provides that new development should be within the main built up area of the village. In this case, built development envelopes the site on all sides except to the west of the parcel of land to the north of the road. Approximately half of this parcel of land also forms paddock land albeit this land is sandwiched between houses located along Hall Farm and

the car park which forms the remaining half of the site. The built form does not extend any further east towards the open countryside than the existing car park or built development to the north. The proposed car park would also be designed to avoid large expanses of hard surfacing by the use of grasscrete products. Given these characteristics, I do not consider that the site is within the open countryside, neither is it away from the main built up area of the village. As such, I consider the site can be considered as being located within the main built-up area of the village as required by SP3.

Impact

In relation to 'impact', Coddington contains some community facilities such as a primary school, community hall, a second public house and access to public transport. There are regular bus routes to Newark which provide access to local services further afield. As such, the occupants of the proposed dwellings would not necessarily have to rely on the use of a private car for day to day living due to the local bus services available. The highway impacts of the proposal are further considered in the 'Impact on Highway Safety' section below.

Scale

In relation to 'scale', Coddington had 715 dwellings at the time of the 2011 Census. The proposed development therefore represents less than a 1% increase in the overall housing stock in Coddington which is considered to be small in scale and appropriate to the location.

Character

The criteria in relation to 'Character' is considered in detail in the '*Impact on Visual Amenity including the impacts on heritage assets*' section below.

Need

The submitted Design and Access statement states that '*the National Planning Practice Guidance advocates that all villages are capable of accommodating some growth, and this alone provides clear policy support for these proposals. The NPPG does not reference local needs housing, and we consider that policies which restrict village development to local needs housing (such as SP3) are at odds with the more permissive regime set out with the NPPF. Given that the Core Strategy predates the NPPF, the national planning guidance must prevail in this instance and the presumption in favour of development engaged*'. The NPPG states that '*assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*'. I therefore still consider it relevant to assess the proposed development against the local need criteria set out in SP3 and do not consider this to represent a blanket policy to restrict housing development in Coddington.

Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. There is no current parish housing needs survey for Coddington. The onus is on the Applicant to demonstrate a local need.

The DCA Housing Needs Survey (2014) commissioned by the Council provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. The village of Coddington is part of the Newark and Rural South sub-area. For this wider sub-area, there is a small preference for 1 bedroom properties (79 homes) in the market sector, however the majority of preference is for 2 and 3 bedroom homes (722 combined). However in the absence of a parish housing needs survey it is difficult to estimate the preference for market housing at a local level, i.e. within Coddington itself. Given that the proposed new build dwellings comprise one 3-bed dwelling and two 4-bed dwellings, whilst this may partially meet the need identified for 3-bed dwellings, due to the lack of detailed local evidence, I am not convinced that the proposed new build dwellings would meet an identified local need and does not therefore fully comply with the criteria set out in Policy SP3.

In relation to the conversion of the upper floors of the existing public house building, I attach weight to the retention of the building as a non-designated heritage asset. As such, if a residential use secures a viable and sustainable future for the building then this would outweigh the need to demonstrate an identified proven local need in this instance. In addition, SP3 also states that within built-up areas of villages, consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm building or the removal of a business where the operation gives rise to amenity issues. Whilst not a farmyard/farm building, the public house building is a business which in its current vacant state has the potential to give rise to (visual) amenity issues. The principle of the conversion of the upper floors of the public house building to create an additional dwelling is considered to be acceptable in principle.

In order to accord with SP3, new housing must meet an identified proven local need. However it should be noted that the need criteria should be given far less weight given the issues with the ability to attach full weight to an OAN 5 year land supply position, as outline earlier in this report.

In any event I consider that the ability to secure works to the pub from the cross subsidy of new build could address the issue of need even in the event that this carried full weight. For completeness the need/viability issue is considered below (which remains the same assessment as the previous scheme). This matter is weighed in the balance at the end of this report.

Viability/Retention of the public house

It is the Applicant's intention that the proposal would bring the public house, which has been vacant for over two years, back into use. The facilities within the public house would be improved through refurbishment and enhanced outdoor facilities including more conveniently located car parking would also be provided. This would be compatible with the aims of Spatial Policy 8 which seeks to protect against the loss of existing community facilities which includes public houses.

As a result of the advice that the proposed new dwellings would not meet an identified local need, the applicant has sought to justify the development of three new build houses within the curtilage of the existing public house by submitting a viability appraisal which demonstrates that the profit subsidy is required from new build development to make up for the deficit incurred as a result of the refurbishment costs associated with refurbishing the public house. The results of the Council's independent viability assessment of this appraisal are set out in the 'Consultations' section above.

The public house refurbishment assessment concludes that the conversion would create a negative deficit of -£66,000. The appraisal of the three new build detached houses demonstrated a developer's profit of £193,000 but an overall negative viability of -£26,000. This is calculated having established all values of the development and by deducting all reasonable costs including CIL, a reasonable return to the landowner (£106,000) and a standard profit allowance (20%) to the developer.

The independent viability assessment therefore concludes that in order to obtain a reasonable return on retaining and refurbishing the public house the 'enabling' development of three houses is justified on viability grounds. *[NB since undertaking this appraisal, it is noted that CIL is approximately £6,000 more than calculated in the appraisal however this does not affect the overall conclusion as an even greater shortfall would be incurred].*

It is noted that it is claimed that a local resident has allegedly made an offer to buy land immediately to the west of the paddock which it is argued would provide monies for the renovation of the Plough and would thus remove the financially based justification claimed by the applicants for the erection of three dwellings on the north side of the C208. The Parish Council suggested that in doing so, conflict with the Development Plan in terms of Policy SP3 (lack of any proven local need) and the need to override that Policy on the basis of securing the future of a community asset, as referred to in the officer's report, would be removed.

The LPA's independent viability expert has advised *'my view is that just because a landowner may own separate assets it doesn't mean there should be any assumption that these 'should' be used to subsidise a non-viable development. The landowner is perfectly entitled to sell and make a profit from adjoining land if it is not essential to the delivery of the adjoining development scheme and in this context the red line is important. The land value allowance in the appraisal doesn't take account of the cost of any adjoining land so it shouldn't take account of any potential value either'.*

In summary the evidence provided in the viability appraisal confirms that if the three new dwellings are not constructed, the refurbishment and conversion of the pub building (a non-designated heritage asset) would not be viable.

Impact on Visual Amenity including impacts on heritage assets

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy CP14 of the Core Strategy and DM9 of the DPD require continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving the heritage significance of a listed building including that derived from its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. The important landmark Church of All Saints, which is Grade II* listed, is located to the southwest. Impact on the setting and significance of this parish landmark is an important consideration.

As a building of local interest, the public house building is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 137/138 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

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.

The Conservation Officer raises no objection to the proposal (their full comments are set out in the Consultations section above). The retention and renovation of the public house building is welcomed with the proposed replacement of any existing UPVC windows with appropriate timber windows would be an improvement in conservation terms.

The area to the west of the public house is designated as a Main Open Area (MOA) by Policy NA/MOA of the DPD. This area plays an important part in defining Coddington's form and structure. The policy states that in MOAs, planning permission will not normally be granted for built development. This application proposes to retain the paddock area (on the previous scheme it proposed parking) that comprises the MOA and there is now no harm caused to the setting of the listed church.

Officers are satisfied that from a heritage impact perspective the realignment of the car park on the north side of the highway would cause no harm to the Conservation Area given the roadway is modern and the proposed car park would be signed to minimise the impact of the Conservation Area through the use of grass-crete products. Furthermore our Conservation Officer remains satisfied that the new build dwellings (identical to the previous scheme) are well designed with the scale, form and appearance of the development referencing historic vernacular buildings within the CA, and generally has a positive relationship to the street. I concur with this assessment.

Overall, the scheme causes no harm to the CA or setting of the landmark listed church. The scheme is therefore consistent with the objective of preservation required under sections 66 and 72 of the Act. The proposal is also considered to comply with DM9 of the LDF and section 12 of the NPPF.

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 rear of Numbers 39, 41 and 43 Main Street back onto the site of the proposed new build dwellings. The side elevation of Plot 3 would face towards the rear of the dwellings on Main Street. A separation gap of 14.87 metres is proposed between the side elevation of Plot 3 and No. 41 (it was just over 12m on the previous application) and is 14.70m between Plot 3 and No. 39 Main Street, both of which are considered acceptable. I am conscious that Members were concerned with the previous application in terms of impacts on neighbours due to the distances between dwellings. On this scheme the distances between dwellings have increased by over 2.5m and in addition I recommend that finished floor levels are aligned with the neighbouring properties of 39/41 Main Street so as to minimise impact. A first floor window serving an en-suite shower room would be located in the side elevation of Plot 3 which I am satisfied could be conditioned to be obscure glazed to avoid overlooking. Together these measures will in my view allow for adequate distances between dwellings to meet the needs of privacy and would not cause any unacceptable overbearing impact.

The rear of No.s 1, 3 and 5 Hall Farm also back onto the site of the proposed new build dwellings. Four first floor bedrooms are proposed within the rear of the proposed dwellings which would face towards these dwellings. I note the differences in grounds levels, a matter previously raised by neighbours. Land levels are indicated on the Proposed Site Plan. However, the rear of the dwellings would be located approximately 11m away from the gardens of the dwellings to the north at their closest point, with the rear wall of the Plots 2 and 3 being located c37m away from those dwellings and almost 40m from Plot 1. This separation gap is considered sufficient so as not to create any material adverse overbearing or loss of privacy impacts even when taking into account the difference in land levels. It is also noted that the rear of these dwellings are already overlooked to a certain degree by existing dwellings. The proposed garden sizes for the new dwellings are considered acceptable.

The public house car parking area has now been moved to the west and would be sited some 27m from the garden boundary of the nearest dwelling at Hall Farm to the north. In addition, the plan shows that there would be new trees planted both along the boundary with the neighbour at Hall Farm and around the car parking area, which could be secured by planning condition. I am now satisfied that the proposal is located a sufficient distance from existing residential properties so as to avoid adverse impacts from noise and general disturbance.

Clearly the car park would be located relatively close to Plot 1. The nearest car parking space would be located just under 5m from the dwelling itself and its garden would surround the car park. However I consider that there is sufficient space to allow for substantial planting and boundary treatments that would assist in alleviating impacts from the car park such as noise and general disturbance in what is a very generous sized garden. Furthermore the occupier of this dwelling would be well aware of the presence of the car park at the outset. For these reasons I consider that the car park is acceptable in this location and would not have an adverse impact on either existing or proposed occupiers.

No alterations to the existing window and door positions are proposed as part of the pub renovation works. As such, it is not considered that the occupiers of any neighbouring dwellings would be affected by this element. The concerns previously raised by our Environmental Health Officer in relation to the compatibility of the proposed upper floor residential units and public house use are noted. However, there are already two existing dwellings within the public house building with no restrictions on occupancy and it is not considered that the introduction of a third would be materially alter the existing relationship. Future occupiers would be aware of the public house use below and for this reason it is not considered that a refusal on these grounds would be justified in this instance.

Given the amendments and subject to conditions, I am satisfied that impacts on residential amenity are acceptable and comply with Spatial Policy 9 and Policy DM5 of the DPD.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. In accordance with the aims of CP12, Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

No ecological information has been submitted with the application however Nottinghamshire Wildlife Trust raise no objection subject to the Applicant being aware of their legal obligations regarding bats.

A number of trees around the rear of the existing pub car park would be removed as part of the proposed development. The Agent has confirmed that *'both Cherry trees are in poor condition with large limbs broken, drowned in ivy, and are not aesthetically pleasing at all. As for the Pine trees, both again over run with ivy, one having a heavy back lean with a lot of top weight and in poor condition. The other Pine is all weighted towards the highway with large broken limbs hanging within the canopy. All trees have also been affected by root compaction with having the pub car park in such close vicinity'*. I agree that these trees are not considered to be of high amenity value and would have no objection to their removal subject to replacement tree planting.

The amended scheme indicates that a number of trees would be planted around the periphery of the site and would surround the newly created public house car park. This represents an opportunity to secure enhancements to both biodiversity and the setting of this part of the village if done sensitively and would be controlled by condition.

Overall, it is not considered that the proposed development would result in the loss of natural features of importance or have an adverse impact upon ecology in accordance with the aims of Core Policy 12 and Policy DM5 and would secure enhancements as required by the policies.

Highways and Parking

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

Members will recall that the previous refusal related to the visibility splays (the applicant's inability to maintain these in perpetuity) serving what was proposed to be a relocated car park on the same side of the road as the pub. This car park is no longer proposed in this location and therefore this reason for refusal falls away with it.

The Highways Authority raise no objections to the scheme in principle but in relation to the first amended plan were concerned (matters raised verbally) that cars reversing from Plots 1 and 3 would be doing so into the path of car turning in to the public car park, thus compromising highway safety. A second set of amended plans have been submitted following discussions with the Highways Authority in an attempt to address these concerns. The house type for Plot 1 has therefore been handed so that the garage is located further away from the site entrance to avoid such conflicts. Furthermore the eastern most access to the existing car park is now proposed to be closed off so that cars reversing from Plot 3 would have no adverse impact on highway users.

The Highways Authority have raised no objection to the second set of amended plans subject to conditions that ensure the parking and turning areas are in place prior to first occupation, the provision of a footway is made in front of Plots 1-3 in the interests of pedestrian safety and to a condition which controls surface water run off to the highway. These are conditions 13 to 15 of the recommendation albeit these have been modified to take account of the proposed phasing. I also consider that a condition should be included (for the avoidance of doubt) that the eastern most access shall be stopped up prior to first occupation of any development in Phase 3 (Plots 2 and 3) given that its continued use was previously of concern to the Highways Authority. This is shown as condition 16 below.

The existing public house car park is located on the opposite side of the road to the pub itself and this situation would be maintained by this application. The new car park would be slightly further away from the pub than existing. However I (and the HA) recommend that a new footway is provided along the line of the grass verge, to link in with the existing pavement. This would allow pedestrians a safe access to the central refuge island located to the east where they can cross to the pub. Whilst this is not a betterment, I do not consider that this would be anymore detrimental than the existing situation.

Subject to these matters being controlled by condition, I consider that the proposal accords with DM5 and SP7.

Drainage

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to pro-actively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. The application form states that surface water would be disposed of via a soakaway. Overall, the development accords with Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seeks to secure the provision of 30% on site affordable housing on sites of 0.2 Ha or more. However on May 11th 2016, the Court of Appeal overturned the High Court decision from July last year which held that the Government's national planning policy exempting small developments from affordable housing contributions, and providing for the vacant building credit, was unlawful. The relevant policy provided that developments of ten homes or fewer, or 1,000 m² or less, would be exempt from the requirement to contribute to affordable housing. The Government has reinstated the policy to the planning practice guidance as a result of this decision.

In this case, the overall site area exceeds this site area however, the area of the new build dwellings falls below this threshold. Given this, the recent challenge and the viability issues associated with the proposed development, an affordable housing contribution has not been requested in this instance. This is considered appropriate.

Other Matters

Design and Access Statement

Comments have been received from local residents and the Parish Council alike that the Design and Access Statement contains errors and is confusing. This application requires such a statement given that it is within a designated (Conservation) area and is for dwellings. The applicant has been advised on two occasions that the D&A Statement contains errors and a third version is now public facing. However in any event it should be noted that provided such a statement complies with the basic requirements set out in the NPPF in that it covers certain topic areas, there are no other quality controls applied. Statements are intended to aide decision making. It is the plans submitted upon which decisions rise and fall.

Planning Balance and Conclusions

Residential development in Coddington is acceptable subject to assessment against the criteria in SP3. In this regard the proposal meets 4 of the 5 criteria but in my view does not wholly comply with the criteria relating to housing need, in that the applicant has not properly demonstrated a local housing need for the new build dwellings.

I am satisfied that the applicant has shown that without the 3 new dwellings the refurbishment/conversion of the Plough pub building would be unlikely to happen (due it is being unviable). The lack of local need in this instance is outweighed by the fact that the redevelopment of the site would offer an opportunity to secure environmental enhancements of a vacant non-designated heritage asset to the benefit of the character and appearance of the Conservation Area and the community in accordance with the requirements of SP3 and SP8. This is a similar approach taken in the consideration of a planning application to convert and provide new build dwellings in the car park of former Coach and Horses Public House in Thurgarton which was approved in October 2014 (14/01262/FUL).

Furthermore, I consider that the *need* for housing carries a far reduced weight given the position with regards 5 year land supply, in that it until such time as the Objectively Assessment Need has been tested by the Plan Review Process the Council is taking a pragmatic approach by relaxing the 'need' criterion of SP3 where all other matters are satisfied in order to boost housing supply in the interim. The addition of 4 new dwellings would make a small but non-the-less positive impact in terms of boosting housing land supply.

It is concluded that the proposed development would not have any adverse impact upon the character and appearance of the Conservation Area, flood risk or adversely affect ecology or any important trees. Furthermore it is not expected that the application would have an adverse impact on highway safety given that the Highways Authority raise no objection.

It is acknowledged that the public car park would, as a result of this scheme be further away from the public house itself. However given it would be adjacent to the existing carpark, the distance is not considerable and users would still have to cross a highway to get there, which in my view would not make this anymore inconvenient or anymore detrimental from a pedestrian safety point of view than the existing situation, particularly as a new footway would be required to link to the existing in front of the new dwellings.

The repositioning of the public house car park away from existing dwellings has overcome previous concerns regarding the impact on amenity. Likewise subject to conditions I am satisfied that the proposal would not significantly affect occupiers of the proposed dwellings. The impact on residential amenity from other elements of the scheme are also considered to be acceptable.

Weighing all of these matters in the balance I conclude that the scheme is acceptable and should be approved subject to the conditions shown below. Given that the applicant has demonstrated a viability case that shows the houses are required in order to bring the pub back into use I do not consider that a shorter time period for implementation would be appropriate in this case and condition 1 allows for 3 years in which to commence.

RECOMMENDATION

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

01

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

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

02

The development shall be implemented in accordance with the phasing scheme shown on drawing no. DB 401 A113 Rev. P1 (Phasing Plan) received 19th July 2016 unless otherwise agreed in writing through a non-material amendment.

Reason: In order for the development to be delivered in a satisfactory manner in the interests of visual amenity and to ensure that the public house is renovated first given that this is a community asset where viability has been cited and to ensure that appropriate associated car parking is available for use to avoid on-street parking during all phases of the development.

03

Notwithstanding the finished floor levels shown for Plots 1 to 3 (the new dwellings) on the approved plan DB 401-A102 Rev P8, no development shall be commenced within phases 3 or 4 until a revised plan showing amended finished floor levels and ground levels have been submitted to and approved in writing by the Local Planning Authority. The amended levels shall align as far as possible with the land and finished floor levels to the west (Main Street) and the approved levels shall be implemented on site.

Reason: In the interests of residential and visual amenity.

04

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -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.

05

Development 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.

06

No development shall be commenced for any phase pursuant to condition 2 until samples of the materials for all aspects of the development 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.

Facing materials

Bricks

Roofing materials

Walls

Reason: In the interests of the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

07

Notwithstanding the submitted details, no development shall be commenced for any phase pursuant to condition 2 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 unless otherwise agreed in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

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

Porches

Chimneys

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Any other external accretion including extractor vents, flues, meter boxes, airbricks and soil and vent pipes

Reason: In the interests of visual amenity and in order to safeguard the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

08

No development pursuant to Condition 2 shall be commenced until details of the mortar to be used for all new build and any re-pointing (including materials and ratios, colour, texture and pointing finish) has been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the character and appearance of the Conservation in accordance with Policy CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

09

Prior to the commencement of any conversion or renovation works to the public house building, a schedule of works should be submitted to and agreed in writing by the District Planning Authority. The schedule of works must comprehensively address all repairs and renovations including the extent of any repairs, the specification for repainting works including colour, detailed specifications for all timber joinery (to be retained), chimneys (to be retained), facing materials and detailing (brick bonding, dentil courses, verges etc.). For the avoidance of doubt, the schedule of works shall include the replacement of all existing upvc public house windows with timber. All building works hereby agreed shall be carried out in accordance with the schedule of works.

Reason: In order to safeguard the special architectural or historical appearance of the building and to preserve the character and appearance of the Conservation Area in accordance with Policy CP14 of the Newark and Sherwood Core Strategy 2011 and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

010

No development shall be commenced for any phase pursuant to condition 2 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, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only and should provide replacement tree planting. **In particular the new planting should relate to the boundaries of the public house car park and to the western boundary of the site;**

existing trees and hedgerows, which are to be retained including any protection measures;

boundary treatments/means of enclosure (details to include the types, height, design, materials and finish where appropriate);

car parking layout and materials. For the avoidance of doubt, the car parking shall be formed with a grass-crete or grass grid product;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

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

Reason: In order to preserve the character and appearance of the Conservation Area in accordance with Policy CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

011

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

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained and in order to preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

012

No development pursuant to Condition 2 shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with the aims of the NPPF and Policy DM5 and DM9 of the DPD.

013

No part of the development for any phase pursuant to condition 2 shall be brought into use until the parking and turning areas contained within that phase have been provided in accordance with plan DB401-A102 Rev. P8. The parking and turning areas provided shall not be used for any purpose.

Reason: In the interests of highway safety and to ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

014

No development shall commence on any part of the application site until a footway is provided along the site frontage of Plot 1-3 along the line of the existing grass verge, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved and implemented footway shall be retained for the lifetime of the development.

Reason: In the interests of pedestrian and highway safety.

015

No part of the development hereby permitted shall be brought into use until a scheme to control and prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first occupation of each phase, pursuant to condition 2, and shall then be retained for the life of the development.

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

016

Prior to first occupation of Plot 3, the existing easternmost access (which served the public car park) shown on drawing DB401-A102 Rev. P8 shall be stopped up and no longer used, details of which shall be first submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Authority.

Reason: In the interests of highway safety.

017

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

018

Plots 1, 2, and 3 identified on Drawing Number DB 401-A102 Rev P8 shall not be occupied until the ground floor public house refurbishment is complete and in a lettable state.

Reason: To ensure the former pub building is brought back into use in the interests of visual amenity, to ensure the retention of a community facility and in order to preserve the character and appearance of the Conservation in accordance with Policies CP 14 and SP8 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD) and in line with the viability submissions which were given considerable weight in determining the planning application.

019

The first floor window opening on the east elevation of Plot 3 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with the aims of the NPPF and Policy DM5 of the DPD.

020

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

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

Class B: Additions etc. to the roof of a dwellinghouse.

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 of building etc. incidental to the enjoyment 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 14:

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

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

Reason: To ensure that any proposed further alterations or extensions preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

021

Save for the finished floor levels subject to condition 3, the development hereby permitted shall not be carried out except in complete accordance with the following plans reference:

Proposed Site Plan DB 401-A102 Rev P8
Proposed New Dwellings Visual DB 401-A105 rev P5
Elevation and Floor Plans – Plots 2 and 3, BSA 83-A083
Elevation and Floor Plans – Plot 1, BSA 82-A082 M
Proposed Public House Floor Plans and Elevations DB 401-A104
Location Plan DB 401 A112

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.

Notes to Applicant

01

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

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

02

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

03

In the event that any bat/s are found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

04

Trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site (other than those expressly shown will be removed to make way for built development permitted by this permission) you may require the prior consent in writing of Newark and Sherwood District Council and are advised to contact the Development Control Service of the Council on 01636 650000 to discuss the matter.

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

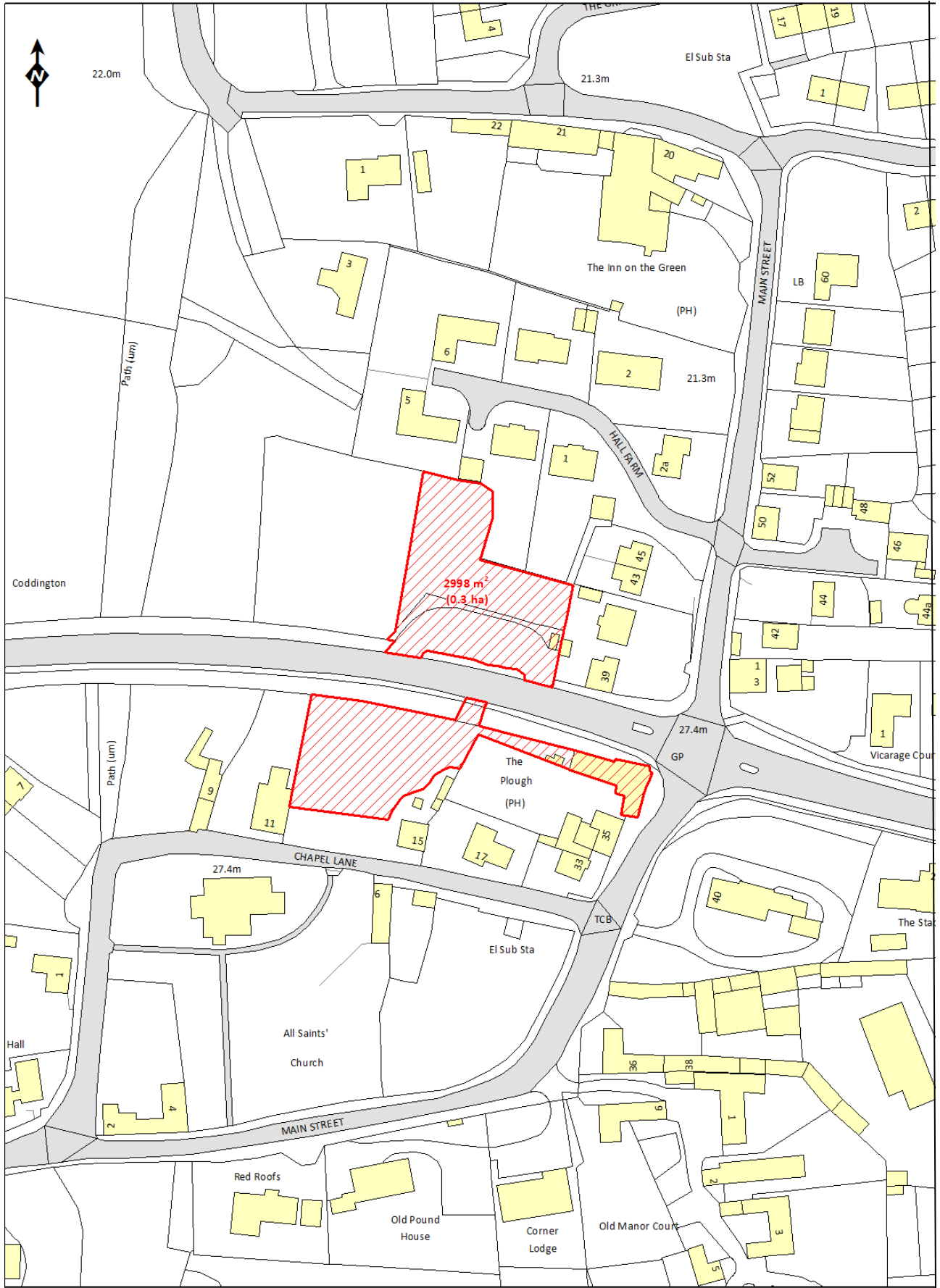
Background Papers

Application case file.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00782/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	14/01528/FUL
Proposal:	Change of Use from Educational Classrooms to Holiday Accommodation. (One Classroom and Four Small Storage Rooms into Holiday Accommodation)
Location:	Trent Valley Equestrian Centre, Occupation Lane, Fiskerton, Nottinghamshire, NG25 0TR
Applicant:	Mr J Wilson
Registered:	3 May 2016
	Target Date: 28 June 2016

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

The Site

The site lies within the open countryside, around 600m to the north-west of the village of Fiskerton. The business is an equestrian centre granted planning permission in 2005 to run alongside Syndre Farm, which is located adjacent to the site.

The educational classrooms are situated within the indoor arena to the NE of the site with access to the building available from a separate entrance from the equestrian centre off Occupation Lane. The indoor arena is a large steel portal building comprising a sand-based horse riding area and café with educational rooms (which are over 2 floors). The classroom and storage rooms subject to this application are at first floor level within the arena, accessed by an external staircase.

The site lies within flood zones 2 and 3 of the Environment Agency’s flood risk maps.

Relevant Planning History

05/02613/FULM – Indoor riding arena, access and car parking. (minor amendment to 05/00561/FULM) (permitted 21.02.2006)

05/00561/FULM – Indoor riding arena, access and car parking area (permitted 25.08.2005)

92/50442/FUL – Change of use of arable field to three football pitches with clubhouse and changing rooms and associated parking area (permitted 14.10.1992)

39900781 – Change of use of agricultural land & erect 8 loose boxes to form equestrian centre (permitted 10.08.1990)

39870393 – Erection of barn for storage of hay and straw for horse riding and livery stables (permitted 07.07.1987)

3978736 – Change of use to riding school (permitted 15.08.1978)

The Proposal

The application seeks consent for the change of use of the first floor educational classroom and storage rooms to holiday accommodation in connection with the equestrian business. The first floor space is roughly square in shape with maximum internal dimensions of 9.0m x 10m. No external alterations are proposed to the building with parking proposed to be available outside the indoor arena in which the building is located.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM8: Development in the Open Countryside

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Fiskerton Parish Council – object to the application on the grounds that insufficient information has been provided to make a valid decision.

NSDC Contaminated Land Officer – ‘Gas protection measures were required to be incorporated in building foundations as part of a previous planning application at this site due to the nearby landfill.

The applicant should ensure that this protection is not compromised during the conversion and that it remains effective when the site becomes residential holiday accommodation. Any new build that is required as part of the development should incorporate the same level, or better gas protection measures than were in the original development.’

NSDC Environmental Health Officer – Issues could be ones of noise from the riding school activities affecting the accommodation. In addition foul drainage and services would be needed to the unit.

NSDC Access and Equalities Officer – ‘A separate enquiry should be made regarding Building Regulations matters and it is further recommended that the developer be mindful of the provisions of the Equality Act.’

NSDC Emergency Planner – Support the proposal but has made the following comments,

- The access and egress to the property cannot be assured to be dry and so any evacuation from the property has the risk of secondary injury resulting from hidden hazards.
- The accommodation is on the first floor and is therefore at limited risk of flooding causing danger to occupants.
- The accommodation is not permanently occupied and so does not place constant pressure on emergency services.

Environment Agency – ‘The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Syndre Farm, Southwell - Flood Risk Assessment, 14.04.2016, Version 2.0, RAB: 1312L).

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

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

Advice to the LPA and Applicant

We recommend that the Lead Local Flood Authority at Nottinghamshire County Council is consulted with regards to surface water flood risk, as well as the Local Authority Emergency Planner to approve the adequacy of flood emergency evacuation plan. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.’

NCC Flood Team – No comments received to date

NCC Highways – No highway objections

No letters of representation have been received from interested parties.

Comments of the Business Manager

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

Principle of Development

The site is located in the Open Countryside where development is strictly controlled and restricted to certain types of development listed within Policy DM8. This policy details support for tourist accommodation and visitor based tourism development that can demonstrate the need for a rural location in order to meet identified need, constitute appropriate rural diversification or can support local employment, community services and infrastructure.

Core Policy 7 of the Core Strategy asserts that on the whole and unless justified, tourism development shall be directed to the larger settlements or the edges thereof in accordance with sustainable development objectives. The strive towards encouraging sustainable patterns of development is also reflected in the Council's settlement hierarchy – Spatial Policies 1, 2 and 3. In addition, the NPPF advocates and indeed strongly supports sustainable patterns of development.

Policy DM8 of the DPD states that accommodation that is related and proportionate to existing tourist attractions will be supported. In the case of this proposal, the provision of holiday accommodation would be provided through a change of use of a building only, with no proposed extensions to the unit. The applicant has provided justification for the proposal which relates to the operation of the equestrian business and providing clients with the opportunity for training weekends with on-site accommodation; the accommodation is proposed to encourage clients from further afield than Nottinghamshire to use the facilities in order to grow the business and help maintain the centre. The applicant has suggested that some clients have been reluctant to visit for a weekend with no on-site accommodation provision because they do not wish to leave their horses or equipment without supervision, although the LPA have no evidence of that this is the current case. It is understood that the accommodation will only be required at weekends and will only be available to equestrian centre users in connection with training purposes.

The proposal would provide additional services for the business which the applicant feels will help sustain and grow the business. In accordance with Core Policy 7 of the Core Strategy, tourist accommodation will be supported providing development is acceptable in terms of design, scale and impact upon local character, the built and natural environment, including heritage assets, amenity and transport; these issues will be discussed below, however subject to the proposal being appropriate in terms of these issues, I am of the view that the development is acceptable in principle as it would provide accommodation which is proportionate and closely related to the existing established equestrian business, allowing the business to, at a minimum, sustain its services to the district and wider area.

Impact on the Visual Amenities of the Area

The site is located within the Trent Washlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within River Greet Meadowlands (TV PZ 10) which is described as flat with some areas gently undulating and an intensive arable farming area. The policy action for this area is 'Conserve and Create'.

Policy DM5 requires new development to reflect the local distinctiveness and character of the surrounding landscape, which in this instance is the open countryside. Additionally, in accordance with Core Policy 13, development should also have regard for the landscape character of the area which in this instance is considered to be in moderate condition and of moderate sensitivity.

Trent Valley Equestrian Centre is bounded by relatively flat land and therefore views of the site are achievable from the surrounding landscape, although it is screened from the highway by vegetation and fencing. The land immediately surrounding the site is very sparse of development, with the exception of some residential and agricultural development along Occupation Lane, as well as Fiskerton railway station to the SW of the site. As such, the character of the landscape is very open and any significant structure is likely to be highly visible and therefore has the potential to have a harmful impact upon this openness of the countryside.

I am mindful that the proposed building is located within a large steel-framed portal building and as such cannot be seen from the public realm. Given that there is no proposed alteration to the buildings with associated car parking to be contained within an existing area of hardstanding, I am satisfied that whilst the development lies within the open countryside, the proposal does not have a harmful impact upon the openness of the countryside nor the landscape character of the area. Furthermore, given that the works will be retained within the existing developed site area, the proposals will not encroach further upon the countryside.

Impact upon Residential Amenity

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

The site lies some distance from the nearest residential development – the closest residential dwelling (other than the associated farmhouse) is approximately 250m to the SW of the site, which is separated from the site by other buildings forming part of the equestrian centre. As such, I do not consider the proposal likely to have a harmful impact upon the amenities of the neighbour, particularly given that the proposal is for one accommodation unit only.

In terms of the other surrounding land uses, the proposal does not seek to change the external appearance of the building nor the steel-framed building, with no visibility of the proposed accommodation from outside the wider site. As such, I am of the view that the proposal will not have an adverse impact upon the amenities of the surrounding uses and it is considered unlikely that the accommodation will produce significant noise levels above that already created by the equestrian use; I am also mindful that the accommodation will only be used at weekends, limiting the overall impact.

The internal Environmental Health Officer raised the issue of noise impacts upon the holiday accommodation from the indoor arena and I note that this may be an issue. Whilst I am not in receipt of the opening hours for the centre, I would not expect the arena to be used during unsociable hours and occupants of the holiday accommodation are also there to use the associated facilities. I therefore I do not consider this impact to be unduly detrimental in this particular instance.

On the basis of the above, I am satisfied that the proposal complies with Policy DM5 of the DPD and the NPPF.

Impact upon the Highway

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. The Highways Authority have raised no objection to the proposal stating:

“The applicant has confirmed by email dated 8/06/16 that this proposal relates to weekend training and accommodation for both horses and owners. Visitors are expected to arrive on Friday and leave on Sunday, and the proposed holiday accommodation will sleep four people. The training weekends are expected to take place every 2 weeks.

The application site appears to be of sufficient size to accommodate this change of use, therefore, there are no highway objections.”

On this basis, I am therefore satisfied that the proposal will not have an undue impact upon highway safety.

Impact Upon Flood Risk

The site lies within flood zones 2 and 3 of the Environment Agency’s Flood Maps. In line with the NPPF, proposals should safeguard land from development that is required for current and future flood management and where possible, use opportunities offered by new development to reduce causes and impacts of flooding.

New residential buildings in the proposed location would not usually be considered appropriate due to the risk of flooding, however this proposal is for a change of use and at first floor level only and as such, the main issue to consider in this instance is the safe evacuation from the site. A flood risk assessment was submitted with the application which has outlined the measures to be taken should the application be approved and relate to safe access and egress including signing up to the Environment Agency’s Flood Warning service and the implementation of a flood warning and evacuation plan. Changes to finished floor levels, and flood resistance and resilience are not considered appropriate by the flood risk assessment as the application is for change of use only and relates to first floor accommodation in any event which could be used as safe refuge if evacuation was not possible.

The Environment Agency are satisfied with the measures outlined and have advised that the development is acceptable from a flood risk perspective providing these measures are carried out and control through condition. They also recommended that the Lead Local Flood Risk Authority are consulted on the application, however no comments have been received from the Authority to date.

In addition, the internal Emergency Planner also supports the proposal but has highlighted that there is no guarantee the access to the property will be dry which could cause injury. However, on balance, given the accommodation is at first floor level only and not a permanent residence, it is thought that the likelihood of injury is minimal. As such, providing the development is carried out in accordance with the flood risk assessment, I consider the proposal to be acceptable in terms of flood risk.

Conclusion

The proposal seeks to change the use of first floor rooms to holiday accommodation to be used by visitors to the existing equestrian centre. In accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the DPD, tourist accommodation in connection with an established tourist attraction may be considered acceptable provided there is clear justification and that the development is related and proportionate to the business. On the basis that this application is for change of use only to provide one accommodation unit, it is concluded that the principle is acceptable, with the scale of development considered to be appropriate and its impact upon the character of the area likely to be limited. Impact upon the amenities of surrounding land uses and highway safety is also considered unlikely to be detrimental.

The site is located within an area considered to be at a high risk of flooding and as such, most new development is usually considered inappropriate. However in the case of this application, the proposal is for change of use only at first floor level and therefore it has been assessed that on balance, providing the development is carried out in accordance with the submitted flood risk assessment, the development is acceptable from a flood risk perspective. It is noted that safe evacuation from the building may not be achievable however given that it is not to be a permanent residence; the Emergency Planner has concluded that the likelihood of injury is minimal.

Given the close link to the business, should Members be minded to approve the application, I would recommend that a condition is imposed upon the decision notice to ensure that accommodation is only let in connection with the business, along with all other conditions associated with holiday accommodation to ensure that the usage remains compliant with Policy DM8 and Core Policy 7, and also does not become a permanent residence.

On the basis of the above, it is concluded that the proposal is considered acceptable in terms of local and national policy relating to tourism development, along with its impact upon amenity, highway safety and flood risk. As such, it is recommended to Members that the application is approved, subject to conditions.

RECOMMENDATION

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

01

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

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

02

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

- Site Location
- Existing Block Plan
- Floor Plan (received 4th July 2016)
- Flood Risk Assessment

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

Reason: So as to define this permission.

03

The approved change of use relates solely to the first floor internal space as defined by the red line on the site location plan and the accompanying Floor Plan submitted as part of this application.

Reason: For the avoidance of doubt.

04

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Syndre Farm, Southwell - Flood Risk Assessment, 14.04.2016, Version 2.0, RAB: 1312L).

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

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

05

The use hereby permitted shall on be used at weekends only (Friday until Monday) and at no other time unless otherwise agreed in writing by the local planning authority.

Reason: In order to allow the local planning authority to retain control over the use.

06

Notwithstanding the provisions of Part C, Class C3 "Dwelling Houses" of the Schedule of the Town and Country Planning (Use Classes) Order 2005, (or any order revoking or re-enacting that Order), the part of the building to which this application relates shall be used for the purpose of holiday accommodation only in connection with Trent Valley Equestrian Centre and for no other purpose, including any other purpose within Class C3 of the Order, without the prior consent in writing of the local planning authority.

Reason: The development is located within the countryside where new residential development would not normally be permitted.

Notes to Applicant

01

The applicant's attention is drawn to the fact that the permission only relates to the change of use of the specific part of the building referred to in the submitted application details. If you propose to carry out any further development, including works such as external alterations, further planning permission may be required and you should contact the Development Control Service of Newark and Sherwood District Council before starting the work to discuss the matter (tel: 01636 650000).

02

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

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

03

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

04

The Council's Contaminated Land Officer has noted that gas protection measures were required to be incorporated in building foundations as part of a previous planning application at this site due to the nearby landfill. You are advised that this protection is not compromised during the conversion and that it remains effective when the residential holiday accommodation is brought in to use.

BACKGROUND PAPERS

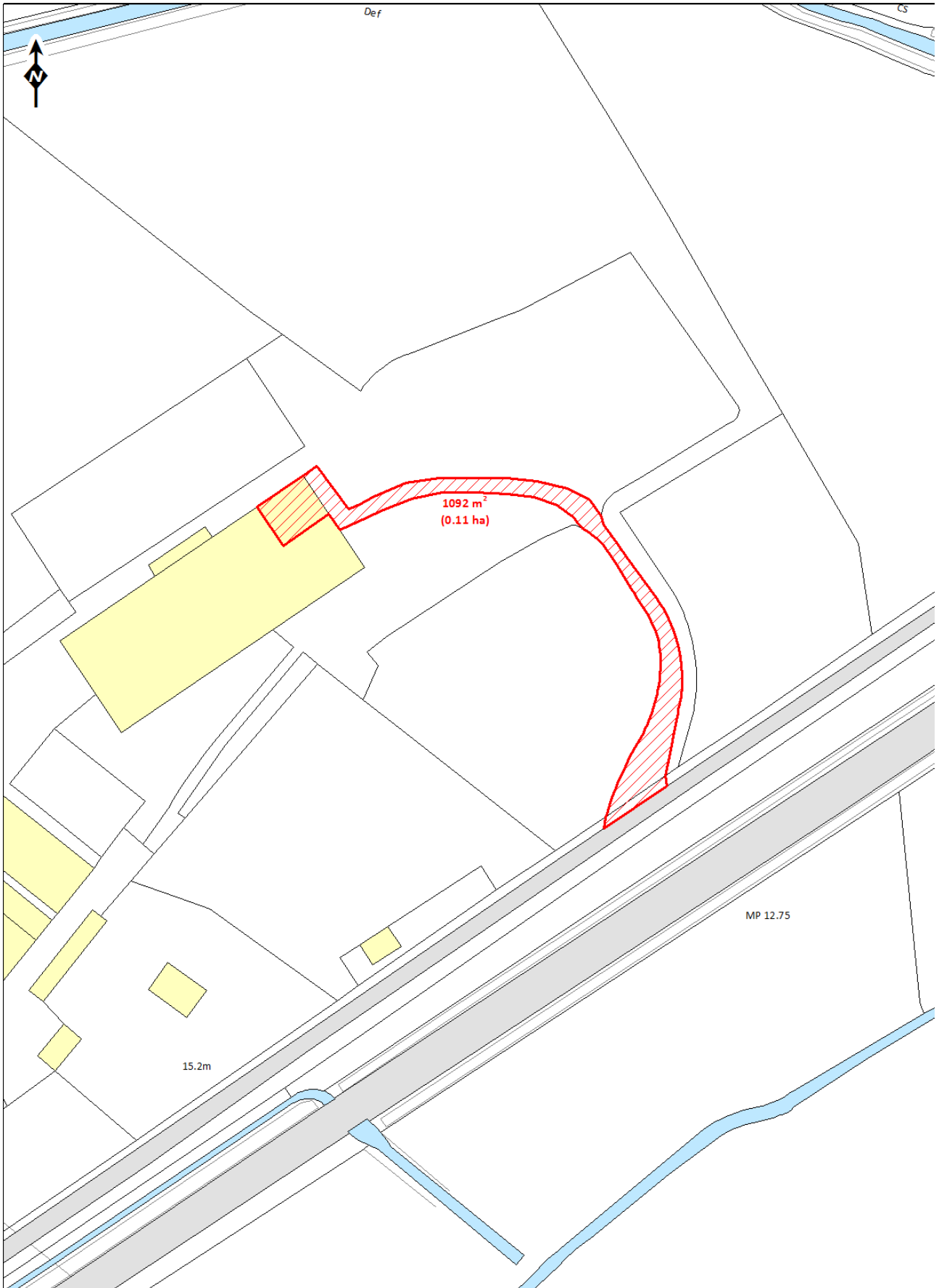
Application case file.

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 - 14/01528/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00535/FUL	
Proposal:	Erection of two storey detached house as per planning permission 10/01728/FUL	
Location:	Meadow Lea, Newark Road, Kilvington, NG13 9PD	
Applicant:	Paul Kilmister	
Registered:	22.04.2016	Target Date: 17.06.2016

This application is presented to the Planning Committee for determination because the recommendation differs from the Parish Council’s views.

The Site

The site is located within the open countryside but within the parish of Kilvington. The site is immediately adjacent to Kilvington Lakes, which were previously mined for gypsum by open cast methods. The adjacent Kilvington Lakes site has been designated as a SINC (Site of Important Nature Conservation).

The site comprises an area of hard surfacing accessed by a roadway off Newark Road. A modest single storey domestic garage is in situ on site. There is mature screening between the roadside and the application site. The site lies within Flood Zone 3 according to the latest Environment Agency maps which is at highest flood risk, however as discussed in detail through the appraisal section of the report, re-modelling has now suggested that the site would be more appropriately considered as Flood Zone 2.

Background

The site now forms part of a site that has planning permission for self-catering holiday units, an inn building, watersports building etc. under planning permission 14/02023/FULM. This permission is still extant but development has not yet commenced.

There was previously a two storey flat roof building (of 1970’s construction) on this site which has now been demolished. The application form suggests the ‘use’ ended on 17th December 2012, albeit aerial photographs show the building was still in situ in 2013. The building was granted temporary planning permission in 2002 for a change of use to offices, solely for the benefit of British Gypsum, in relation to the open cast mining adjacent. A condition of the permission stated that on cessation of the use of the adjacent land for mining operations the office use should cease and the authorised use of the building revert back to a dwelling.

Planning permission was granted in February 2011 (under planning reference 10/01728/FUL) to demolish the existing dwelling on site and erect a replacement dwelling. However, a lawful start to this permission never commenced and it is the view of the Officers that this permission has now lapsed.

An application was submitted in December 2012 to discharge the conditions relating to 10/01728/FUL. However, the submission was inadequate to enable Officers to progress the application and when amended details were subsequently submitted (one day before the permission was due to expire) there was insufficient time to allow Officers to carry out the necessary consultation (with the Environment Agency) and the conditions were never discharged.

Relevant Planning History

02/01080/FUL Change of use from residential to office accommodation (temporary). Planning permission granted July 2002.

10/01375/FUL Proposed demolition of existing vacant dwelling (authorised use) and erect replacement dwelling. Planning permission refused November 2010.

10/01728/FUL Demolition of existing vacant dwelling (authorised use) and erect replacement dwelling. (Resubmission). Planning permission granted 4th February 2011. Permission expired 03/02/2014.

13/01349/FUL Demolition of existing vacant dwelling (authorised use) and erect replacement dwelling (Extant Permission 10/01728/FUL). Application withdrawn October 2013.

13/01882/DISCON Request to discharge conditions 02, 03 & 04 of planning permission 10/01728/FUL - Demolition of existing vacant dwelling (authorised use) and erect replacement dwelling. (Resubmission) Submitted 20.12.2013. Closed (conditions not discharged) 20.03.2014.

16/00565/FUL Temporary facilities to enable open water swimming including toilets, changing, classroom area, hire of equipment, catering, advertising banners and storage for equipment. Pending consideration.

The Proposal

Originally this was presented as an application for a replacement dwelling. However with the agreement of the application the description of the development has been amended.

This application seeks full planning permission for a 2 ½ storey 4 bedroom (plus study) detached house identical to that granted as per planning application 10/01728/FUL.

Departure/Public Advertisement Procedure

No neighbouring properties have been individually notified by letter. A site notice has been posted at the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted July 2013)

Policy DM3 – Developer Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Alverton and Kilvington Parish Meeting;- No objection

Highway Authority;- No objection

Environment Agency (revised comments);- *“While the development proposals currently lie within Flood Zone 3 on the Environment Agency mapping we understand that more detailed modelling has been produced for the area for an adjoining planning application. This was accepted by the Agency and the outlines are shown on the submitted drawings (RSK - Kilvington Lakes Flood Extents) supporting this application.*

The new modelling suggests the property lies outside the 100 year climate change event, but still within a 1000 year flood outline. Provided that any development proposals keep out of the modelled 100 year climate change outline, the Environment Agency Flood Risk Standing advice would apply to the development.”

Environmental Health Contaminated Land;- Provide advice regarding radon.

No letters have been received from neighbouring occupiers.

Comments of the Business Manager

Principle

The site is located within the open countryside within the parish of Kilvington. New development in the open countryside is strictly controlled through both national and local policies.

Criterion 3 of Policy DM8 relates to both new and replacement dwellings. It states that;-

“Planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.

Planning permission will be granted were it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historical merit. In the interests of minimizing visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced.”

The first thing to establish is whether or not this proposal is classed as a new or as a replacement dwelling. Given that the dwelling at the site has been completely demolished (and the only remaining built feature on site is a garage of domestic scale) I cannot consider this as a replacement as there is no dwelling on site to replace. Furthermore, the previous planning permission for a replacement dwelling at the site has now lapsed as a lawful development did not commence within the required time period.

The dwelling has to be assessed as a new dwelling and against the appropriate policy and the NPPF. I do not consider that the proposal meets the exception criteria set out in Policy DM8 or the NPPF. It is therefore necessary to consider whether there are any other material planning considerations worthy of note.

The previous permission at the site has lapsed. Records show that an application to discharge the conditions was submitted with inadequate information to allow this to be progressed and by the time amended/further details were submitted just one day before the expiry of the permission, this did not allow appropriate time for consultation with external bodies (such as the Environment Agency) and the permission expired. The applicant had 3 years in which to discharge the conditions and make a lawful start but did not achieve this.

The applicants have explained verbally that they demolished the existing dwelling onsite as it was being vandalised and was unsafe. The applicant also stated in a recent pre-application enquiry that the reason for the delay in submitting this revised planning application was due to the *“incorrect flood risk map available at that time. It was necessary for us to undertake a full hydrological survey which has taken some considerable time to present reliable information in replacement of the outdated reference studies previously available to EA.”* It is true that flood risk re-modelling was requested by the EA during the processing of the planning application on the adjacent Kilvington Lakes site.

I do have some sympathy with the applicant in that I do not believe it was ever their intention to ‘abandon’ the use. On the contrary it appears that it was always their intention to develop the site for a dwelling. However the key question is how much weight to give to this matter.

There are some similarities between this application and a previous appeal decision in North Muskham (planning application reference 11/01205/FUL). The North Muskham appeal for a new dwelling was allowed with the Inspector giving significant weight to a permission that had lapsed 17 months previous to the new application being validated.

The appeal decision letter states the following;-

- “10. The second permission (Ref 05/00353/FUL - for a three bedroom house with double garage) was granted on 18 April 2005. The applicants (Mr and Mrs Snowdon) and the appellant (who bought the land with the extant planning permission in November 2006) had five years from that date to begin the development, but it was not commenced and the permission lapsed in April 2010.*
- 11. The Council takes the view that the 2005 planning permission was not “recently expired” and that it carries “very limited weight” as a material consideration in this appeal.*
- 12. There seems to have been some delay in the submission of all the documents needed to validate the planning application. The application form is dated 6 August 2010, but the Council says that “the revised application was not submitted until 8th September 2011”. The copy of the plans that I have were date-stamped by the Council on 26 August 2010, but the FRA was only date-stamped on 26 August 2011.*
- 13. Nevertheless, I regard the 2005 planning permission as one that was recently expired when the subsequent application was initially made and that it is an important material consideration in this case.”*

For the North Muskham appeal, there was 17 months between the previous application expiry and the new application being validated by the LPA. For this current Kilvington application, a period of 26 months has passed which is clearly a longer period of time. In the meantime the dwelling was demolished, sometime since 2013 (when aerial photographs show this was still in situ).

Flood Risk

The Environment Agency maps show the site to be located within flood zone 3, which is at the highest risk of flooding. However, extensive re-modelling works have been carried out for an adjoining application 14/02023/FULM which places the site within flood zone 2. This has been accepted by the Environment Agency.

As a new dwelling in flood zone 2 (as agreed by the EA), the Sequential Test should be applied as set out in the NPPF. The primary aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The NPPF says that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As a new dwelling in the countryside and in zone 2, I consider that this proposal would fail the Sequential Test as there are adequate other sites (either allocated or unallocated windfall sites) in zones 1 (at lower risk of flooding) for suitable for housing. Given that the site fails the Sequential Test you do not move on to consider the Exception Test.

If Members were inclined to attach more weight to the previous lapsed planning permission on the site and had the proposal been a ‘true’ replacement dwelling, then the Sequential Test would not have been applied. However the application would in these circumstances be required to provide a site specific flood risk assessment to ascertain that the development was safe in flood risk terms for the lifetime of the development and that it would not worsen flood problems elsewhere. In this regard the EA has advised that the risk element needs to be assessed by the LPA using standing advice and whilst a full Flood Risk Assessment (FRA) is required, this falls to be assessed by the LPA and not the EA.

With regards to surface water management, the submitted FRA states that;- *“As the proposals are for a replacement dwelling, the site can be classified as a Brownfield site with an impermeable area of approximately 530m², the re-development of the site will not significantly increase the impermeable area, and therefore have negligible impact on the generation of surface water run-off from the site. It is proposed to utilise the existing surface water infrastructure and connections off the site. As the redevelopment of the site will not increase the impermeable area of the site; therefore, the run-off generated from the site will closely mimic the existing run-off rates and volume. Although a detailed investigation has not been carried out into the suitability of the use of infiltration techniques to reduce the offsite run-off, the SFRA has indicated that SuDS based techniques may not be feasible in this area.”*

The proposal will also require a Building Regulations application which will further assess drainage and surface water disposal.

With regards to access and evacuation, the FRA states that;- *“dry egress from the site can be achieved to the east onto Newark Road and then in a southerly direction, this route is located outside of Flood Zone 3.”*

With regards to floor levels, Standing Advice states that ground floor levels should be at least 600mm above the estimated flood level. The submitted FRA states that floor levels will be 300mm above the estimated flood level. However, the requirement for them to be 600mm could be controlled by way of a condition if Members were minded to approve the scheme.

The FRA also states that;- *“in terms of the construction of the development, reference should be made to “Preparing for Floods” a DEFRA publication, CIRIA guidance C624 “Development and flood risk and the CLG document “Improving the flood performance of new buildings.”*

I consider that the proposal would comply with flood risk standing advice. Notwithstanding this, when applying the current policy to the scheme before Members, I conclude that the scheme for a new dwelling on this site fails the Sequential Test, contrary to the NPPF.

Visual Amenity (Including Scale/Size/Design)

Policy DM5 (Design) provides (at para. 4) that the rich local distinctiveness of the District’s landscape and character of built form should be reflected in scale, form, mass, layout, design, materials and detailing of proposals for new development.

Policy DM8 states that replacement dwellings should normally be of a similar size, scale and siting to that being replaced. This proposal is not a replacement dwelling in the strictest sense.

The scale and design of the building proposed is identical to the dwelling approved under planning permission 10/01728/FUL. This was approved under the previous (now fallen) Local Plan. At the time the original building on the site was of the following size and scale:

Original building Now Demolished

Volume = 399.10 cubic m

Footprint = 86.52 sq m

Floor Space = 135.12 sq m.

New Dwelling

Volume = 670.99 cubic m (was 753.7 cubic m)

Footprint = 103 sq m (was 126.69 sq m)

Floor Area = 184 sq m (was 233 sq m)

This represented a percentage increase of 68% in volume, 36.17% in floor area and 19.04% in footprint over and above the original building on site. The reason the volume was a substantial increase was because the original building had a flat roof and was rather incongruous to its local surroundings. An allowance was therefore made for a pitched roof in order to improve on what was there.

However this was assessed against a different starting point (i.e of the original dwelling) whereas the starting point should now be assessed as an open site where only a modest domestic garage remains. Thus the introduction of a detached dwelling is undoubtedly going to represent a fundamental change in comparison to the existing character of the site. Nevertheless I am mindful that the site has previously accommodated built form and that the adjacent site has recently gained permission for the aforementioned holiday let use which (if implemented) will alter the visual interpretation of the wider surroundings. The design of the dwelling, whilst not being considered exceptional or innovative is deemed acceptable in this context. I have therefore identified no resistance to the proposal on the grounds of Policy DM5 in this respect.

Impact on Amenity

There are no neighbouring properties immediately close to the proposal whose amenity would be significantly affected. The proposal would provide adequate private amenity space for the occupiers of the new dwelling and would be in accordance with Policy DM5 and CP9.

Highway Safety

With regards to highway safety, the Highway Authority raise no objections to the proposal but seemingly on the basis that the scheme is for a replacement dwelling. However as rehearsed above, the scheme does not replace any dwelling and it is now a new dwelling on site which has to be assessed afresh. Therefore if Members were minded to approve the application, I consider that the highway officer's comments that indicate that they would welcome an improvement to the visibility splay to the south for safety reasons ought to be actioned.

Protected Species

Core Policy 12 and Policy DM7 both seek to ensure that development protects, promotes and enhances the biodiversity and geological diversity of sites. No ecological appraisal has been submitted as part of this application.

Nottinghamshire Wildlife Trust have not commented on this specific application but have commented on 16/00565/FUL which is a current application on the same site for temporary buildings. They have commented that;-

"the proposal would be located on hardstanding associated with the former property (demolished some time ago). We would not anticipate adverse ecological impacts from this aspect of the application."

The proposed new dwelling is also located on hardstanding associated with the former property and, given NWT's comments above, I do not anticipate there to be any significant adverse ecological impact.

5 year Housing Land supply

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) which requires housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council are of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that single units are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals for single dwellings outside of the built up area assessing each case on its own merits against national and local policy.

The site is located within the open countryside outside of the built up area of Kilvington and as such falls to be considered under paragraph 55 of the NPPF and policy SP3 of the Core Strategy and policy DM8 of the NSDC Allocations and Development Management DPD. Paragraph 55 of the NPPF states that Local planning authorities should avoid new isolated homes in the countryside. This follows the golden thread of the NPPF which is the presumption in favour of sustainable

development. Erecting a new dwelling in the open countryside outside of the built up area would result in an increase in car based traffic in accessing the dwelling and surrounding services over and above the current use of the site.

Conclusion and Planning Balance

The site is a vacant site in the open countryside with only some overgrown hard standing and a domestic scale garage remaining of its former use. Therefore the application cannot, as a matter of fact, be considered as a replacement dwelling as the application originally purported.

Rather, the application is for a new two and a half storey detached dwelling in the countryside which does not meet any of the exception criteria of Policy DM8 or the NPPF. It is not for an agricultural worker nor is it of innovative design or exceptional quality.

The site is located in Flood Zone 3 according to the EA maps, albeit the EA have accepted on the basis of extensive modelling that it would fall into Zone 2 (at medium risk of flooding). As a new dwelling, the application would fail the Sequential Test as set out in the NPPF as there are other sites suitable for dwellings in Zone 1 across the district.

Whilst I am mindful that the site did have permission once for a dwelling identical to this proposal, due to the passage of time, being some 26 months since the permission expired I give this limited weight in the planning balance. I accept that it was not the deliberate intention of the applicants to let the permission lapse but it nevertheless has expired and over 2 years ago. The applicant would have known this position given communications between Officers and the applicants back in 2013 when they were advised the permission had lapsed and the applicants have not chosen to protect their position by submitting a scheme sooner. Furthermore the dwelling was demolished (sometime after 2013) removing not only the physical bulk, but their fallback position.

For these reasons I conclude that the scheme is contrary to policy and the material consideration identified in the paragraph above whilst attracting some limited weight, has not persuaded me that the application should be approved.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

In the opinion of the Local Planning Authority the proposal is unacceptable in principle as it would create an isolated new dwelling in the open countryside which would represent an unsustainable development. The application does not meet any of the exception tests as set out in Policy DM8 (Development in the Countryside) of the adopted Allocations and Development Management DPD and is also contrary to Spatial Policy 3 (Rural Areas) of the adopted Core Strategy and the NPPF. Whilst it is noted that site historically benefitted from a permission for an identical, albeit 'replacement' dwelling, this permission lapsed over two years ago and furthermore the original building on the site has been demolished from the site. Therefore given the substantial passage of time it is not considered that this carries such weight that it outweighs the harm identified.

02

As accepted by the Environment Agency on the basis of recent modelling at the site, the site lies within Flood Zone 2. As this proposal represents a new building, the application is required to pass the Sequential Test as set out in the NPPF. In the opinion of the Local Planning Authority there are many other sites within the district at lower risk of flooding in more sustainable built up areas than this site. As such the proposal is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2012, a material consideration.

Notes to Applicant

01

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

02

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

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

Committee Plan - 16/00535/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

APPEALS A

APPEALS LODGED (received between 17 June 2016 and 13 July 2016)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**

That the report be noted.

Background Papers

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager - Growth & Regeneration

APPENDIX A

Appeal reference	Application No.	Address	Proposal	Procedure
APP/B3030/W/16/3151491	15/02109/FUL	Adjacent To Sherwood Forest Lodge Main Road Kings Clipstone Nottinghamshire	Construction of a Single Storey Dwelling and Garage	Written Representation

APPENDIX B: APPEALS DETERMINED (between 17 June 2016 and 13 July 2016)

App No.	Address	Proposal	Decision	Decision Date
13/00889/FULM	Field Reference 8884 Cotham Road Hawton Nottinghamshire	The construction and operation of a wind farm consisting of four (4) 130 metre high to blade tip wind turbines, an 80 metre anemometry mast and associated infrastructure for a period of 27 years.	DISMISS	30.06.2016

RECOMMENDATION

That the report be noted.

Background Papers

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager - Growth & Regeneration