

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, 7 June 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

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14.	Springfield Bungalow, Nottingham Road, Southwell (15/01295/FULM) <b>(Site Visit: 9.20am – 9.30am)</b>	150 - 194
15.	Local Development Framework Task Group	

Three Members of the Planning Committee to be nominated to the Local Development Task Group (Planning Committee representatives For 2015/16 were Councillors D. Clarke, G.P. Handley and D.R. Payne).

#### **PART 2 – ITEMS FOR INFORMATION**

16(a).	Appeals Lodged	195 – 196
16(b).	Appeals Determined	197

#### **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, 3 May 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

ALSO IN

ATTENDANCE: Councillors: T. Roberts and J. Lee.

181. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor B. Wells.

182. 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>
All Members	Agenda Item No.10 – Land at Norwell Road, Caunton (16/00382/FUL) Personal Interest as the applicant is a District Councillor.
Councillor D.R. Payne	Agenda Item No. 12 – The Plough, Main Street, Coddington (15/02253/FUL) Non Disclosable Pecuniary Interest.
Councillors D.R. Payne and I. Walker	Agenda Item No. 11 – Southwell Racecourse, Station Road, Rolleston (15/01282/FULM) Personal Interest as they are Members of Trent Valley Drainage Board.

183. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman took agenda item 10 before item 9, the agenda then resumed its stated order.

184. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

185. MINUTES OF THE MEETING HELD ON 5 APRIL 2016

The Committee considered the minutes of the meeting held on 5 April 2016.

AGREED that the minutes of the meeting held on 5 April 2016 be approved as a correct record and signed by the Chairman.

186. MINUTES OF THE MEETING HELD ON 20 APRIL 2016

The Committee considered the minutes of the meeting held on 20 April 2016.

AGREED that the minutes of the meeting held on 20 April 2016 be approved as a correct record and signed by the Chairman.

187. 15 AND 16 BRAMLEY CLOSE, SOUTHWELL (16/00424/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought the demolition of a pair of semi-detached houses and a garage and replacement with three new dwellings and associated access and parking, the application was a re-submission of 15/01321/FUL.

Councillor Scorer representing Southwell Town Council spoke against the application in accordance with Southwell Town Council's views, as contained within the report.

Members considered the application and concerns were raised regarding the impact on increased parking on Bramley Close, which was already heavily used. Other comments included poor house layout and roof lights. Another Member commented that he considered this to be of good design, which blended in well to the adjacent development. There would also be an increased amount of parking than present, if this development was approved.

AGREED (with 9 votes for and 4 votes against) that full planning permission be approved subject to the conditions and reasons contained within the report.

188. LAND ADJACENT 74 WESTBROOK DRIVE, RAINWORTH (16/00240/FUL)

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

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Rainworth Parish Council, who had submitted their objection.

The local Ward Member informed Members that Rainworth Parish Council had made a mistake and were objecting to the application rather than in support which had been reported within the agenda. The local Member commented which was supported by other Members that this land was public open space which had been designed into the housing development and questioned what had changed. She considered by meeting

the needs of one family would affect the lives of the residents of that estate, which would be unfair. There was also a large number of 1, 2 and 3 bed roomed bungalows in that vicinity which could be explored by the applicant. The application would not be supported due to the loss of amenity to residents.

A Member informed the Committee that the land was owned by Newark and Sherwood District Council and a report had been taken to the Policy and Finance Committee on the 3<sup>rd</sup> December, which had agreed unanimously to the sale of the land to the applicant subject to planning permission being secured. He considered that the application would not be an intrusion into public open space as there was further open space on Westbrook Drive. It was also considered that this would meet a local housing need.

AGREED (with 9 votes for and 4 votes against) that contrary to Officer recommendation the application be refused for reasons relating to the loss of public open space, the impact on the character and appearance of the area and the adverse impact on visual amenity.

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

<b>Councillor</b>	<b>Vote</b>
D. Batey	For
R.V. Blaney	Against
Mrs C. Brooks	For
D. Clarke	Absent
R.A. Crowe	Against
Mrs M. Dobson	For
G.P. Handley	For
N. Mison	Against
D.R. Payne	Against
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

189. YEARSLEY GROUP, BELLE EAU PARK, BILSTHOPRE (16/00246/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 an external lighting scheme relating to the development recently granted on the application site comprising 41 building mounted lights and 31 column mounted lights which was part retrospective.

Members considered the application and some Members felt that some of the lights were intrusive on the neighbouring property, which they felt was unfair given that the property was not currently subject to the level of lighting proposed, despite the commercial nature of the site over many years. Members also questioned whether this

was the most appropriate lighting to reduce light spillage, citing other solutions such as those adopted at the Brackenhurst campus. The Senior Planning Officer confirmed that the plans had been designed to reduce spillage, but also to provide enough lighting to the site.

A Member suggested that the scheme be approved subject to the removal of three lighting columns nearest to the site entrance.

AGREED (unanimously) that the application be approved subject to the amendment of condition 2, that lighting of the three columns nearest to the site entrance be prohibited.

190. LAND AT NORWELL ROAD, CAUNTON (16/00382/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 construction of six dwellings and the creation of an access to new allotments.

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

Members considered the application and considered that the application fulfilled a housing need.

AGREED (with 12 votes for and 1 abstention) that full planning permission be approved subject to the following:

- (i) the conditions contained within the report; and
- (ii) the signing and sealing of a Section 106 Planning Agreement to ensure that all dwellings would be provided and retained as affordable housing on site.

*(Councillor Mrs S. Michael entered the meeting after the Officer presentation of the following minute and spoke as local Ward Member and left after consideration of the item).*

191. LAND AT CLAY BARN, MAIN STREET, MAPLEBECK (16/00114/FUL)

The Committee considered the report of the Deputy Chief Executive which, following a site visit prior to the meeting, sought full planning permission for the erection of a detached single storey dwelling within a section of the residential curtilage associated to Clay Barn. Vehicular access to the site was via a new access track off the Hollows.

Councillor Mrs S. Michael, local Ward Member for Sutton-On-Trent, spoke in support of the application. Maplebeck Parish Meeting was also in support of the application. The applicants had lived in the village for 30 years and would like to downsize, but did not want to move out of the village. The applicants had outbuildings that could be converted but they were accessible through steep steps. The application was therefore for a modest 2 bedroomed single storey dwelling which had been designed to fit into

the landscape and would contain renewable energy. The ward Member considered this application to be localism at its best. There had been no highway objection. The character of the site was domestic land consisting of neat lawns which were considered not in the open countryside. The proposed site would therefore be located in the existing garden of the current residential property. If the Committee were minded to approve the application, the applicants would add species more appropriate to the surrounding landscape, which could be included as a condition. Reference was also made to a recent needs assessment which had suggested the need for more single storey houses. The applicants were also proposing to relinquish one of their outbuildings thereby swapping one lawful residential use for another. The applicants had signed and submitted a unilateral undertaking to achieve this which would prevent the creation of an additional dwelling.

Members considered the application and a Member commented that the local plan was being reviewed, including Policy SP3 villages. It was felt however that Maplebeck would be unlikely to be a sustainable location for residential development. Maplebeck did not have a village envelope and the application site was in the open countryside. The Council had a strong policy against allowing new units to be built in the open countryside. The size of the proposed development was 3.5 times larger than that of the outbuilding proposed to be relinquished as an independent residential unit. The application was seeking consent for a new dwelling in the open countryside in a location which was not sustainable.

*(Councillor R.A. Crowe abstained from the vote as he left during part of the presentation).*

AGREED (with 11 votes for, 1 against and 1 abstention) that full planning permission be refused for the reasons contained within the report.

192. SOUTHWELL RACECOURSE, STATION ROAD, ROLLESTON (15/01282/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for a flood alleviation scheme within and along the boundaries of the site to protect the racecourse from future flood events. Some of the proposed works were retrospective.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: Rolleston Parish Council; Nottinghamshire County Council Right of Way Officer; Southwell Town Council; and the Applicant.

The Senior Planning Officer informed Members that if the Committee were minded to approve the application Condition 14 had been amended and was contained within the schedule of communication. Further conditions were also contained within that schedule.

Members considered the application and suggested that the application be deferred for one cycle in order for the following issues to be addressed.

AGREED (with 9 votes for and 4 votes against) that the application be deferred for one cycle for the following reasons:

- (i) assurance that the hydrology model takes into account increased flows from Southwell and that any scheme/solution found to protect Southwell would not be impacted detrimentally by this scheme;
- (ii) assurances were sought that the Environment Agency would maintain the River Greet and clarification was sought as to how that would be funded;
- (iii) Clarification regarding the meaning of the comments provided by the Trent Valley Internal Drainage Board which were contained within the report to the agenda that there would be 'review at appropriate intervals', it was considered that such a requirement should be more specific; and
- (iv) Condition 6 to be changed to read as follows: 'shall not be commenced until a level grass strip of at least 6m wide between the bank top of Greenfield Drain and the earth bund that runs parallel has been established and provide a detailed management plan for the flood defence', such change to be agreed with the Environment Agency.

*(Having declared a Non Disclosable Pecuniary Interest on the following minute, the Planning Committee Chairman left the meeting at this point).*

Councillor G.P.Handley - Vice-Chairman, took the role of Chairman for the remainder of the meeting.

193. THE PLOUGH, MAIN STREET, CODDINGTON (15/02253/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the alteration of a public house to form three first floor apartments, relocation of car park and the erection of three dwellings.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: Agent; Nottinghamshire County Council Highways Officer; Neighbour; Coddington Parish Council; and Town Planning.co.uk on behalf of the agent/applicant.

Councillor Mrs L. Cox representing Coddington Parish Council spoke against the application in accordance with Coddington Parish Council's views, as contained within the report.

Councillor J. Lee, local Ward Member for Balderton North and Coddington, spoke against the application on the grounds of the Highways Authority objection and asked the Committee to refuse the application.



Members considered the application and commented that the traffic within Coddington was horrendous and the proposal of a car park in the conservation area should not be permitted. The noise from the car park would have an adverse impact on three dwellings on Chapel Lane, the access and egress from the car park was dangerous due to poor visibility splays. It was suggested that an additional reason be included to the refusal concerning the impact on the existing residential amenity in terms of the new build (inadequate privacy distances) and the noise/general disturbance associated with the relocated car park.

AGREED (unanimously) that full planning permission be refused subject to:

- (i) the reasons contained within the report; and
- (ii) an additional reason concerning the impact on the existing residential amenity in terms of the new build (privacy distances of only 14m) and the noise/general disturbance associated with the relocated car park.

194. SHANNON FALLS, TOLNEY LANE, NEWARK (15/01770/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the change of use of the land to a private gypsy and traveller caravan site, consisting of one mobile home, two touring caravans and one amenity building.

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

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

Members considered the application and commented that Newark Town Council had objected to the application as the site was in flood zone 2 and would have been in flood zone 3 if the land had not been unlawfully raised. No action had been taken to date to rectify the unlawful act and the Environment Agency had asked that the land be lowered to the original level. It was commented that the flood risk assessment was wholly inadequate.

A Member questioned whether full Council was the correct reporting place for recommendation two, for further consideration regarding the unauthorised material on this and the wider site. It was confirmed that the Policy and Finance Committee would need to expressly approve any expenditure relating to enforcement action, following a recommendation from the Planning Committee.

A Member also requested that a full audit of Tolney Lane be undertaken, if required, to establish an up to date position on Gypsy and Traveller pitches.

AGREED (unanimously) that:

- (a) planning permission be refused for the reasons contained within the report with the amendment to recommendation 2 to provide that a further report on possible enforcement action be brought to a future meeting of the Planning Committee and noting that any expenditure associated with such action would need to be approved by the Policy and Finance Committee; and
- (b) if required a full audit of Tolney Lane be undertaken to establish an up to date position of the Gypsy and Traveller pitches.

195. APPEALS LODGED

NOTED that the report be noted.

196. APPEALS DETERMINED

NOTED that the report be noted.

The meeting closed at 6.58pm

Chairman

<b>Application No:</b>	<b>16/00562/FUL</b>	
<b>Proposal:</b>	<b>Proposed new dwelling and alterations to existing vehicular access (re-submission of 16/00244/FUL).</b>	
<b>Location:</b>	<b>33 Trinity Road Southwell Nottinghamshire NG25 0NW</b>	
<b>Applicant:</b>	<b>Mrs Tracy Gray</b>	
<b>Registered:</b>	<b>07.04.2016</b>	<b>Target Date: 02.06.2016</b>
	<b>Extension of Time Agreed Until 14.06.2016</b>	

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

The Site

The application site is an irregular broadly triangular shaped plot at the northern end of Trinity Road within the urban boundary of Southwell. The site as existing forms part of the amenity space and driveway of 33 Trinity Road. There is a public right of way immediately to the north of the site but the immediate surroundings are otherwise characterized by residential dwellings and their associated curtilages.

Relevant Planning History

16/00244/FUL – Proposed new dwelling and alterations to existing vehicular access.

*The above application was withdrawn on the basis of officer concerns relating to design and amenity. The current application has been submitted in an attempt to overcome these concerns.*

The Proposal

The application seeks full planning permission for the provision of an additional two bedroom dwelling attached to the north eastern elevation of the existing property 33 Trinity Road. The red line site location plan demonstrates the division of amenity space and the block plan confirms the intention for two off street parking spaces to be provided within the site curtilage. The design of the dwelling adopts a hipped roof with a slight set down from the attached dwelling. There is a small single storey porch projection on the north east elevation.

## Departure/Public Advertisement Procedure

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

## Planning Policy Framework

### The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

SoAP 1: Role and Setting of Southwell

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

Policy So/HN/1 – Southwell Housing Need

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

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Southwell Neighbourhood Plan
  - Policy SD1 – Delivering Sustainable Development
  - Policy E1 – Flood Risk Assessments and Mitigation
  - Policy E2 – Flood Resilient Design
  - Policy DH1 – Sense of Place
  - Policy DH2 – Public Realm
  - Policy TA4 – Parking Standards
  - Policy HE1 – Housing Type and Density

### Consultations

**Southwell Town Council** - Unanimously agreed at their May 2016 committee **to object to the application** on the grounds of over intensification of the current site.

**Southwell Civic Society** – No objections.

**NCC Highways Authority** – It is understood that the application is a resubmission of application reference 16/00244/FUL. The proposals are relatively unchanged other than addressing previous comments that were raised by the Highway Authority.

A revised Proposed Site Plan Layout drawing number 211 has been submitted in support of the application.

Both plots have new driveways (existing plot 33 and adjacent new plot) providing two parking spaces per plot.

As per the Highway Authority's previous comments, the Highway Authority does not usually accept vehicle access points within a bell mouth. However, due to the location of the plot, on a quiet part of the road network with no through route, the proposed arrangements would be acceptable although new footway crossovers will be required to facilitate vehicular access.

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

#### CONDITIONS

- 1) The accesses shall be constructed and surfaced in bound materials in accordance with the Proposed Site Plan Layout drawing 211 and no other part of the development shall be commenced until the accesses have been completed in accordance with those plans.

Reason: In the interests of Highway safety.

- 2) No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings associated with plot 33 and the new dwelling are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority. The existing footway crossover will also need to be reverted back to a formal footway.

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

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

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

## NOTES TO APPLICANT

The development makes it necessary to construct two vehicular crossings over a footway/verge of the public highway and reversion of the existing vehicular crossing over the footway back to a public footway. 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 to arrange for these works to be carried out.

**NCC Flood Team** - Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

**Environment Agency** – We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the following:

- a high risk to the environment
- those that are able to offer significant environmental benefit.

We have reviewed the above application and feel that, as presented, it does not fall under either of the above categories and therefore we do not wish to comment further on these proposals.

**Trent Valley IDB** - 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.

**NSDC Access and Equalities Officer** – No observations.

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

- The property is too close to the fence and will lead to overbearing and overshadowing to surrounding properties
- The proposal represents overdevelopment of the land leading to a limited provision for garden and parking
- The windows on the rear of the property will overlook neighbouring rear windows and gardens
- The new plans make it look like a block of terrace houses which will not look good from the street

- The site is in an elevated position in comparison to the properties along Beaumont Avenue which will make overlooking, overshadowing and overbearing worse
- Construction and occupation of another dwelling will increase environmental noise levels
- The proposed dwelling indicates a shift in use of what was once a social housing plot

### Comments of the Business Manager

#### *Principle of Development*

The Core Strategy outlines the settlement hierarchy of the District identifying Southwell as a Service Centre with a function to act as a focus for service provision for a large local population and a rural hinterland. It is intended that Southwell will accommodate 15% of the overall housing growth for Service Centres. Policy So/HN/1 identifies a specific need for new housing on windfall sites in Southwell to be either one or two bedroomed in order to meeting an identified housing need. On the basis of this, the principle of residential development within the site is acceptable subject to a site specific assessment.

Moreover, it is noted that the proposal would deliver an additional dwelling to the District's housing stock at a time of uncertainty in relation to a five year housing supply.

Southwell Town Council have submitted to Newark & Sherwood District Council (on the 2<sup>nd</sup> November 2015) a neighbourhood plan setting out a range of policies and proposals relating to the parish of Southwell.

The Southwell Neighbourhood Plan (SNP) has been through a process of independent examination which has culminated in an Independent examiners report concluding that, subject to the examiner's own recommendations, the plan meets the basic conditions and can proceed to referendum. Following their meeting on 20 April 2016 Southwell Town Council have requested that the plan be put to referendum in accordance with the examiner's recommendations at the earliest opportunity. This was also supported by this Authority at the Council Meeting on 17<sup>th</sup> May 2016, with an agreement that electoral services commence a referendum as soon as practically possible after August 2016. It is clear that both the LPA and Town Council are supportive of the content of the plan. It cannot carry full weight until the referendum is concluded and plan adopted. It is however a significant material planning consideration for the purposes of negotiating planning applications.

#### *Impact on Character*

Trinity Road is characterized by semi-detached two storey dwellings with hipped roofs. There is little break from this uniformity in character. Immediately north of the site however, along Beaumont Avenue, there are dwellings more modern in character with pitched roofs. The public footpath to the north of the site acts as the buffer between the two housing types.

The current proposal has been significantly altered in comparison to the previously withdrawn scheme which proposed a detached dwelling with a pitched roof. During the life of the previous

application, officers raised significant concern that this design would be completely at odds with the street scene and unacceptable in character impact terms. The design now promoted adopts an attached dwelling with a slight set back and reduced ridge height in comparison to 33 Trinity Road. In some regards, the dwelling could be interpreted as a subservient extension to 33 Trinity Road albeit I appreciate that the porch projection and set back at the rear represents a deviation from this interpretation. The design of the roof does however aide in the assimilation of the dwelling within the street scene and on this basis I am convinced that the application has done enough to overcome the design concerns from the previously withdrawn scheme.

Character impacts relate to more than just the proposed dwelling itself and an assessment is required in terms of how the proposal could affect the wider surroundings of the site noting the potential for the development to set a precedent for future development of this type. Given the orientation of 31 and 33 Trinity Road on the corner plot, I acknowledge that there is some potential for similar development on the south western elevation of 31 Trinity Road. Provided this was appropriately designed, I do not consider that this would be harmful in itself. The remainder of Trinity Road (perhaps with the exception of the other corner plot) would be self-regulating in its ability for future development given the orientation of dwellings and plot sizes. On this basis, I do not consider that the proposal would amount to a fundamental impact on the character of the street scene to a degree which would be harmful.

The proposed dwelling is intended to occupy space currently used as hard standing for parking with a detached garage. Given the availability of this space, the occupiers of 33 Trinity Road have the benefit of a grassed lawn in front of their property (albeit this is met at the street scene by a close boarded fence). In order to provide alternative parking arrangements, the proposal intends to relocate off street parking to the front of the site and provide two off street parking spaces for both the proposed dwelling and 33 Trinity Road (albeit this falls outside the red line site location plan and as such does not form part of the current application). In a worst case scenario this would lead to the parking of four vehicles immediately adjacent to the pavement. This is by no means desirable in character terms and I am conscious that a number of the nearby dwellings along Trinity Road have driveways to the side of the properties which reduces the harshness of a car dominated street scene. I have carefully considered whether this would justify a resistance of the proposal in its own right. In reaching this judgement I am mindful that the works intended for 33 Trinity Road (again for clarity not formally part of this application) could be done in any case under permitted development rights provided that the hard standing is of permeable material. Moving then to assess the site itself, the two parking spaces intended are to be separated by an area indicated as a grassed lawn. This presents the opportunity to soften the appearance on the street scene and subject to the imposition of a landscaping condition I do not consider that this in itself would be harmful enough to the character of the area to warrant refusal.

The guidance within the Southwell Design Guide of the SNP is clear that proposals should take the lead from the local vernacular of existing buildings when considering, (amongst other matters), form; mass and layout. It is considered that the proposal before Members for consideration has successfully achieved this.

On the basis of the above discussion it is considered that the applicant has made adequate



amendments to the originally withdrawn scheme which now amount to the proposal being acceptable in character terms and therefore compliant with the intentions of Policy DM5 and the NPPF.

### *Impact on Amenity*

Amenity is a long standing consideration in the planning process and indeed one that requires consideration both from the perspective of existing and proposed occupiers. Policy DM5 states that 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. It is also stated that proposals resulting in the loss of amenity space will require justification.

The latter point is clearly relevant in this context given that the proposal site as existing forms part of the amenity space of 33 Trinity Road. Nevertheless, the site location plan demonstrates that the host dwelling would retain an adequate (albeit slightly awkwardly shaped) level of private amenity space.

In addition to the above, I have considered the amenity impacts arising from the proposed in terms of other surrounding dwellings. It is my view that owing to the separation distance of the road, existing properties on the eastern side of Trinity Road would not be adversely affected in amenity terms. However, the properties along Beaumont Avenue also require deliberation. Beaumont Avenue is set at a lower level in comparison to Trinity Road evidenced by the slight banking adjacent to the public footpath. The result of this is that the height of any proposed dwelling close to the boundary of the site would be exasperated and appear higher than when viewed from Trinity Road. I am mindful that the southern elevations of the properties along Beaumont Avenue are their rear elevations and a site visit confirmed that a number of these properties also have single storey conservatories. Their rear amenity space is relatively modest in length.

The revised scheme is considered significantly better in terms of potential amenity impacts primarily through a revised roof design which allows the bulk of the height of the proposed dwelling to be set further away from the shared boundary with properties along Beaumont Road. I have taken on board the comments received during consultation regarding overbearing and overshadowing impacts and do concede that the proposal would undoubtedly lead to a greater impact on neighbouring amenity in comparison to the existing site scenario. The width of the two storey element of the proposed dwelling is approximately 4.1m and thus the distance between built form with an approximate eaves height 4.6m would be reduced by this amount. Nevertheless I am conscious that due to the orientation of the dwelling within the plot, this would not be a straight perpendicular relationship with the rear elevations along Beaumont Avenue. Even at its closest point, the proposed dwelling would retain an approximate distance of 19m. It is my view that, even when taken in the context of the change in land level, this would be an acceptable distance to ensure that the neighbouring dwellings along Beaumont Avenue do not suffer an unacceptable impact in terms of overshadowing or overbearing.

Moving then to assess impact on privacy, again the orientation of the proposed dwelling is relevant. There is one first floor window proposed to the side elevation which is intended to serve the landing space to the dwelling and therefore can be reasonably conditioned to be obscurely glazed in the interests of preserving neighbouring amenity. The windows on the rear elevation would have a line of sight towards neighbouring gardens but this would be at an oblique line of sight and given the modest width of the dwelling is not considered to be materially worse than the existing arrangement between 33 Trinity Road and properties along Beaumont Avenue. I would suggest it to be reasonable to impose a condition removing permitted development rights to the proposed property to allow the Local Planning Authority control over future development within the site.

In terms of the amenity space available for the proposed occupiers the proposal does allow for a small rear garden of private amenity space. Whilst this is modest in size I note that the proposal is for a two bedroom dwelling and therefore would be proportionate to the dwelling size. The removal of permitted development rights should also assist in the retention of this space (and indeed satisfy the intentions of Policy HE1 of the SNP as amended).

#### *Impact on Highways*

As discussed above, the proposal allows for the provision of off street parking. I note the comments of NCC Highways and their unusual response which takes a pragmatic view on the basis of the site specifics. On this basis, in the absence of an objection from the highways authority I am not convinced that proposal could sustain a reason for refusal against Spatial Policy 7 on grounds of highway safety concerns.

#### *Surface Water Flooding*

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

Southwell has recently experienced a significant flooding event. This included severe flash flooding from the Potwell Dyke and Halam Hill sub catchment watercourses as well as overland surface water flows which affected a significant number of properties. In light of this significant flood event and the more frequent but less severe flooding which is experienced it is crucial that flood risk can be appropriately considered as part of the planning process. Indeed this is reaffirmed by SNP which outlines specific policies in relation to flood risk assessments and mitigation. Recent events have highlighted a clear need for further investigation to be carried out so that the nature and extent of flood risk to the settlement can be fully understood.

The stance for new development is that the applicant should be able to demonstrate to the satisfaction of District Council, the Environment Agency, Nottinghamshire County Council and

Severn Trent that flooding issues can be adequately addressed. This assessment should take into account the findings of the surface water flood maps.

The applicant has failed to address the above in their submission. Nevertheless I have taken the opportunity to assess the surface water maps available. According to these maps, the site is at very low risk of surface water flooding.

I appreciate that the proposal will lead to an increase in built form within the site however I am conscious that the site itself is within Flood Zone 1 and none of the statutory consultees with flood expertise have advanced to an objection to the proposal. I am satisfied that the use of permeable materials and landscaping would ensure that the proposal would not worsen the flood situation in the immediate surroundings to a degree which would warrant refusal of the scheme which could be sustained at appeal.

#### *Overall Balancing Act and Conclusion*

The amendments to the current proposal in comparison to the previously withdrawn scheme are fully noted and appreciated. Officers consider that the applicant has done enough to overcome the original concerns through a revised design which better reflects the existing character of the area and as a consequence has a lesser impact on neighbouring residential amenity. It is acknowledged that there would be some increased impact on neighbouring residential amenity, particularly the closest dwellings along Beaumont Avenue. However at a time where housing delivery in the District is of paramount importance I do not consider that these impacts would outweigh the benefits of the scheme in terms of the delivering of a two bedroomed dwelling on a windfall site which meets a specifically identified need in Southwell.

#### **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 reference:

- Proposed Site Plan Layout – 211
- Proposed Ground and First Floor Plan Layout – 212

- Proposed Front Elevation Streetscene – 213
- Proposed Side Elevation – 214
- Proposed Rear Elevation - 215

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

The accesses shall be constructed and surfaced in bound materials in accordance with the Proposed Site Plan Layout drawing 211 and no other part of the development shall be commenced until the accesses have been completed in accordance with those plans.

Reason: In the interests of Highway safety.

05

No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings associated with plot 33 and the new dwelling are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority. The existing footway crossover shall be reverted back to a formal footway.

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

06

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

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

07

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The hard landscape works shall be completed in accordance with the approved details prior to the occupation of the dwelling. These details shall include:

- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas including ornamental planting and detailed of lawned areas;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

08

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

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

09

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

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

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

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

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

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

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

Reason: In the interests of visual and residential amenity.

10

The first floor window opening on the north 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

11

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 north east elevation of the development hereby permitted.

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

12

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 residential and visual amenity.

#### Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge

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

02

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

03

The development makes it necessary to construct two vehicular crossings over a footway/verge of the public highway and reversion of the existing vehicular crossing over the footway back to a public footway. 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 to arrange for these works to be carried out.

#### BACKGROUND PAPERS

Application case file.

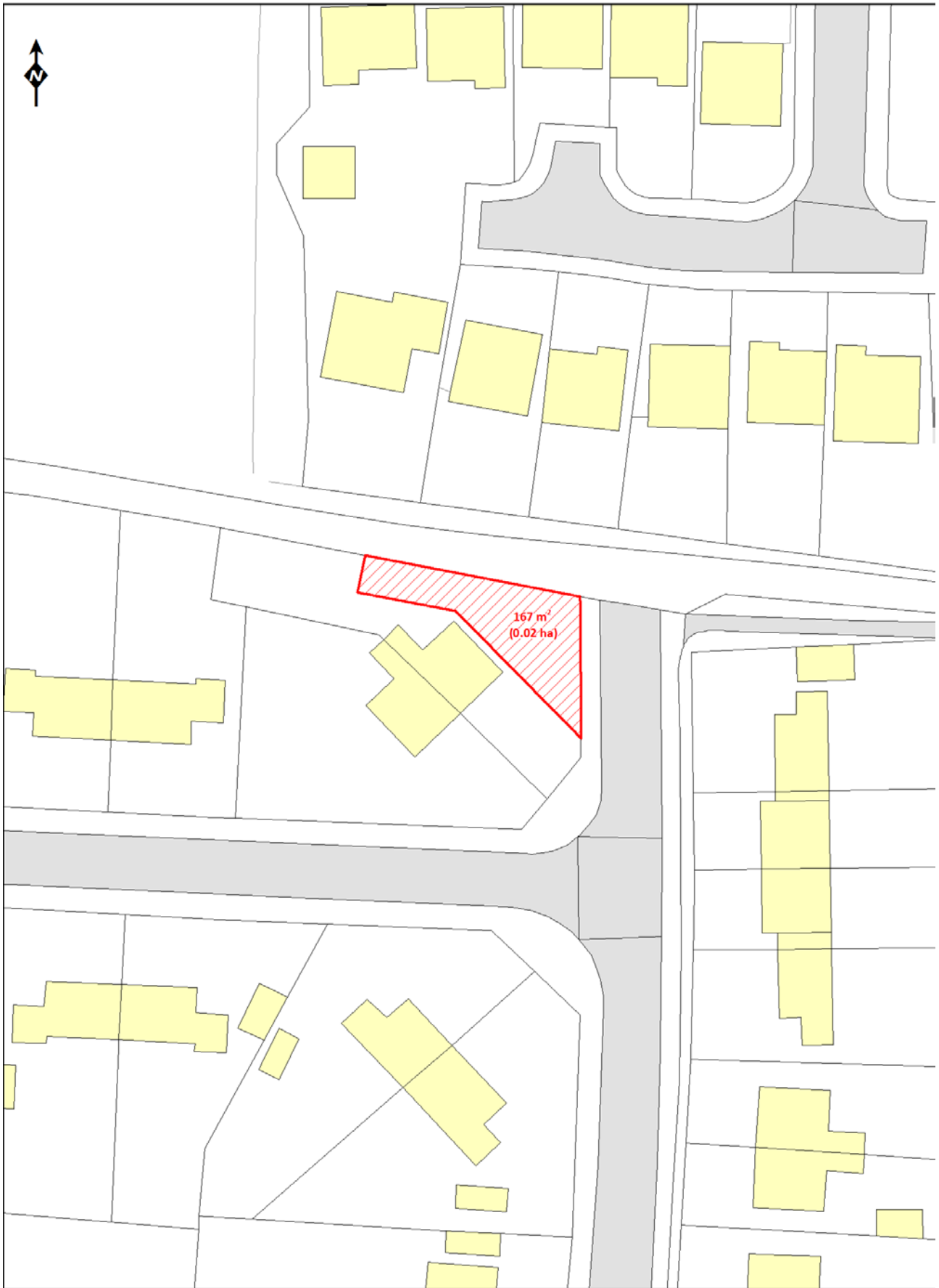
For further information, please contact Laura Gardner on ext. 5907.

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

**Kirsty Cole**

**Deputy Chief Executive**

Committee Plan - 16/00562/FUL



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<b>Application No:</b>	<b>16/00543/FUL</b>	
<b>Proposal:</b>	<b>Proposed Extension &amp; Alterations to Existing Aqua Sana Building</b>	
<b>Location:</b>	<b>Center Parcs, Sherwood Forest Holiday Village, Old Rufford Road Rufford, Nottinghamshire, NG22 9DN</b>	
<b>Applicant:</b>	<b>Mr S Evans - Center Parcs (Operating Company) Ltd.</b>	
<b>Registered:</b>	<b>5 April 2016</b>	<b>Target Date: 31 May 2016</b>

**This application referred to Planning Committee for determination because the recommendation from Rufford Parish Council is contrary to the recommendation of the Case Officer.**

The Site

The application site lies within Center Parcs complex, close to the eastern boundary and provides spa facilities within the woodland setting. The building is known as ‘Aqua Sana’ and is mostly two storey in height and clad in a cream render and timber cladding. The application site is located within the Open Countryside.

Relevant Planning History

There have been numerous planning applications in relation to the wider Center Parcs holiday village since its initial approval in 1986 but the most relevant to this application is detailed below,

**01/01211/FUL** - Proposed new aqua sana, treatment rooms and spa facilities (permitted 21.09.2001).

The Proposal

The application seeks consent for the creation of new openings to the Aqua Sana building, as well as a single storey extension to create a ‘hideaway’, a detached warming room, treetop sauna and the relocation of the existing Japanese foot spa structure.

The hideaway extension is a timber frame extension to be finished with horizontal cedar cladding and will have a green roof. The extension is to be located on the southern elevation of the building and will measure 8.8m in length, 7.9m in width and will have a flat roof with a ridge height of 4m.

The detached warming room will be situated to the south of the building and will measure 7.1m in

length, 5.6m in depth and 3.3m to the ridge. It will be constructed with a timber frame structure and a green roof.

The tree top sauna will be located to the south of the main building and will be accessed by a balcony and bridge at first floor level. The balcony will extend approximately 3.6m from the building with the bridge to the sauna extending a further 15m from the edge of the balcony. The aim of this structure is for it to sit amongst the tree canopy and will have full height windows with the room set on stilts. The tree top sauna will have a ridge height of 10.7m and will measure 13.9m in length and 10.9m in width.

The foot spa is proposed to be relocated to the Hot Springs Garden (east of the building). Within this garden it is proposed to erect a new timber canopy measuring 3m in height.

In addition to the above, a new door is proposed to the plant room on the northern elevation, as well as two new windows to the panoramic Nordic sauna and new full height windows are proposed to be installed with the forest view immersion room. Materials are proposed to match the existing building. A barrel sauna is also proposed in the new hideaway garden area which will include a roof to cover the sauna with an overall height of 2.2m. Plant rooms are also proposed for the foot spa and hot tubs.

Significant landscaping is also proposed along the southern and eastern elevations of the building which will include outdoor relaxation areas and 3no. hot tubs in the new Hot Springs Garden to the east of the building.

In support of the application a Design and Access Statement and Preliminary Ecological Appraisal have been submitted.

#### Departure/Public Advertisement Procedure

A site notice was posted on 26<sup>th</sup> April 2016.

#### Planning Policy Framework

#### **The Development Plan**

#### **Newark and Sherwood Core Strategy Adopted March 2011**

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Area Policy ShAP 1: Sherwood Area and Sherwood Forest Regional Park

## **Allocations and Development Management DPD Adopted July 2013**

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

**Rufford Parish Council** – Object to the proposal on the basis of loss of habitat, visual impression from A614 and increased traffic volumes from day visitors.

Notts Wildlife Trust – no comments received at the time of writing the report.

**NSDC Environmental Health Officer** – No comments to make.

**NSDC Access and Equalities Officer** – A buildings regulations application is required.

No other representations from interested third parties have been received at the time of writing the report.

### **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 including in the context of expanding existing tourist attractions where the development can be considered proportionate to the existing use. I consider that the small extensions proposed would support the wider longevity of the established holiday village and therefore consider its assessment against this element of the policy to be appropriate.

The proposed development would comply with Core Policy 7 of the Core Strategy in that it would comprise an extension to an existing tourism facility; is of a scale that is appropriate to the site's location; it would help to ensure the future business viability; it would enhance and complement tourism attractions in the District; and it would support the development of a year-round tourist economy.

### Impact on the Visual Amenities of the Area

The proposed extensions are of relatively small scale compared to the existing facility although some additions are at first floor level, comprising a forest bathing terrace, walkway and tree top sauna as well as additional external facilities at ground level. The design is generally in keeping with the host buildings to which they are attached and finished in natural materials to reflect its woodland/countryside setting. Whilst it is acknowledged that the building is situated towards the east of the site and in close proximity to the main A614 to the east, the majority of changes are located to the south and west of the existing aqua sana building located within holiday village, screened by woodland and would not be particularly visible from outside the resort. It is for these reasons that it is considered that the proposals would be acceptable in design and visual amenity terms and would not have a detrimental effect on the character or appearance of the surrounding area including the openness of the surrounding countryside in accordance with the NPPF and Policies DM5 and DM8 of the DPD.

### Impact on Ecology

Core Policy 12 and Policy DM7 of the DPD require proposals to take into account the need for continued protection of the District's ecological assets.

The site falls within the buffer zone of the indicative core area of the proposed potential Special Protection Area (pSPA) for breeding nightjar and woodlark. Natural England, whilst recognising that such a designation is yet to be made at European level, advises that Local Planning Authorities should adopt a risk based precautionary approach to assessing the likely impact on the designation and thus on the breeding nightjar and woodlark.

The holiday village has long been established and has continuous year-round occupation of some 900 lodges. The fact that the use and activity exists is an important consideration as it is known that these birds are highly unlikely to nest anywhere near populated areas. It is therefore reasonable to come to the conclusion that the proposed development would not lead to individual or cumulative impacts that would cause a significant adverse impact on nightjar and woodlark populations.

An ecological survey has been submitted in support of the application which recorded the only notable habitat recorded within the survey area were two Scots pine and an adjacent stream but these will not be affected by the proposed works. Whilst the report did not find any direct evidence of protected species on the site although the site does provide potential habitat for nesting birds and potentially foraging bats, badgers and common amphibians. The report concludes that the ecological impacts of the proposed works are likely to be minimal (on the basis that the recommendations provided are undertaken). There will be loss to nesting bird habitat and potential disturbance to nesting birds and foraging bats. Recommendations include, no storage of materials under tree canopies, following best practice set out in the British Standard to protect mature trees, any loss of ornamental shrubs should be replaced with native species, in order to compensate for loss of bird nesting habitat, at least three traditional bird boxes and two

open fronted boxes should be installed on retained trees within the survey area. If it is necessary to carry out vegetation clearance works during bird breeding season (March to September), then a survey must be carried out by a qualified ecologist prior to works going ahead. Subject to conditions, it is considered that the proposal could adequately compensate for potential negative impact and indeed represent an enhancement in biodiversity terms.

### Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Whilst on the eastern side of the complex, the Aqua Sana building is nestled within mature trees with a good level of planting between it and the A614 to the east. No residential properties are located in close proximity and therefore the proposals would not have a detrimental effect on neighbouring amenity.

### Conclusion

The proposals would be relatively modest in scale and take account of the design and character of the existing buildings and its natural rural context. The site is within the confines of the existing holiday village and as a consequence I am of the view that the proposal is in accordance with local and national policy.

### **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 Ground Floor Layout Drawing No: 16/2053/003
- Proposed First Floor Layout Drawing No: 16/2053/004
  
- Proposed Elevations 01/02 Wet Side Drawing No: 16/2053/005
- Proposed Elevations 01/02 Hideaway, Barrel Sauna & Warming Room Drawing No: 16/2053/006
- Panoramic Tree Top Sauna Drawing No: 16/2053/007

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 development hereby approved shall be undertaken in strict accordance with the recommendations set out in Section 6 of the Preliminary Ecological Report (dated March 2016) and produced by EMEC Ecology, unless otherwise first agreed in writing with the Local Planning Authority.

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

05

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

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

06

No building on site shall be occupied until details of three traditional bird boxes and two open-fronted bird boxes have been submitted to and approved in writing by the local planning authority. The nest boxes shall then be installed, prior to the new proposal hereby approved being first brought into use, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

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

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

02

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

**BACKGROUND PAPERS**

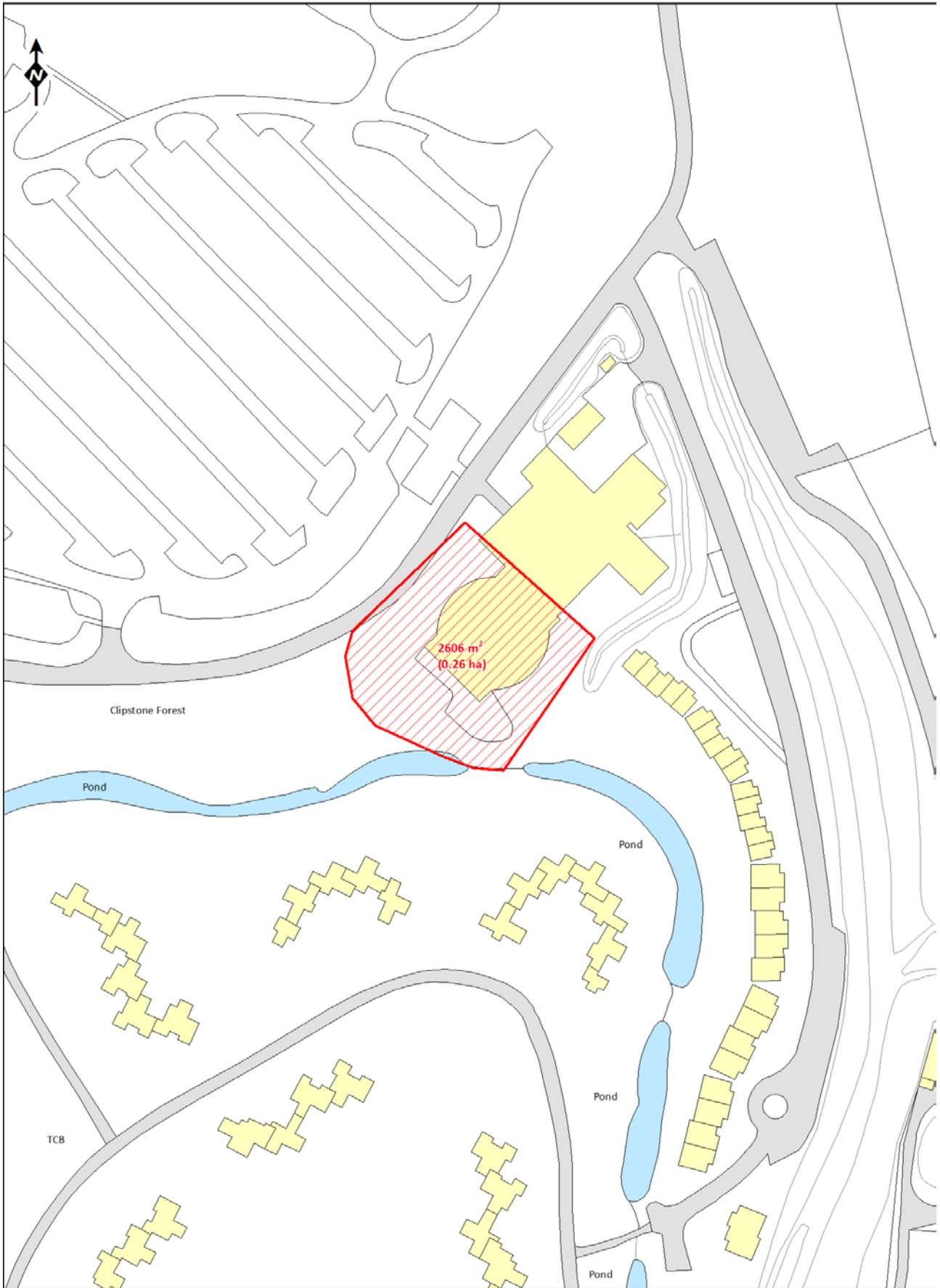
Application case file.

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

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





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<b>Application No:</b>	<b>16/00390/FUL</b>	
<b>Proposal:</b>	<b>Proposed dormer bungalow</b>	
<b>Location:</b>	<b>51 Lansbury Road, Edwinstowe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mrs J Whittle</b>	
<b>Registered:</b>	<b>07.03.2016</b>	<b>Target Date: 02.05.2016</b>
	<b>Extension of Time Agreed in Principle to allow application to be determined by committee</b>	

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

The Site

The application site relates to a section of residential curtilage associated to 51 Lansbury Road, a traditional two storey semi-detached dwelling on the south side of Lansbury Road. The application site is located within the established urban area of Edwinstowe although close to the boundary with the open countryside and backs on to arable fields.

The application site is predominately laid to lawn with the levels of site gently falling towards the rear boundary. A mature conifer hedge runs along the rear boundary and a mix of close panel and open wire fencing runs along the side boundaries of the site.

The immediately adjoining properties are similar semidetached dwellings.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks full planning permission for the erection of a single two bedroom dormer bungalow. The proposed dwelling would measure 6.6m in depth and 9.8m in width. The roof design would be dual-pitched with two rear facing dormer windows and 3 rooflights on the front facing roof pitch. The eaves level would be set at 4.1m and the maximum ridge height would measure 7.4m.

An open elevation entrance porch would be positioned centrally within the north facing elevation.

A new vehicular access point would be created from Lansbury Road dwelling as well as a new driveway along the eastern boundary of the site which would lead to a turning and parking area

that would serve the proposed dwelling.

#### Departure/Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter.

#### **Planning Policy Framework**

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

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

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

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

Policy DM3 – Developer Contributions and Planning Obligations  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework and its Technical Guidance, 2012
- National Planning Policy Guidance suite, on-line resource, March 2014

##### **Consultations**

**Edwinstowe Parish Council** – Object to the proposal.

**NCC Highways Authority** – No objection. The proposed access width, as shown on dwg. no. MKD-029-410, is acceptable to the Highway Authority. There is adequate parking provision for both existing and proposed dwellings. Conditions relating to surfacing, vehicle crossing and the parking and turning area are recommended.

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

alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. In particular, step-free

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

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

**Representations have been received from 7 local residents which can be summarised as follows:**

- Concerns raised on overlooking
- Sewerage concerns and problems with blocked drains. An additional house would add to these problems.
- Highway safety and noise concerns relating to the proposed driveway as well as potential damage to neighbouring driveways.
- The proposed dwelling has the dimensions of a house and not a dormer bungalow.
- Lack of parking for the existing dwelling at the site.
- The development is backland development and is out of character with area.
- Unsure on how existing trees along shared boundaries will be retained.
- Impact on wildlife.
- There are a number of developments being constructed within area containing 2 bedroom properties, there is no need for an additional 2 bedroom dwelling at this site.
- The development would create a precedent for similar development in the area and the new access and driveway could allow further development.
- Overshadowing impact on neighbouring gardens.
- Noise and disturbance using the proposed driveway.
- The development will devalue our property.
- Loss of view.

Comments of the Business Manager

Principle of Development

The site lies within the principal village of Edwinstowe as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle.

## Design, Character and Density

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Core Policy 3 states that the Council will seek to secure an appropriate mix of housing types to reflect local housing need including smaller houses of 2 bedrooms or less and housing for the elderly and disabled population

Core Policy 9 requires proposals to demonstrate a high standard of sustainable design and that proposals should be of an appropriate form and scale to their context complementing the existing built and landscape environments. This policy also provides that applications 'demonstrate an effective and efficient use of land that, where appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character.

Policy DM5 of the DPD sets out the Council's design criteria for assessing proposals. Policy DM12 of the DPD sets out a presumption in favour of sustainable development.

The site comprises a backland development with the land proposed for development measuring approximately 0.09 hectares. The land proposed for the dwelling is relatively flat and set at a lower level to the existing dwelling and adjoining property on Lansbury Road. The proposed access would be slightly sloped to account for the change in levels from Mansfield Road.

Policy DM5 states that proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. This is consistent with Paragraph 53 of the NPPF which states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.

The agent has referred to a number of developments within the submitted design and access statement that are argued to be backland development. While I am of the opinion that the vast majority of the examples that the agent refers to in the immediate area are portions of comprehensive development and as such do not constitute back land development, there are examples within the wider surrounding area that have similar characteristics to that of the proposed development and have been considered to have a satisfactory level of integration with the surrounding development and to not result in any significant adverse impact on the character and appearance of the locality.

I am also mindful that there are few examples within the immediate vicinity, in which a similar size plot can be derived with the same relationship and separation distance to neighbouring development. I am therefore satisfied that should planning permission be granted for this development, a precedent for unsuitable back land development would not be created.

Furthermore, I consider the proposed scheme to achieve a satisfactory level of amenity space to serve the proposed dwelling while also retaining an adequate private amenity space for the existing dwelling at the site. The separation distance between the proposed dwelling and the existing is also considered to be adequate in order to not result in any material impact on the

amenity of either property.

I am also satisfied that the separation distances involved to the other neighbouring properties, together with the relatively low ridge height are sufficient for the proposal to not constitute an overdevelopment of the site or appear cramped when viewed from distance.

I note that the materials would be facing brickwork and tiles on the roof. The area is characterised by traditional properties with a predominately brick external finish to the elevations and I am therefore satisfied that the proposed approach to materials would be suitable, however a condition attached to any grant of planning permission requiring precise details is considered appropriate.

On balance, I am satisfied that in this particular instance, the proposal would make effective and efficient use of brownfield land and retain an acceptable amount of spacing between boundaries and adjoining dwellings to ensure that there would be no significant detriment to the character and appearance of the area. I am satisfied that the proposals would therefore meet the aims and objectives of the NPPF, Core Policies 3 and 9 and Policies DM5 and DM12 of the DPD.

### Impact on Neighbours

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.

Policy DM5 of the DPD provides 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 addition a core planning principle of the NPPF is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

In taking account of the relatively modest height of the proposed dwelling as well as the separation distances to the closest neighbouring dwellings, I am satisfied that the proposed dwelling would be positioned so as to not result in any material overbearing or overshadowing impact on neighbouring amenity. I also note that the proposed layout plan includes the provision of a new 2m close boarded fence along the shared boundary with 53 Lansbury Road and the existing hedgerow to be reinforced along the shared boundary with 49. As such, I consider that with the attachment of suitably worded condition which ensures that the proposed boundary treatment is in place and retained, the proposed development would not result in any material overbearing or overshadowing impact on neighbouring properties.

I am mindful that the proposed dwelling would include 2 No. side facing windows at first floor level. However as these would serve as a bathroom and a secondary window to a bedroom, I consider a condition which required these windows to be obscure glazed and fixed shut, (up to a high a level) would overcome any potential overlooking issues. I am also satisfied that the rooflights on the front facing roof pitch would be positioned (1.7m above finished floor level) so as to not result in any material overlooking issues.

The concern over the potential noise and disturbance from vehicles using the proposed driveway are noted although I am of the opinion that as the driveway would serve a single two bedroom dwelling, the associated number of vehicle movements are unlikely to result in a material impact on the neighbouring property and would not be grounds for the refusal of planning permission alone.

I am satisfied that the proposals would therefore meet the aims and objectives of the NPPF, Core Policy DM5.

### Highway Matters

Spatial Policy 7 of the Core Strategy seeks to ensure development proposals provides safe, convenient and attractive accesses for all and provide appropriate and effective parking provision, both on and off site, and vehicular servicing arrangements.

Policy DM5 of the DPD reflects the aims of SP7 and adds that parking provision should be based on the scale and specific location of the development.

I note the comments of the Highway Authority which raise no objection to the scheme including the new access point and driveway subject to the inclusion of conditions on any planning permission.

I also note the concerns raised by local residents on the issue of parking, however I am satisfied that the proposed layout plan has been able to demonstrate that a minimum of 2 no. off street parking spaces would be provided for the existing dwelling and the proposed dwelling, which I consider to be a satisfactory level of provision for dwellings of this size.

I am therefore satisfied that subject to the suggested conditions the proposal would accord with Spatial Policy 7 and DM5

### Other issues

I note the concerns raised by local residents on the issues of sewerage that have been experienced and the concerns over the capacity of the local system, however I am of the opinion that this issues would be covered in more depth under building regulations and as such cannot be given any significant weight in the determination of this application.

I also note the concerns over the impact on wildlife at the site and the migration of certain species through the site, although in also considering that the site is not designated as an area of importance for wildlife and that built form, such as outbuildings, could be erected at the site without the need for planning permission, I also consider it would be unreasonable to withhold planning permission on these grounds alone.

The issues raised on the loss of current views and the potential devaluation of property are not in themselves a material planning consideration and as such cannot be given any significant weight.

### Conclusion

In conclusion, it is considered that whilst the proposed development would constitute back land development, the proposal would have a satisfactory level of integration with the surrounding development and would not result in any material impact on the character and appearance of the site or wider locality. The development is unlikely to give rise to a precedent for future similar

development proposals within the immediate area and therefore, on balance, the principle of the development is acceptable. The development would also not result in any material impact on the amenity of the existing dwelling at the site or other neighbouring properties and would not result in any material impact on highway safety. Accordingly it is recommended that planning permission is granted.

## **RECOMMENDATION**

**That full planning permission be 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, reference MKD – 029 – 100-200\_B, MKD – 029 – 100-300\_B and MKD – 029 -410 unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

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

Bricks

Roofing tiles

Reason: In the interests of visual amenity.

04

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 residential and visual amenity.

05

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

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

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.

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

The access shall be constructed and surfaced in a bound material in accordance with plan no. MKD-029-410 and no other part of the development shall be commenced until the access has been completed in accordance with this plan.

**Reason:** In the interests of highway safety.

08

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

**Reason:** In the interests of highway safety.

09

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

**Reason:** In the interests of highway safety.

10

The first floor windows opening 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

11

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.

Reason 1: 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).

### **Notes to Applicant**

01

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

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

02

This application has been the subject of pre-application discussions and a recommendation for approval has been forthcoming following discussions at pre-application stage and during the life of the application. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

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

04

A street light and grit bin at the site frontage will require relocation as a result of this development, which will be at the applicant's expense.

#### BACKGROUND PAPERS

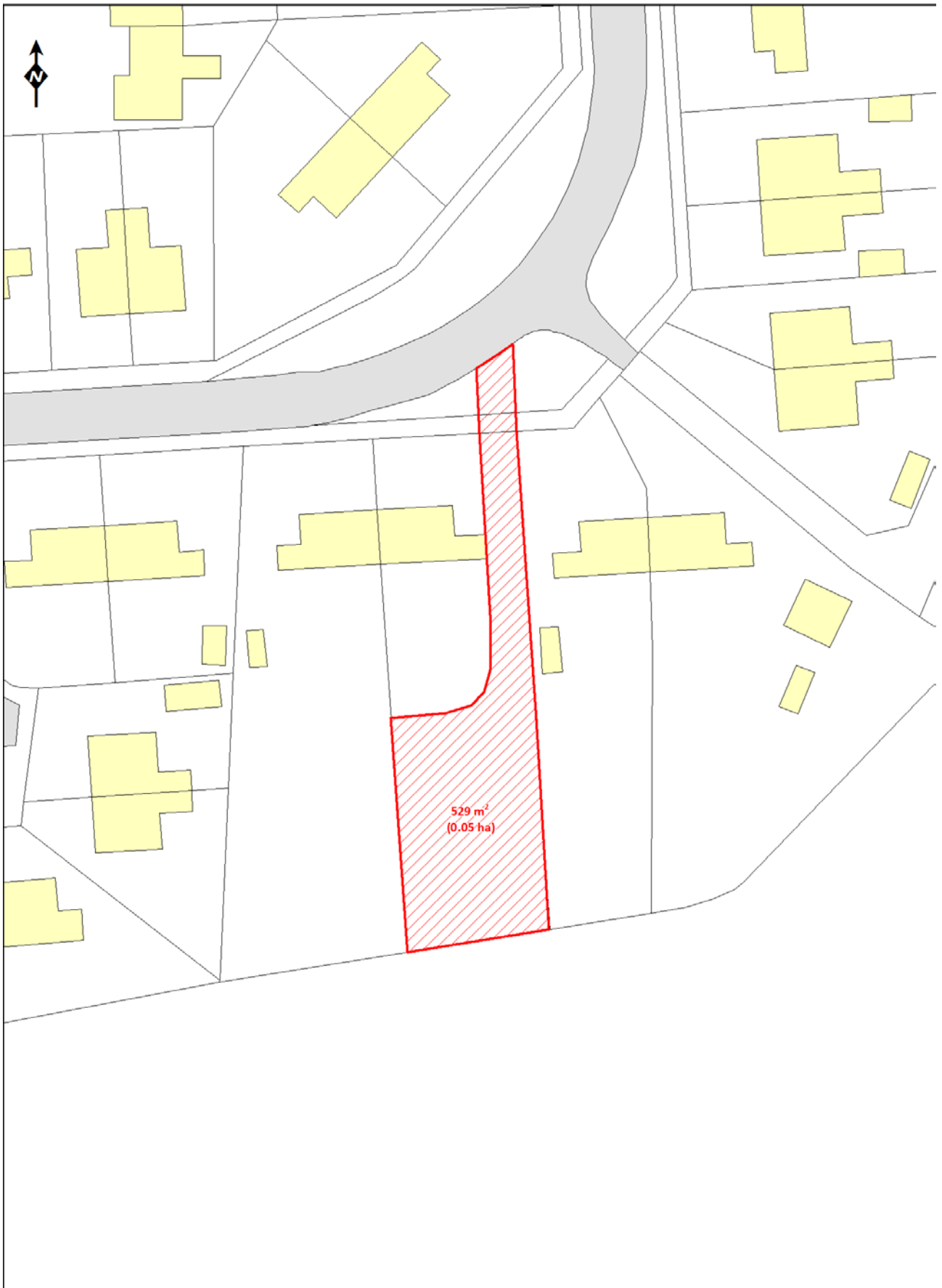
Application case file.

For further information, please contact Gareth Elliott on ext. 5836.

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

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

Committee Plan - 16/00390/FUL



<b>Application No:</b>	<b>16/00316/FULM</b>	
<b>Proposal:</b>	<b>Erection of 6 No. poultry buildings, boiler building, site office, access and hardstandings.</b>	
<b>Location:</b>	<b>Land North Of Staunton Works, Alverton Road, Staunton In The Vale, Nottinghamshire NG13 9PE</b>	
<b>Applicant:</b>	<b>Mr Edward Mayman</b>	
<b>Registered:</b>	<b>02/03/2016</b>	<b>Target Date: 22/06/2016</b>

**Description of Site and Surrounding Area**

The application site measures 6 hectares and relates to an agricultural field located on the west side of Alverton Road within the open countryside to the north west of the settlement of Staunton in the Vale. Staunton works and industrial estate are located to the south west of the site. Access is currently provided to the public highway in the north east corner of the field. The site is bounded by mature hedgerow and trees.

The west edge of the site is located within Flood Zones 2 and 3 and is therefore at medium to high risk of flooding.

There are several listed buildings within 1km of the proposed poultry unit, notably the Grade II listed pigeoncote at Staunton Grange (to the north).

A Local Wildlife Site at Staunton disused railway line, recognised for supporting a butterfly species of high conservation value in Nottinghamshire, is located approximately 80 metres to the west of the site.

**Description of Proposal**

The proposal is for the erection of 6 no. broiler rearing units, associated feed bins and food blending rooms, hardstanding for parking and turning of vehicles, boiler building, site office/gate house and associated access. The proposed poultry buildings are all identical and would each have a footprint of 94.484m width x 21.234m depth. Pitched gable ended roofs are proposed measuring approximately 2.8m to the eaves and 5.6m to the ridge. The feed bins positioned in between the proposed poultry buildings would have a maximum height of 8.6m.

The site office would have maximum dimensions of 12.0m width x 6.0m depth and a pitched roof measuring some 2.8m to the eaves and 3.6m to the ridge.

The boiler house would have maximum dimensions of 30.48m width x 15.24m depth and would have a pitched roof measuring some 6.0m to the eaves and 8.0m to the ridge. 6.0m high centrally located door openings are proposed to the end elevations alongside pedestrian entrance doors.

Proposed materials for the buildings are a steel portal frame and polyester coated profile sheeting in Juniper green to the walls and roof. 3no. car parking spaces are shown adjacent to the site office. The proposed buildings would be fitted with high velocity ridge mounted ventilation fans and side inlet vents. The proposed development includes renewable heating in the form of a biomass heating system.

The proposed poultry units would be orientated with the width of the buildings lying north to south and the forward most unit facing towards Alverton Road being situated approximately 90m from the highway boundary. The submitted layout also indicates the existing hedgerow to the eastern boundary with the highway will be realigned to accommodate the necessary visibility splays at the vehicular access point which would be located just right of centre when facing the site from the adjoining highway. The vehicular access road would have a width of 7.3m and would be finished in crushed stone and concrete. 3no. underground dirty water containment tanks are shown on the submitted layout plan and these would be situated towards the northern boundary of the application site. An attenuation pond for drainage of clean roof water is indicated to the west of the proposed poultry buildings.

The application forms indicate personnel lights are proposed above the doors in the south elevations of the poultry buildings.

The development would result in the equivalent of 2no. full time employees on site. The proposed buildings will house up to 41,666 broilers per building with 250,000 proposed on the site in total. The broiler rearing cycle operates on an all in all out system with each cycle taking 45 days. At the end of each cycle poultry manure is removed from the buildings with a mechanical loader to HGV bulker lorries for removal from site. The buildings are then washed and drained into the sealed dirty water containment tanks and this management system is an absolute requirement of the Environmental Permit and ensures the proposal does not have the potential for contaminated runoff. The proposed unit would therefore have an annual throughput of 2 million birds per annum and this would generate 744 commercial vehicle trips (of which 696 would be HGV's) and a total 1488 movements per annum.

A Design, Access and Planning Statement has been submitted.

### **EIA Regulations**

The proposal set out in the application includes development which meets the criteria and thresholds of Schedule 1 of the 2011 Town and Country Environmental Impact Regulations which refer to 'installations for the intensive rearing of poultry or pigs with more than (a) 85,000 places for broilers or 60,000 places for hens'.

An Environmental Statement covering flood risk, ecology, heritage, noise, odour, ammonia and landscape considerations have been submitted in support of the proposal.

### **Site History**

No relevant planning history.

### **Publicity**

42no. neighbours were directly notified by letter that expired on 24.03.2016.

A site notice was posted which expired on 08.04.2016

A press advert was published which expired on 31.03.2016.

## **Representations**

35no. of written representations have been received objecting to the proposals and raising the following concerns:

### **Impact on character**

- Use of previously undeveloped arable land, should look for a brownfield site.
- Significant scale of the proposals and impact on the landscape and visual amenity of the area and impact on character of the Vale of Belvoir.
- The sheds will be an eyesore.
- Erosion of the countryside.
- The proposal will necessitate a residential house – further development
- Although classed under agriculture, these proposed buildings are industrial units and would effectively extend Staunton Industrial Estate.
- No screening to hide the buildings.
- Negative visual impact especially the ancient area of Staunton Hall and Staunton Church.
- The development is too close to the listed building Staunton Grange.
- The proposal is as large as the village.
- The proposal would have an irrevocably harmful effect on the countryside contrary to policy.
- Development should be proportionate and accommodated in existing buildings where possible in accordance with Policy DM8.

### **Impact on environment and amenity**

- Odour impact on nearby dwellings particularly given housing in the area will be in direct line of the prevailing wind.
- How will waste and dead carcasses be stored and how often will the site be cleared?
- Substantial noise pollution from chickens and high speed ventilation fans.
- Air pollution
- Health implications for local residents linked to environmental issues including breathing difficulties due to dust, skin irritation and allergies, salmonella, zoonosis, campylobacter, avian flu and similar diseases.
- Increase in vermin and pests.
- Displacement of wildlife which is dependent on the rural nature of the area.
- Impact on amenity – there are multiple properties within 500m of the proposed development.
- Dust and dirt being blown by the prevailing wind towards housing in the area.
- Pollution would put pressure on local water supplies and potentially contaminate water sources.
- Ammonia levels on chicken farms are so high that the corrosive substance burns the birds lungs and skin and it is likely that the chemicals and stench would adversely affect local residents.
- Already noise from the Industrial Estate and the proposal would be closer to some properties.

- Loss of peace and quiet and the proposal will significantly diminish the rural atmosphere.
- Noise from early morning deliveries.
- Pollutants into local water supply. Runoff could result in the manure entering waterways, spreading dangerous pathogens and causing problems such as algal blooms that may endanger local wildlife.
- Light pollution.
- A Forest School site operates close to the location of the development and industrial level poultry farming has been linked to the aggravation of breathing medical conditions especially in paediatric cases.

### Flood risk and drainage

- Increased flood risk and impact on drains and sewage systems.
- A local brewery business in the industrial units are already having to move as a consequence of recent flooding on that site.
- A local farmer who used to farm the application site has concerns based on their experience over a period of some 50 years that there is totally insufficient drainage to support the development. The site floods every year and is inaccessible over the winter months.
- Around 6 years ago the drainage dykes and surrounding ground were saturated and almost breached.
- How will the land be drained?

### Impact on the highway

- Impact on Highway safety including on roads in Staunton not suitable for HGVs.
- The 'S' bends at Kilvington are an accident blackspot and additional HGV traffic will exacerbate the danger.
- Significant increase in commercial traffic and heavy vehicles down quiet lanes and subsequent hazards to the community.
- Cumulative impact with traffic from the recently approved holiday park less than a mile down the road.
- There is a weight limit on the roads – has this been considered?
- An application near to the site for a new dwelling was refused for 3 reasons, one being the additional traffic on the roads in the area.
- The application at Kilvington Lakes (14/02023/FULM) was submitted with full traffic survey which concluded the road was capable of supporting additional traffic movements but unsuitable for HGVs. This approval was subject to stringent conditions including traffic control measures and to agree traffic routing. The application should be refused but if approved should be conditioned for all traffic to approach and exit from the direction of Newark.
- The road is used by school children and there is also potential for conflict with traffic including the school bus on Alverton Road which has to reverse into a driveway on this road which is currently 60mph.
- None of the safety improvements to bends and traffic calming initiatives under the holiday park application at Kilvington have been implemented and additional HGVs will exacerbate danger at the bends.



## Other issues

- Intensive broiler farms are inhumane and cause immense suffering to the chickens. This is a disgusting and barbaric practice and the Council should show it is an enlightened organisation committed to sustainable and compassionate farming and animal welfare by rejecting this application.
- Loss of property values

A written representation and accompanying petition from the PETA Foundation with the personal details of 5,345 signatories has also been received requesting the application be rejected and raising the following concerns:

- Factory farms are large, filthy and crowded, and they pose a threat to the environment, both locally and globally. The proposed facility would generate 300 tonnes of manure every six weeks, with the potential to contaminate local water sources and increase the risk of flooding.
- Such a large-scale farming operation would result in the coming and going of large numbers of heavy goods vehicles in order to transport animals, feed, shavings and manure, increasing traffic on narrow village roads.
- Ammonia levels on chicken factory farms are so high that the corrosive substance burns the birds' lungs and skin, and it is likely that the chemicals and stench from the proposed broiler units could adversely affect the health of local residents.
- The farm would cause visual pollution, with huge industrial buildings erected in the open countryside.
- Intensive broiler farms cause immense suffering to chickens who spend their entire short lives in crowded sheds, often suffering from hock burn, illness and injury before they are sent to slaughter when they're just 38 days old.

## Consultations

**Staunton Parish Council** – An overwhelming majority of those at the Parish Meeting wished to object to this development. Serious concerns were raised regarding the suitability of this site for an intensive poultry unit which can be summarised as follows:

- Six dwellings are in close proximity (300 – 500m) to the proposed unit and would suffer severe detriment to their amenity due to smell, dust and noise coming from the poultry buildings. At times such as batch change over this was felt to be very significant and the true impact difficult to assess. The meeting requests that the council officers and members come to their own decision on this matter, rather than rely solely on reports commissioned by the applicant.
- The meeting felt the increased HGV traffic from the site would be unacceptable. Nottinghamshire County Council have imposed weight restrictions on the road that serves the site as they recognise such unclassified country roads are unsuitable for significant HGV traffic. To allow this site within the weight limit area will increase HGV movements by around 1500 per year. It was felt that this will be potentially dangerous especially in view of the increased traffic from the holiday village at Kilvington recently granted planning permission.
- Flooding of the site and surrounding properties is a further concern. Many villagers raised concern about recent surface water flooding within the site, on surrounding fields and on parts of Staunton works industrial estate. It would appear the applicant's consultants were not aware of these issues when they compiled their flood risk assessment and hence

present attenuation measures may well be inadequate. There is also concern that currently there is no effective outfall for water leaving the site to reach the River Devon. It is requested that this matter be re-examined in conjunction with the Environment Agency.

- The poultry buildings were felt to be large industrial units which if given permission effectively extend Staunton industrial estate into the surrounding open countryside. In landscape terms this was felt to be unacceptable and could set a precedent for further detrimental industrialisation of open countryside in this area.

**Cotham Parish Council** – No comments received.

**Kilvington and Alverton Parish Meeting** – No comments received.

**Orston Parish Council** – "Thank you very much for asking for our comments on Newark and Rushcliffe application 16/00316/FULM. On this occasion, Orston Parish Council does not wish to respond. Please, however, continue to keep up informed of proposals in neighbouring parishes in Rushcliffe; and beyond."

**Flawborough Parish Council** – A poll conducted in the village shows the village members to be equally divided - there is no clear majority to either support or object to the proposal.

Those supporting the proposal gave the location of the site, and that siting poultry sheds on this site would make the best use of the land considering it is an in-filled quarry. Those objecting to the proposal gave the anticipated increase in the number of heavy vehicles using the local country roads having an adverse effect on the quality of life of people living in Kilvington and Alverton, particularly when the Rural Retreats development at Kilvington Lakes is up and running. Also the increased danger of collisions for drivers on the double bend at Kilvington. Also mentioned by objectors was the fact that there are already two poultry farms near to Flawborough and that "enough is enough".

**Long Benington Parish Council** – 'I refer to the above application and on behalf of the Parish Council I would draw your attention to the Traffic Regulation Order in place on Valley Lane, with a 7.5 tonne weight restriction in place. This reflects the nature and condition of the road in this area and its unsuitability for heavy vehicles. As such, access via Valley Lane to the proposed site is inadequate, in particular, for the proposed number of regular vehicle movements.

Concerns have been raised by Councillors over the potential additional HGV movements in Long Benington that would result from approval of this application. This is already a matter of concern that has been flagged up with South Kesteven District Council on numerous occasions and the Parish Council would urge South Kesteven District Council to object to any further unwelcome increase in HGVs travelling through Long Benington.'

**Rushcliffe Borough Council** – No comments received.

**Melton Borough Council** – No comments received.

**South Kesteven District Council** – 'No objection. The comments of Long Benington Parish Council are enclosed for your information.'

**Trent Valley Internal Drainage Board** – 'The site is within the Board's district.'

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

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

The Internal Drainage Board also provided the following further comments:

'Since making the above response the Board has received representations relating to the condition of the receiving watercourse. The Board will therefore undertake an inspection of the receiving watercourse to ascertain its current condition and, where necessary, any remedial works required to be undertaken together with the party responsible for undertaking the remedial works in order to ensure that the watercourse operates effectively.

The Board do however note that the applicant intends to discharge surface water via an attenuation pond at a rate that does not exceed the calculated greenfield run-off rate.

It is recommended that the Nottinghamshire County Council in their capacity as Lead Local Flood Authority are also consulted on this application.

The Board further recommends that any planning approval granted is subject to a surface water drainage planning condition. The condition should prevent any development approved by the permission being commenced until your local Authority has also approved a scheme for the provision of sustainable surface water drainage. Any such scheme should be implemented to the reasonable satisfaction of your Authority and Lead Local Flood Authority before the development is brought into use.

**NSDC Access and Equalities Officer** – As part of the developer's consideration of access to and use of buildings, it is recommended that consideration be given to access to, into and within the Site Office and from car parking. Approved Document M of the Building Regulations gives useful information in this regard and it is recommended that a separate enquiry is made regarding Building Regulations.

**The Environment Agency** – 'No objection to the proposed development subject to imposition of the following planning condition.

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) Report reference K0702 prepared by Hydro-Logic Services LLP in January 2016.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

#### INFORMATION:

The proposed development will require a bespoke permit under the Environmental Permitting Regulations 2010. At this stage, we have not identified any major concerns about issuing a permit for this development based upon the current information submitted in support of this planning application. We consider risks to people and the environment are likely to be satisfactorily managed using measures to prevent, minimise and/or control pollution that are detailed within the submitted application.

The permit will control emissions to air and water (including fugitive emissions).

However, we do require more information on whether the site will have on-site sewage collection/disposal (e.g., office toilet), and how or where this will be treated. Link here: <https://www.gov.uk/permits-you-need-for-septic-tanks>

We encourage the applicant to contact us to discuss the proposals.'

Following an email from the case officer to the Environment Agency on 24<sup>th</sup> March 2016 drawing attention to the comments of Staunton Parish as had been requested by the Parish, the following further comments were provided:

'Whilst the EA have made comments on the FRA this is in relation to the flood zones affecting the western fringes of the site. Surface water flooding and disposal is a matter for the Lead Local Flood Authority.'

**Notts County Council Flood Team** – No objections subject to the proposals submitted in the Flood Risk Assessment being adhered to.

**Notts Wildlife Trust** – The Trust have reviewed the documents available, particularly the Extended Phase 1 Habitat Survey (Wold Ecology Ltd, January 2016) and wish to provide the following comments:

#### 'Landscaping and Enhancements

The Extended Phase 1 Survey identified the site to consist of arable farmland, species poor grassland and species poor hedgerows. Although these habitats were identified to be of low ecological value within the report, hedgerows and field margins are UK BAP habitats due to supporting a range of declining farmland species (Priority Habitats under Section 41 of the Natural Environment and Rural Communities Act 2006 should be a material consideration during the planning process).

It is stated in Section 7.4.2.6 of the Phase 1 Survey that 104m of the eastern hedgerow will be removed, but this will be replanted. Section 7.4.2.11 recommends species and their composition within the new hedgerow. We would expect the replanting of the hedgerow to be conditioned and would expect the recommended species composition within Section 7.4.2.11 of the Phase 1 Survey to be used.

The Site Layout Plan shows an attenuation pond, but there is no detail within this plan of the structure the pond. There is the opportunity to enhance the pond for wildlife by planting native species (of a local provenance), creating a varied bank structure and by allowing a continuous area of standing water (throughout the year within the pond).

There are also no further details of the landscape surrounding the proposed buildings. Again, there is the potential to enhance this for biodiversity by planting native tree/shrub species of a local provenance and by planting a wildflower meadow. This could also mitigate for any potential loss in arable field margins as a result of the development.

We would also wish to see the bat and bird boxes within the recommendations of the Phase 1 report included within the development. Note paragraphs 109 and 118 of the NPPF require developments to result in minimal loss to biodiversity, so as to contribute to the Government's aim to halt the overall decline in biodiversity. Developments are also encouraged to include ecological enhancements.

#### Pollution Prevention Measures

We note that a screening for ammonia has been undertaken as part of the Environmental Statement. The results of the tests have indicated it unlikely for significant indirect impacts to statutory/non-statutory sites of nature conservation interest to occur as a result of ammonia transitions. However, we are aware that this is a matter which will need to be addressed with the Environment Agency as part of the Environment Permitting Process. Section 7.5.3.1. – 7.5.3.8. of the Phase 1 Survey includes details of pollution prevention measures for working near water. We would expect these measures to be included within a Method Statement (as part of a condition).

#### Lighting

Artificial lighting can have a negative impact on nocturnal species such as bats. We would therefore expect details of the lighting scheme included within a suitably worded condition if not provided before determining the application.

#### Breeding Birds

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

#### Further Survey

The Phase 1 Survey is valid until July 2017. If works do not commence by this time then an additional up to date survey should be undertaken.'

**Natural England** – No comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. Natural England advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**Notts County Council (Ecology)** – ‘Thank you for consulting the Nature Conservation Unit of the Conservation Team on this matter. We have the following comments regarding nature conservation issues:

- The application is supported by an Extended Phase 1 Habitat Survey carried out by Wold Ecology Ltd and dated January 2016. This indicates that the site is largely dominated by arable fields, bordered by hedgerows and an improved grassland margin.
- The application site is near to the Staunton Works LWS, but the proposed works will not have a direct impact upon that site.
- The proposals will give rise to ammonia emissions, which could have impacts on sensitive sites. However, in this matter we will defer to the Environment Agency as part of their Environment Permitting process.
- Surveys for several protected species were carried out during the Extended Phase 1 Habitat Survey, but no evidence of protected species was found.
- The proposals involve removing the eastern hedgerow. It is proposed that this will be replaced, and a condition should be used to require this, along with the gapping up of the northern hedgerow. Species mix is provided in paragraph 7.4.2.11 of the Extended Phase 1 Habitat Survey, which is considered to be appropriate.
- A further condition should require that bat and bird boxes be incorporated into the fabric of the proposed site, as proposed in paragraph 7.5.1.2 . and paragraph 7.5.2.3 of the Extended Phase 1 Habitat Survey.
- Artificial lighting should be designed to comply with the proposals outlined in paragraph 7.5.1.5 of the Extended Phase 1 Habitat Survey, and should be secured through a condition.
- A standard condition should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive.
- The submitted plans show areas of undeveloped land on the eastern and western parts of the site not marked as being used. It is queried whether these areas could be enhanced for biodiversity such as through the seeding of a wildflower meadow or planting native trees and shrubs.’

Following the agent’s provision of landscaping and biodiversity enhancements, the County Ecology Officers provided the following further comments:

‘The Nature Conservation Team is quite happy with the landscaping and biodiversity enhancements provided, we would be happy to support this application.’

**Notts County Council (Archaeology)** – No comments received.

**NSDC Environmental Health** – The site will require a permit from the Environment Agency. Whilst they will deal with noise, odour and fly issues from the site, this area is sensitive in respect of light pollution. Would therefore ask that the applicant provide full details for the lighting scheme to be provided on site which could be conditioned on any approval given.

**NSDC Conservation Officer** – The main historic environment issue in this case is what impact the proposal has on the setting of any listed building, notably the pigeoncote at Staunton Grange and the cluster of listed buildings within Staunton itself.

In the wider landscape, consideration has also been given to the setting of Kilvington medieval settlement (Scheduled Ancient Monument) and the group of buildings at Staunton Hall (Grade II\*) and Church of St Mary (Grade II\*).

The pigeoncote at Staunton Grange is early 18th century, and is two storeys in red brick with a tiled roof, indented brick coped gables and exposed rafters at the eaves. Charlton Farm, the Charlton Arms and a K6 telephone kiosk form a group of three Grade II listed buildings within Staunton. Further to the south is the important 16th century Staunton Hall set in attractive parkland with extensive estate elements. The Church of St Mary completes this group, and is 14th century in origin. To the west are the remnants of a medieval village with significant archaeological value.

#### Assessment of proposal

The proposal seeks to erect a series of poultry sheds on land adjacent to Staunton Works. The proposal site is located on agricultural land bounded by mature hedgerows and trees on the west side of the Alverton Road and to the immediate north and northeast of the Staunton Industrial Estate. The village of Staunton in the Vale is located c.800m to the southeast. Staunton Grange is located c.400m to the north. The land is generally flat, although rises to the north and eastwards.

The layout comprises 6 broiler rearing units, associated feed bins and hardstanding and an agricultural building for storage/boiler with provision of a new access onto the road. Each unit will measure 91m x 21m with a maximum ridge height of approximately 6m. The bins are taller. The poultry sheds are steel framed with block work and polyester cladding above and to the roof in juniper green finish.

Conservation provided an initial view on the proposal in 2014 (PREAPP/00235/14), emphasising the importance of considering the impact of the proposal on the setting of nearby heritage assets and possible mitigation strategies in screening/planting.

Against the backdrop of Staunton Works, it is felt that the proposed development will not have a significant adverse impact on the setting of the pigeoncote at Staunton Grange. Nevertheless, the experience and setting of the listed pigeoncote at Staunton Grange will be affected by the proposed development, noting the importance of the rural landscape setting to this nationally designated listed building. It is accepted that the distance away offers some mitigation, but the development would nonetheless benefit from more significant screening on the north boundary.

Notwithstanding the above observations, the proposal will cause no harm to the setting of any designated heritage assets within the hamlet of Staunton, nor harm the setting of the grouping of designated heritage assets at Staunton Hall (including the associated medieval village at Kilvington). The distance between material receptors combined with existing landscaping, topography and the siting of buildings is such that any impact is limited.

#### Summary of opinion

Overall, the proposed development will not harm the setting of any designated heritage assets within Staunton village or at Staunton Hall. There will be some impact on the setting of Staunton Grange which includes a Grade II listed pigeoncote. If the proposed development was screened by substantial planting on the north boundary, Conservation would raise no objection to the proposal.

The development otherwise complies with the objective of preservation set out under section 66 of the Act.

## Conditions

Landscaping/planting to the north boundary.

**Notts County Council (Highways)** – Provided the following initial comments:

‘This application is for the erection of 6 poultry units, with the construction of a new vehicular access. There are to be two full time employees on site and parking for 3 vehicles is shown on the site layout plan.

The Design and Access Statement indicates that the development is expected to generate 744 HGV movements over a yearly period. The proposed access is shown as being 7.3m in width for a minimum distance of 20m into the site to enable two vehicles to pass each other, off the public highway. However, it is unclear from the site layout plan how the HGVs will turn within the site to enable exit in a forward gear. Could an amended plan be submitted to address this? There is also no information submitted regarding the HGV routing to/from the site.

The applicant/agent has submitted details of vehicle speeds along Alverton Road, and as a result, has provided visibility splays of 2.4m x 175m in a southbound direction and 2.4m x 215m northbound. To achieve these splays on site, the existing hedge along the site frontage will require realigning.

In view of the above, once the amended plan has been received, suitable conditions may then be imposed.’

Following the agent’s provision of a revised site layout plan including vehicle tracking the following further comments were received:

‘The agent has submitted an amended layout plan demonstrating that the expected HGVs are able to enter the site, turn and exit in a forward gear.

With regard to the HGV routing, it is considered that all vehicles should approach the site from a northerly direction only and also exit from the site in a northerly direction only.

Therefore, it is recommended that the following conditions be imposed:

1. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 215m in a northbound direction and 2.4m x 175m southbound, shown on drawing no. IP/EM/02, are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.  
Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
2. No part of the development hereby permitted shall be brought into use until the access has been designed and thereafter completed to a standard that provides a minimum width of 7.3m for the first 20m rear of the highway boundary.  
Reason: In the interests of highway safety
3. No development shall be commenced until details of a route for HGV traffic associated with the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority and thereafter adhered to.



Reason: In the interests of highway safety.

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.

In respect to Condition no. 3 above, the Highway Authority would seek agreement for all HGV traffic associated with this development to travel to and from the north only.

**Severn Trent Water** – ‘No objection to the proposal subject to the inclusion of the following;

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our New Connections Team (Tel: 0800 707 6600).

**Suggested Informative**

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.’

**NSDC Environmental Services** – No observations. All environmental matters associated with the operation of a poultry farm such as this are controlled by an IPPC permit issued by the Environment Agency. The applicant is aware of this and discusses this in the application documentation.

**Planning Policy Framework**

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

Spatial Policy 3 – Rural Areas

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

**Allocations & Development Management DPD (adopted July 2013)**

- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM10 – Pollution and Hazardous Materials

- Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2012

Planning Practice Guidance 2014

### **Appraisal**

#### **Principle of Development**

Policy DM8 of the Allocations & Development Management DPD relates to development in the Open Countryside and states that development away from the main built up areas of villages will be strictly controlled and limited to a number of specific types of development. One such type that is listed is proposals for agricultural/forestry development that requires planning permission. It goes on to state that these types of development will need to explain the need for the development, and its siting and scale in relation to the use it is intended to serve.

The proposal is for the development of a new poultry unit base in the area and would represent the expansion of a business which operates elsewhere in the country. It does not however, relate to the expansion of an existing rural enterprise within or adjoining an existing agricultural holding. In accordance with the requirements of Policy DM8, it is therefore necessary for the applicant to explain the need for the development along with the reasons for its siting and scale in this location. The Environmental Statement confirms that as the proposal is agricultural and that the area of search when considering alternative sites is generally limited to land in the applicant's ownership. The applicants have purchased the land with a view to developing the proposed poultry unit. The issues considered in the site selection process included the following:

- Screening for compliance with IPPC permit ammonia and nitrogen deposition regulations.
- Distance from neighbouring dwellings to comply with the Environmental Permitting Regulations 2010.
- Geographically located within 50 miles of the processing plant to comply with the transportation requirements for live birds (the site is located 28 miles from the poultry processing plant at Anwick, Sleaford, Lincs).
- Good highway links.

The information submitted in support of the application also states that the applicants operate an existing poultry rearing business within the midlands and are seeking to develop a new broiler rearing site in Nottinghamshire. The application states demand for British produced chicken is increasing year on year with a significant shift in consumer demands towards chicken as an affordable source of meat and the industry requires the development of strategically located new rearing sites to meet this demand.

The above information helps in understanding the scale and need for the proposal and the reasons why the site has been selected as required by Policy DM8 of the DPD. On this basis the principle of the development is considered to be acceptable subject to an assessment of the following material considerations.

#### **Economic Role**

The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity and that the planning system should do everything it can to support

sustainable economic growth. Significant weight should be attached to the need to support growth through the planning system. In rural areas support is given to farm diversification and sustainable growth and expansion of businesses.

The submitted documents state the buildings and infrastructure proposed will require an investment of approximately £3.2 million by the applicants and once operational will create two full time jobs on the site. Once operational the development would contribute to associated services and industries within the poultry sector including haulage contractors, chick suppliers, poultry feed suppliers, veterinary and medicine, fuel suppliers, bedding suppliers, catching contractors, cleaning contractors, electricians, plumbers, pest control contractors.

The proposal being an agricultural enterprise attracting investment into the rural area and having the potential to create direct and indirect employment opportunities is consistent with the support for economic development in rural areas in the NPPF and significant weight should therefore be attached to this aspect in the planning balance.

### **Impact on Character of Area (including heritage assets)**

The NPPF states that good design is a key aspect of sustainable development and Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments. Policy DM12 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The application site is located within the South Nottinghamshire Farmlands 'Alfreton Village Farmlands' area (SN PZ 10) which is defined as being of a very good condition with moderate landscape sensitivity. It is acknowledged that views are intermittent within the landscape area due to the networks of generally mature hedgerows. The policy displays an intention to conserve hedgerows, ecological biodiversity and to conserve what remains of the rural landscape by concentrating new development around existing settlements including Staunton in the Vale.

The proposed poultry unit would be of a significant scale, with the floorspace of each building measuring 94.48 metres by 21.23 metres. The maximum ridge height of each building would be approximately 5.6 metres. The poultry units would be located approximately 90 metres from the front boundary of the site. The supporting information confirms that the scale of the development is linked to the intended use as a broiler rearing unit where large scale development is required to achieve economies of scale and justify the infrastructure costs of the development. Whilst there is some existing boundary treatment which would help to screen the development, clearly these maximum heights would exceed the existing boundary treatments. Visibility of the site could also be exacerbated through the removal of boundary hedges to aid visibility splays, however I note the proposal is to replace the hedge to the front boundary.

It has been noted on site that whilst the site is relatively flat, it appears to be within a slight natural depression in the landscape with land levels visibly rising to the east in particular. As such, the agricultural appearance of buildings, despite their height, would be relatively discrete features

in the landscape especially from longer range views. This is particularly the case when viewed in the context of the existing industrial buildings to the south west of the site.

The built form would be further mitigated by the associated landscaping proposed and the landscaping plan has been drawn up in more detail during consideration of the application and now includes:

- A replacement hedgerow to the front eastern boundary to allow for visibility spays to be created at the access.
- Existing hedgerows to side boundaries to be retained
- Tree planting to all boundaries including particular attention to the northern boundary to meet the Conservation Officers request (as considered in more detail below under heritage assets)
- Proposed grassland areas with flowering lawn and wild flowers meadow seed mixes
- Native shrub planting

A Landscape and Visual Impact Assessment has been prepared and submitted as part of the applicant's Environmental Statement. The LVIA concludes:

'With the implementation of a successful mitigation strategy, the overall impact on the landscape is considered to have a negligible overall effect on the surrounding landscape character and visual impact. It should be considered that this type of development is not out of character within the receiving landscape'

The buildings would be of a design and materials that is characteristic of other poultry/agricultural buildings that are found within the surrounding rural area, and are considered appropriate for their intended use. I consider that the design of the proposals with profiled sheet elevations and roof with a polyester coated juniper green finish will help to assimilate the proposal within the landscape. The proposed materials are detailed on the application forms but given the elevations submitted show slight variations in composition of materials (i.e. the poultry units and boiler house indicate a change of material to the lower part of the elevations) and that materials/finish of ancillary structures such as the feed silos is not detailed, I consider it would be reasonable to condition final elevational treatment to be confirmed to ensure the final finish of the buildings is of an agricultural character as envisaged in the application. The landscaping scheme submitted will further assist in softening the impact of the proposal and I note the planting species detailed is consistent with the recommendations within the Ecological assessment submitted as part of the application.

A condition requiring the submission of existing and proposed ground levels would ensure that the proposed buildings are built on a level close to the existing situation.

I consider that the design of the proposal with supplementary landscaping, its position set back from the adjoining highway and viewed in close proximity to the neighbouring industrial estate will ensure that the proposal does not have a detrimental impact on the landscape character of the area. In coming to this view I am also mindful that the landscape sensitivity is defined as moderate and hedgerows are being conserved in line with the policy actions in the Landscape Character Appraisal with gapping up of the northern hedgerow as referred to in the ecology considerations below. Appropriate conditions can also be attached to any consent to ensure that the landscape scheme is fully implemented.

## Heritage Assets

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 and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Core Policy 14 and Policy 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 affecting the setting of designated heritage assets are proportion, height, massing, bulk, use of materials, 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, furthermore, look for opportunities to better reveal the significance of heritage assets when considering development affecting the setting of designated heritage assets (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).

I note the comments of the Council's Conservation Officer and their view that against the backdrop of Staunton Works, it is felt that the proposed development will not have a significant adverse impact on the setting of the pigeoncote at Staunton Grange but that the experience and setting of the listed pigeoncote at Staunton Grange will be affected by the proposed development. I concur that the distance offers some mitigation, and that this would be further mitigated through a suitable level of soft landscaped screening to the north boundary. Following negotiations with the agent, revised landscape plans have been submitted which includes proposed tree planting to the northern boundary at regular intervals (13 no. Acer Campestris (Field Maple) and 13no. Quercus robur (English Oak)) and grassland with a wildflower mix is proposed to this boundary. The tree planting to the northern boundary would be heavy standards at a height of 300 – 350cm when planted. The agent has also agreed to the gapping up of the northern boundary hedge following a request from the County Council's Ecologist and this will have additional benefits in providing further screening at a lower level. I am satisfied that these features will help to provide the substantial screen requested by the Conservation Officer and on this basis will preserve the setting of Staunton Grange. I also concur with the Conservation Officers comments that the proposed development will not harm the setting of any designated heritage assets within Staunton village or at Staunton Hall.

It must be accepted that the proposed development, in terms of scale, is significant (and indeed represents a major development for which an EIA is required). It must equally be accepted that the proposal will be visible given said scale. That does not, in itself, mean that the development is

unacceptable. Indeed, there are examples of significant agricultural processes and buildings within an open countryside context, both within the District and nearby (notably in Rushcliffe). On balance, taking into account the above factors, it is considered that the proposed development would not have an unacceptable relationship with the character and appearance of the surrounding area, including heritage assets. The proposed development would therefore comply with Core Policies 9, 13 and 14 of the Core Strategy and Policy DM5 and DM9 of the Allocations & Development Management DPD as well as the objective of preservation of heritage assets set out under section 66 of the Act.

### **Impact on Amenity (neighbours and proposed occupiers)**

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. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The application site is adjoined by Staunton works and industrial estate is located to the south west of the site. The site is also surrounded by agricultural fields and a number of isolated dwellings. The nearest residential dwelling is at Staunton Grange which is located approximately 300 metres to the North West of the site.

I am satisfied that given the design of the proposal, the topography of the site and the distance between the poultry units and the nearest dwellings, the proposal will not result in any undue overbearing or overshadowing impacts. The site benefits from existing hedgerow planting and trees and the proposed planting scheme particularly to the northern boundary will further assist in softening the relationship with the nearest properties.

I note the concerns received relating to the potential impact on the amenity of the area in terms of odour, noise (from the poultry buildings and associated traffic), air pollution, dust, ammonia levels and light pollution. Paragraph 122 of the NPPF states that local authorities should focus on whether the development itself is an acceptable use of the land, and the impact of use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The supporting information submitted with the application acknowledges that the proposed development requires an IPPC permit from the Environment Agency in order to operate and that this permitting regime places the highest levels of protection on the operation of the proposed poultry unit in order to protect residential neighbours and the environment as a whole.

The Environmental Statement submitted as part of the application includes reports relating to noise, odour and dust likely to emanate from the site. The noise assessment of plant and operational noise impact from the proposed poultry units accounts for the extract fans proposed and transport noise and concludes that the proposal will not harm the living conditions of neighbouring residential properties. The odour assessment concludes that levels will be below thresholds set by the Environment Agency and therefore there will not be an appreciable loss of amenity at any of the neighbouring dwellings. The dust report makes reference to DEFRA research which demonstrates that emissions from poultry units in terms of particulate matter reduces to background levels by 100m downwind of even the highest emitting poultry houses and are sufficiently diluted so as not to pose a risk to those living in the vicinity. The report concludes the proposed poultry units are located 310m from the nearest sensitive receptor and this is well beyond the distance where dust problems can occur.

Notwithstanding the above conclusions within the Environmental Statement submitted, the Council's Environmental Health Officers have confirmed in their written comments that the site will require a permit from the Environment Agency which will deal with noise, odour and fly issues from the site and have also confirmed verbally that the permit will cover dust, ammonia levels and emissions to water. The Environmental Health Officer has highlighted the requirement for careful consideration to be given to any associated lighting on the site given the area is sensitive in respect of light pollution. As requested, a condition can be attached to any planning permission requiring full details for the lighting scheme to be provided on site and once approved for the lighting to be operated in accordance with the approved details. I also consider it would be prudent to attach a condition requiring confirmation of the final provisions to control noise and odour emanating from the site under the Environmental Permit and that the details approved under the permit shall be the minimum operating requirements for the site.

Taking all of the above factors into account, it is considered that the proposed poultry units and operating arrangements provided they meet the requirements of the Environmental Permitting Regulations (England and Wales) 2010 (which the submitted reports in the ES submitted advise they will and the Environment Agency have confirmed they have not identified any major concerns about issuing a permit based upon the current information submitted), would not have a detrimental effect on neighbouring amenity and therefore would comply with Policy DM5 of the Allocations & Development Management DPD.

### **Impact on Highways**

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport and includes that development proposals should include safe, convenient and attractive access for all, be appropriate for the highway network in terms of volume and nature of traffic generated.

The Environmental Statement submitted includes a Transport and Access Statement and following the initial comments of the Highway Authority a revised site layout has been provided with vehicle tracking to show how a HGV will turn within the site and exit in a forward gear. Details of proposed HGV routing to and from the site have also been provided.

The Highways Authority has assessed the proposed development, including trip generation and types of vehicles anticipated, and are satisfied that the proposal can be accommodated without any undue impact on highway safety. The submitted plans include the required visibility splays suitable for vehicle speeds along Alverton Road. With regard to the HGV routing, the Highway Authority consider that all vehicles should approach the site from a northerly direction only and also exit from the site in a northerly direction only. The agent has since confirmed in writing that the applicant has no objection to this request which could be formalised through the Highway Authority's requested condition requiring details of the HGV route to be agreed and adhered to thereafter. This would ensure that HGV traffic associated with the proposals would not access the site through the village of Staunton and Kilvington which are located to the south of the application site.

Given the Highways Authority raises no objection to the proposed development and that their suggested conditions and informatives could be attached to any consent, I am satisfied that the proposals would comply with Spatial Policy 7 of the Core Strategy.

## **Flooding / 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.

I am mindful of the concerns raised during consultation relating to flood risk, drainage and water pollution.

The west portion of the application site is located within Flood Zones 2 and 3 and as such there is a medium to high probability of flooding. A detailed flood risk assessment has been carried out and the proposals include a surface water management strategy in the form of a sustainable drainage system.

The Flood Risk Assessment submitted as part of the application notes that the western part of the site is located partially within Flood Zones 2 and 3 and highlights that given the areas proposed for development are beyond the limit of 1:1000 year fluvial flooding, there is no need to apply the Sequential Test. Furthermore, given that the proposed development for agricultural use is classified as 'Less Vulnerable' by the NPPF, it is not subject to the exception test. Given the proposed poultry units are proposed within the centre and east of the site, outside flood zones 2 and 3, there would be no increase in flood risk to people at the site.

In terms of drainage on the site, the Flood Risk Assessment concludes that it is very unlikely runoff from impermeable surfaces could not be managed using infiltration and it is recommended that surface water should be mitigated using a 1,100m<sup>2</sup> attenuation pond located outside Flood Zones 2 and 3 and designed to account for climate change by increasing peak rainfall by 20%. This pond would then release runoff into the drainage ditch to the west of the site at an attenuated rate, below the Greenfield runoff rate. I note that the attenuation pond shown on the proposed plan is smaller than that referred to in the FRA, however I appreciate that it is shown for indicative purposes only and the agent has confirmed that they would be willing to accept a condition requiring precise details of the attenuation pond to be submitted and approved. Any such condition could refer to the attenuation pond needing to correspond with the detail in the Flood Risk Assessment.

The Environmental Statement submitted also refers to how foul drainage will be dealt with, with the washing out of the units being carried out at the end of every 38 day growing cycle and the inside of the building being drained to a sealed tank and wall surfaces treated with penetrating sealer to prevent leakage. The dirty water tanks will be situated below ground and would be compliant with the Environment Agency's permitting standards.

The Environment Agency have confirmed that they have no objection to the proposed development subject to the imposition of a condition requiring the measures detailed within the Flood Risk Assessment being implemented and a note confirming that the proposed development will require a bespoke permit under the Environmental Permitting Regulations 2010.

The County Council as Lead Local Flood Authority have also confirmed they have no objections



subject to the proposals submitted in the Flood Risk Assessment being adhered to.

The Internal Drainage Board have confirmed that there are no Board maintained watercourses in close proximity to the site and that surface water run-off rates to receiving watercourses must not be increased as a result of the development. The Board is going to undertake an inspection of the receiving watercourse to ascertain its current condition and, where necessary, any remedial works required to be undertaken together with the party responsible for undertaking the remedial works in order to ensure that the watercourse operates effectively. However the Board note that the applicant intends to discharge surface water via an attenuation pond at a rate that does not exceed the calculated greenfield run-off rate. A surface water drainage planning condition can be attached to any planning permission to ensure the final details of the drainage system are acceptable.

For the above reasons, I am satisfied that the submitted details relating to flood risk and drainage are acceptable and subject to the suggested conditions I am satisfied that the proposal will meet the flood risk and water management objectives set out within the NPPF, Core Policies 9 and 10 and Policy DM5 of the Development Management DPD.

### **Impact on Ecology**

Core Policy 12 and Policy DM7 of the Development Management DPD relate to Biodiversity and Green Infrastructure. The Council will seek to conserve and enhance the biodiversity of the District and that development proposals will be expected to take into account the continued protection of ecological assets. Policy DM5 requires that significantly harmful ecological impacts are avoided through the design, layout and detailing of the development with mitigation provided where significant impacts cannot be avoided.

The application has been accompanied by an Extended Phase 1 Habitat Survey and following the initial comments of the Ecology consultees the agent has provided a detailed landscaping scheme which builds on the initial information submitted referring to the inclusion of the attenuation pond together with landscaping areas which provide opportunities to create new habitats and wildlife corridors for nesting birds, bats and amphibians.

I note the comments received within written representations in respect of the potential impacts on ecology. I also note the comments received from ecology consultees at Notts Wildlife Trust, the County Ecologist and Natural England which raise no specific objections to the proposals.

Ecology consultee responses suggested that the landscaped areas around the buildings provide opportunities to provide biodiversity enhancements by planting native tree/shrub species of a local provenance and by planting a wildflower meadow and that this could also mitigate for any potential loss in arable field margins as a result of the development. The landscaping plans subsequently provided have addressed both these issues. Whilst precise details of planting and structure of the attenuation pond have not been provided at this stage, a suitable condition could be included with any planning permission requiring precise details of this feature to include planting of a local provenance, a varied bank structure and to be designed to allow for a continuous area of standing water (throughout the year within the pond).

Suggested conditions relating to pollution prevention measures, precise details of lighting, vegetation clearance outside the bird nesting season, for an up to date ecological survey to be undertaken should the existing survey expire before works commence, provision of bat and bird boxes within the development and replacement hedgerow to the eastern boundary to be secured

can all be attached to further conserve and enhance the ecological value of the site. The agent has also confirmed that they have no objection to gapping up of the northern hedgerow in accordance with the County Ecologist's request and this can also be secured by condition.

For the reasons outlined above, I am satisfied that the proposal will have no significant impacts on ecology and that opportunities to enhance the biodiversity of the District can be secured through the proposed landscaping scheme and other suggested condition. The proposals would therefore be in accordance with Core Policy 12, Policies DM5 and DM7 of the Development Management DPD and paragraph 118 of the NPPF.

### **Other Issues**

With regards to concerns relating to the need for a new dwelling. Any application for an agricultural worker dwelling would need to be considered on its own merits against the criteria set out under Policy DM8 of the Development Management DPD and whether any such dwelling would be justified with a functional and financial need commensurate to the agricultural use of the site.

I note the comment about a new dwelling in the area being refused due to additional traffic. Having checked the planning history of the property concerned the reason for refusal actually related to reliance on the private car and that this would be an unsustainable location for a new dwelling.

With regards to the potential impact on the health of the local population, this is monitored through the Environmental Regulations and the Environmental permit required for the site to operate is the appropriate control over potential pollutants from the proposed development.

The Environment Agency have also verbally confirmed that the Environmental permit covers issues such as manure storage and disposal. Any dead carcasses are collected on a daily basis and stored within a sealed carcass bin and collected by a licensed fallen stock operator (details of the sealed carcass bin can be requested by condition). The unit would also operate a pest control protocol with regular baiting for rodents. Flies are controlled through the short flock cycle and regular removal of litter which breaks the fly breeding cycle and any further fly problems dealt with using a knock down spray.

I note the objections received requesting that the application be refused on the grounds of the impact on animal welfare. Planning legislation does not allow for consideration of this matter and it would therefore be unreasonable to refuse the application on these grounds.

The potential devaluation of nearby residential properties is not a material consideration in this instance.

### **Conclusion and Planning Balance**

The proposed development is for agricultural use and the principle of such development in the Open Countryside is acceptable. The buildings and associated infrastructure are of a significant scale within the rural setting but it is considered that in this particular instance the proposals can be accommodated without having an unacceptable impact on the character and appearance of the surrounding rural area. The proposal will equally, in my opinion, not having an unacceptable impact upon neighbouring amenity, highway safety, flooding and drainage and ecology. The

proposal would have economic benefits consistent with the support for economic development in rural areas in the NPPF.

The proposed development is therefore recommended for approval subject to conditions.

### **Recommendation**

**Approve, subject to the following conditions:**

#### **Conditions**

01

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

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

02

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

- Location Plan drawing no.IP/EM/01
- Site Layout Plan (Autotrack Added) drawing no.IP/EM/02A
- Proposed Broiler Rearing Unit Elevations drawing no.IP/EM/03
- Site Office Plan and Elevations drawing no.IP/EM/04
- Boiler House Plan and Elevations drawing no.IP/EM/05
- Landscape Plan drawing no.IPA20278 11A 1 of 2
- Landscape Plan drawing no.IPA20278 11A 2 of 2

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

Before development commences, full details of a Sustainable Drainage System (SuDS) addressing any risks to groundwater quality as well as any surface water courses in continuity with these deposits shall be submitted to and approved in writing by the Local Planning Authority. The drainage details shall also include details for the disposal of foul sewage. The drainage method statement should also be guided by Section 7.5.3.1 – 7.5.3.8 of the Wold Ecology Ltd Extended Phase 1 Habitat Survey (January 2016) submitted as part of this application. Once approved in writing the development shall be completed and retained in accordance with the approved details.

Reason: To protect the quality of groundwater and surface water courses in the vicinity of the application site and to reduce the risk of creating or exacerbating a flooding problem.

04

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Report reference K0702 prepared by Hydro-Logic Services LLP in January 2016.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

05

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] 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.

06

Notwithstanding the details on the approved landscaping drawings under condition 2 of this planning permission, no development shall be commenced until full details of soft and hard 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:

details of planting for the gapping up of the northern boundary hedge;

an implementation programme for soft and hard landscaping including for the replanting of the hedgerow to the eastern boundary with Alverton Road and the gapping up of the northern boundary hedge; measures of protection during construction for existing trees and hedgerows which are to be retained;

precise details of the attenuation pond position size and structure (Designed in accordance with the size of attenuation pond detailed in the Flood Risk Assessment (FRA) Report reference K0702 prepared by Hydro-Logic Services LLP in January 2016) including details of planting of local provenance and whether there are opportunities for a varied bank structure and a continuous area of standing water throughout the year within the pond; hard surfacing materials;

any minor artefacts and structures including the sealed carcass bin; proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To ensure the development complements the existing landscape environment in accordance with the National Planning Policy Framework and Core Policy 9 of the Newark and Sherwood Core Strategy (Adopted March 2011).

07

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season (whichever is the earliest) 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, and to ensure the development complements the existing landscape environment in accordance with the National Planning Policy Framework and Core Policy 9 of the Newark and Sherwood Core Strategy (Adopted March 2011).

08

Details of a range of bat boxes and bird nest boxes to be included within the development shall be submitted to and approved by the District Planning Authority in writing before development commences. The approved bat and bird boxes shall be implemented in accordance with the approved details before the dwelling hereby approved is first occupied and thereafter maintained as such.

Reason: In order to enhance biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Paragraph 118 of the NPPF.

09

Before development commences precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme should utilise either low or high pressure sodium lamps and minimise light scatter using light spill accessories. Once approved in writing any external lighting shall be installed and retained only in accordance with the approved details.

Reason: In order to ensure the development has an acceptable relationship with protected species and the visual amenity of the area in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

010

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

Reason: In order to ensure the development has an acceptable relationship with the ecological interests of the area in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policy DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

011

The Wold Ecology Ltd Extended Phase 1 Habitat Survey January 2016, submitted as part of this planning application is valid until July 2017. Should works not commence by July 2017, an additional up to date habitat survey shall be undertaken before works commence and details of how any recommendations within the survey will be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the development shall be completed in accordance with the approved details.

Reason: In order to ensure the development has an acceptable relationship with the ecological interests of the area in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policy DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

012

No development shall be commenced until precise details of the materials and finish to the elevations and roofs of all buildings and to any ancillary structures hereby approved have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

013

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 215m in a northbound direction and 2.4m x 175m southbound, shown on drawing no. IP/EM/02A, are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

014

No part of the development hereby permitted shall be brought into use until the access has been designed and thereafter completed to a standard that provides a minimum width of 7.3m for the first 20m rear of the highway boundary.

Reason: In the interests of highway safety.

015

No development shall be commenced until details of a route for HGV traffic associated with the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority and thereafter adhered to.

Reason: In the interests of highway safety.

016

The development hereby permitted shall be restricted to a maximum of 250,000 birds at any one time.

Reason: In the interests of neighbouring amenity and to ensure the development is carried out in accordance with the submitted details and accompanying reports.

017

Before development commences confirmation of the final provisions to control noise and odour emanating from the site as required under the Environmental Permitting Regulations 2010 shall be submitted to and approved by the Local Planning Authority. Once approved the site shall be operated in full accordance with approved details with these being the minimum requirements for control of noise and odour emanating from the site.

Reason: To ensure that the site is operated in accordance with the anticipated level of protection for the amenity of the area detailed in the Environmental Statement submitted as part of this application and to ensure any subsequent changes to the Environmental Permitting regime do not adversely impact on the level of protection to amenity previously afforded.

## Notes to Applicant

01

The proposed development will require a bespoke permit under the Environmental Permitting Regulations 2010. At this stage, the Environment Agency has not identified any major concerns about issuing a permit for this development based upon the current information submitted in support of this planning application. The Environment Agency consider risks to people and the environment are likely to be satisfactorily managed using measures to prevent, minimise and/or control pollution that are detailed within the submitted application.

The permit will control emissions to air and water (including fugitive emissions).

However, the Environment Agency require more information on whether the site will have on-site sewage collection/disposal (e.g., office toilet), and how or where this will be treated. Link here: <https://www.gov.uk/permits-you-need-for-septic-tanks>

You are advised to contact the Environment Agency to discuss the proposals.

02

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

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

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

With regards to Condition 10 of this planning permission all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

05

With regards to Condition 8, please note the recommendations at paragraphs 7.5.1.2 and 7.5.2.3 of the Extended Phase 1 Habitat Survey submitted with this application.

06

With regards to Condition 9, please note the recommendations at paragraph 7.5.1.5 of the Extended Phase 1 Habitat Survey submitted with this application.

07

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.

In respect to Condition no. 3 above, the Highway Authority would seek agreement for all HGV traffic associated with this development to travel to and from the north only.

08

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our New Connections Team (Tel: 0800 707 6600).

09

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

#### BACKGROUND PAPERS

Application case file.

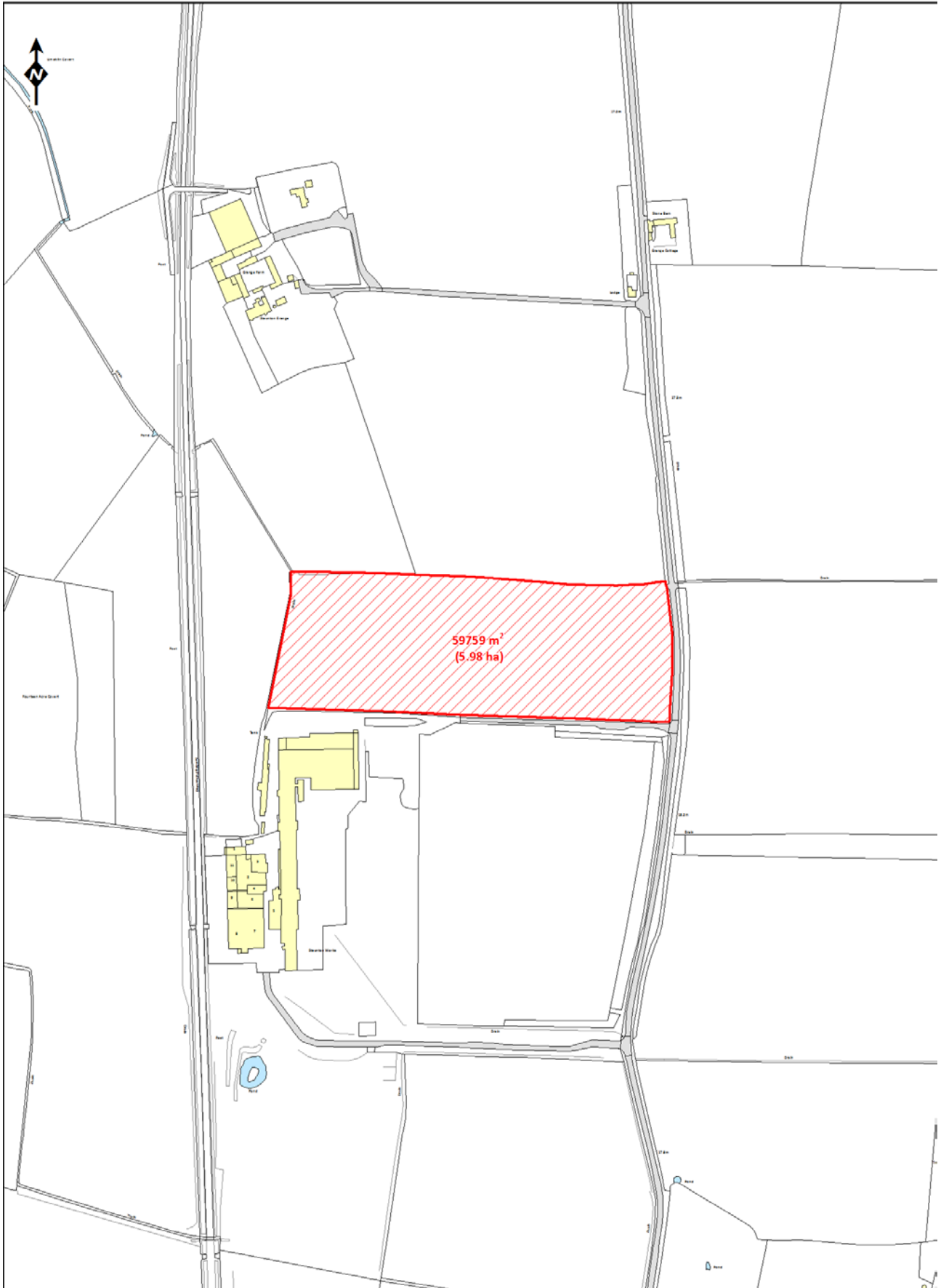
For further information, please contact Martin Russell on 01636 655837

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

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



Committee Plan - 16/00316/FULM



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<b>Application No:</b>	<b>16/00401/LBC</b>	
<b>Proposal:</b>	<b>Retrospective Consent to part demolish the glasshouse and consent to fully demolish the remaining structure including removal of tiled floor</b>	
<b>Location:</b>	<b>8 Beacon Hill Road, Newark On Trent</b>	
<b>Applicant:</b>	<b>Mr Phillip Adams</b>	
<b>Registered:</b>	<b>9 March 2016</b>	<b>Target Date: 4 May 2016</b>

**This application is being referred to the Planning Committee for determination by Councillor Payne as being a matter of significance to the District given that it relates to the demolition of a listed building.**

#### The Site

The application relates to a site on the south side of Beacon Hill Road, close to its junction with Sherwood Avenue and opposite its junction with Wellington Street. The site is occupied by a substantial Grade II listed building, which is gable-end onto the road. The building was listed in 1971 and comprises a house and former stable originally dating from circa 1800, but has late 19<sup>th</sup> and 20<sup>th</sup> century alterations. The principal building (nearest to the road) is constructed of brick but has a stucco render with stone dressings and hipped slate roofs with single central ridge and substantial chimney stacks and has deep eaves. It is two storey with 5 bays with 6 over 6 vertical sliding sash windows and central doorway. There is a ground floor canted bay window.

Beyond the principal building and adjoined to it is the narrower former two storey stable range which has been extended at ground floor level by a modern conservatory. In front of this element is a detached 20<sup>th</sup> century double garage. Approximately 8 metres beyond the rear wall of the stable block stands the remains of a former Victorian glasshouse which stood as a detached structure within the rear garden, and which is the subject of this application.

The glass house measured approximately 6.5m long by 4m wide and 4m high at its highest point. It had a mono-pitch lean-to roof constructed of timber frame and glazing which faced south which was supported on a dwarf brick wall along its south, east and west elevations and its north elevation comprised a solid brick wall, 4m high. It has a quarry tiled floor.

The site is not within a Conservation Area.

#### Relevant Planning History

The current owner and applicant purchased the property in February 2015. The glasshouse at that time was in a perilous state of repair, with substantial panes of glazing missing or broken, the timber frame in a perilous condition with significant ivy growth covering the structure. The Council's Conservation Officer visited the site soon after the applicant had moved in to the property to advise on works to the principal building. During that visit, the Conservation officer

was shown the glasshouse and acknowledgement was made to its poor state of repair. The applicant has stated within his submission that he agreed with the Conservation Officer “that the timber structure could not be salvaged, that it presented a health and safety risk and could therefore be removed.” (The Conservation Officer does not recall agreeing to the timber frame removal). The applicant states that this was carried out in March 2015. In December 2015, the applicant has stated that severe gales completely blew over the rear brick wall of the remaining structure. The Conservation Officer was informed of the situation and photographs e-mailed. The applicant was advised to collect the bricks and store them on site for re-use and that a retrospective application for listed building consent be submitted in order to seek to regularize the current situation. The applicant has stated that a significant proportion of the bricks have crumbled and spoiled and the remaining brickwork is in a poor state of repair.

### The Proposal

Retrospective listed building consent is sought to regularize the current status quo to seek to authorize the sequence of events to date. Listed building consent is also sought to fully remove the remaining dwarf brick wall along the south, east and west elevations and what is left of the brick remains along the north elevation and remove the existing quarry tiled floor.

### Departure/Public Advertisement Procedure

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

### Legal and Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features it may possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

### Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Adopted March 2012

Heritage assets are an irreplaceable resource. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset. Paragraph 130 goes on to state that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision. Paragraph 132 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification and substantial harm to or loss of a grade II listed building should be exceptional. Where a proposed development will lead to substantial harm to or

total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

- Planning Practice Guidance (PPG) on-line resource

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.

- Good Practice Advice Notes 2 and 3 – Managing Significance in Decision Taking in the Historic Environment and the Setting of Heritage Assets
- Historic England Advice Note 2 – Making Changes to Heritage Assets

### Consultations

**Newark Town Council** – No objection.

One letter of representation has been received from one local resident who states they overlook the property and the garden and loss of the wall has improved the appearance of the garden.

### Comments of the Business Manager

In terms of the legal framework, Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines listed buildings as including any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1<sup>st</sup> July 1948. Both evidence from historic maps and the knowledge of the form and architectural detailing of the glasshouse, indicate that the structure was indeed present as part of the land prior to 1 July 1948 and as such represents a curtilage listed structure.

Section 16 of the same Act requires that in considering whether to grant listed building consent for any works, special regard shall be had to the desirability of preserving the building, or its setting or any features of special architectural or historic interest which it possesses.

In terms of the policy framework, the guidance set out in the NPPF, as stated above, is a material consideration in the determination of this application.

The principal listed building on this site is the substantial Georgian house with its associated stable block. The glasshouse was a later Victorian phased addition which, although less significant in terms of its age, status and not being listed in its own right, its form and architectural detailing, was reflective of its time and contributed to some degree to the special interest of the historic character of buildings on the site. This application requires consideration of the total loss of this curtilage listed structure and as such officers must conclude, in accordance with legal and policy

frameworks, that its approval would not result in the building's preservation and its total loss would result in substantial harm to the significance of this curtilage listed structure that cannot be outweighed by any public benefits both in terms of the retrospective works and the removal of all remaining fabric for which consent is sought.

However, it is also acknowledged that the applicant inherited the glasshouse in a severely perilous state, that works were initially carried out to the building on the grounds of substantial concerns relating to health and safety, that it is likely that the existing timber frame would have needed to be completely replaced and renewed in any event (although there is no structural evidence on which to confirm this) and that the loss of the high brick wall (although perhaps weakened by the loss of the timber framework), was as a result of the hand of nature and there was no deliberate intent on the part of the applicant, who has invested a considerable amount of capital on restoring the principal listed building. For these reasons, there is some sympathy for the applicant and the situation in which he finds himself.

Nevertheless, these personal circumstances cannot, in the view of officers', outweigh the overarching considerations set out in the legal and policy frameworks in the determination of this application. There is a second recommendation to consider enforcement action to secure the reinstatement of the glasshouse and/or prosecution proceedings.

### **RECOMMENDATION ONE**

**That listed building consent is refused for the following reason.**

#### **Reason for Refusal**

The age, form and architectural detailing of the glasshouse represents a curtilage listed structure of character and special historic and architectural interest within the setting of the primary Grade II listed building. Its total loss would represent substantial harm to the significance of this curtilage listed building which cannot be outweighed by any public benefit and as such fails to preserve the listed building, its setting and its features of special architectural and historic interest. The works are not thereby compliant with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to paragraphs 132 and 133 of the NPPF, which is a material consideration.

### **RECOMMENDATION TWO**

**That consideration be given to the instigation of enforcement action to secure the reinstatement of the glasshouse and/or prosecution proceedings.**

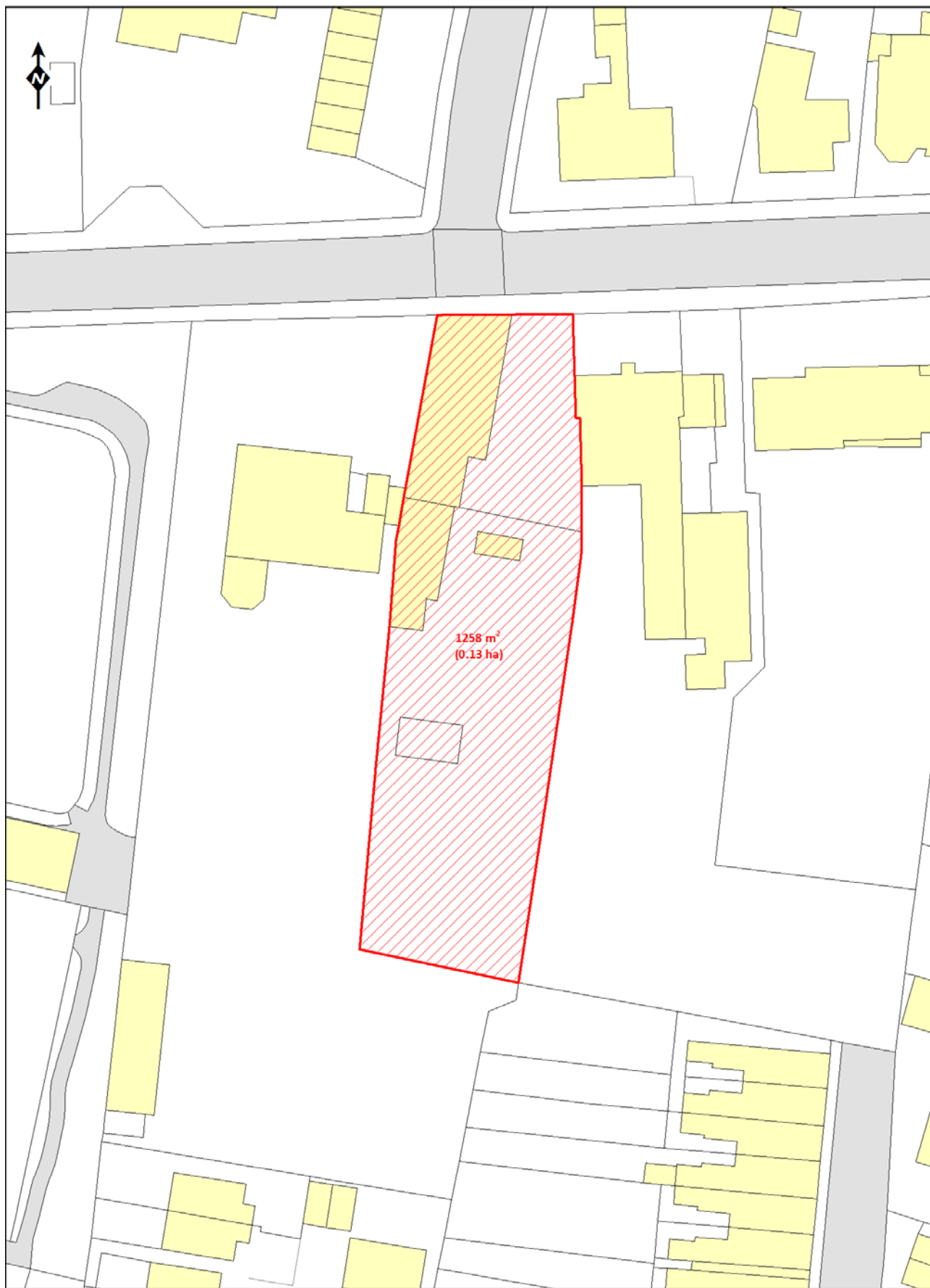
#### **BACKGROUND PAPERS**

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

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



<b>Application No:</b>	<b>16/00202/OUT</b>	
<b>Proposal:</b>	<b>Outline application for residential development of up to two new dwellings</b>	
<b>Location:</b>	<b>Lynwood House, Fiskerton Road, Rolleston, Newark on Trent</b>	
<b>Applicant:</b>	<b>Mark Sanders and Ian Whitehead</b>	
<b>Registered:</b>	<b>14.03.2016</b>	<b>Target Date: 09.05.2016</b>
<b>Extension of Time agreed Until: 10.06.2016</b>		

**This application is being referred to the Planning Committee for determination by the local ward member Cllr Blaney due to the previous appeal decision at the site stating that there should not be an additional dwelling.**

The Site

The site is located within the village of Rolleston. Spatial Policy 1 of the Core Strategy does not define Rolleston as a Service Centre or Principal Village meaning that it falls within the category of “Other Villages in Newark and Sherwood.”

The land was previously the site of Lynwood House a residential property. However, this was demolished when planning permission was granted for a replacement dwelling at the site albeit on a different footprint adjacent to this site (various planning reference numbers) and a separate planning permission was refused and dismissed at appeal for the retention of Lynwood House in addition to the replacement dwelling (12/00900/FUL). This is set out in more detail under the planning history part of this report below. The replacement dwelling has now been built and occupied and is in separate ownership to this site.

The site itself was originally included as part of the site for the replacement dwelling (now built adjacent). The latest site plan for the replacement dwelling was submitted as part of the discharge of condition application in relation to the hard and soft landscaping condition. This condition was never discharged with the officer reply stating that;-

*“The only issue is that the land where Lynwood House used to stand is shown as a vacant plot of land, separate from any of the new residential curtilages. Whilst this is not a major issue in itself, the LPA would need to know the use of this vacant plot of land prior to approving the landscaping details showing it separated off from the new curtilages.”*

The site is currently a vacant parcel of land with fencing along all boundaries. There are some building materials stored on site.

Neighbouring properties are predominantly residential and are a mix of historic and modern properties. There is a small parcel of public garden land to the north-west of the site.

A small part of the site towards the west is located within flood zone 2.

### Relevant Planning History

**11/01348/FUL** Demolition of existing dwelling and construction of replacement dwelling with associated garage. Planning permission granted November 2011.

**12/00900/FUL** Demolition of agricultural buildings and erection of detached dwelling and triple garage. Planning permission refused August 2012. Appeal dismissed.

**12/01336/FUL** Demolition of existing dwelling, erection of replacement dwelling and detached garage (amended scheme). Planning permission granted December 2012.

**13/00074/FUL** Demolition of existing dwelling and adjacent outbuildings and erection of replacement dwelling (revised design – re-submission of 12/01336/FUL). Planning permission granted April 2013.

**13/01843/FUL** Vary Condition 13 of Planning Permission 13/00074/FUL by replacing the proposed drawing with one which indicates new roof lights to the rear elevation. (Retrospective). Planning permission granted April 2014.

### The Proposal

This proposal seeks outline planning permission for residential development of up to two new dwellings. Access and layout are to be determined as part of this outline planning application with appearance, landscaping and scale to be determined as part of a later reserved matters application if outline planning permission is approved.

Indicative plans have been submitted to showing two options. These are either a pair of 2-bedroom semi-detached dwellings or 1 no. 4-bedroom detached property. Both options have the same footprint and as such a layout plan has been submitted for determination. These show the dwelling(s) located towards the front of the plot and facing onto Fiskerton Road.

It is proposed to utilise an existing site access from Fiskerton Road which leads to an internal driveway with a turning area and 4 no. off-street car parking spaces.

### Departure/Public Advertisement Procedure

Occupiers of 6 properties have been individually notified by letter. A site notice has also been displayed near to the site.



## Planning Policy Framework

### The Development Plan

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

Spatial Policy 1: Settlement Hierarchy  
Spatial Policy 2: Spatial Distribution of Growth  
Spatial Policy 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  
Core Policy 13: Landscape Character  
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  
Policy DM12 – Presumption in Favour of Sustainable Development

#### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

#### Consultations

**This application is being referred to the Planning Committee for determination by the local ward member Cllr Blaney due to the previous appeal decision at the site stating that there should not be an additional dwelling.**

**Rolleston Parish Council** – Support. The PC support is for the outline planning application only and the PC would expect to be consulted on any subsequent reserved matters application. The PC has a strong preference for 1 no. 4-bedroom detached dwelling on the site. The development should be of no greater footprint or greater height than the previous dwelling on the site, Lynwood House. The front projection of the dwelling should be no closer to the highway than the previous dwelling on site. Vehicular access is located on a busy corner junction and the PC would alert the LPA to potential adverse issues of road safety resulting from vehicles accessing / exiting the site and a lack of on-street parking restrictions in this area. The proposal should be of a high quality design. The adjacent overhanging tree should be protected.

**NCC Highways Authority** – No objection subject to conditions regarding the parking and turning areas to remain in use as such and the access to be hard surfaced for a minimum of 5 metres from the back edge of the highway.

**Environment Agency** - Providing the LPA is satisfied that the site has passed the Sequential Test then no objection subject to a condition securing flood mitigation measures and finished floor levels.

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

**Nottinghamshire Wildlife Trust**;- No objection subject to conditions regarding works to be carried out outside bird breeding season and net gains in biodiversity (strengthening hedgerows, installing bat and bird boxes etc).

**Conservation Officer**;- No objection.

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

**2 letters of objection on the grounds of**;-

- The applicant has always planned for there to be a dwelling on the site, despite telling the Council that there would not be. It seems wrong that the applicant should consider building on this plot of land when a replacement dwelling for Lynwood House has already been built and a separate planning application has been refused and an appeal has been dismissed to retain Lynwood House. This site was originally included as part of the garden area / access to the replacement dwelling but was subsequently sub-divided.
- The proposal represents an overdevelopment of the site with 3 no. very large detached properties having been built on the wider Church Farm site.
- Allowing another access onto this stretch of road is dangerous. The site is positioned between two bends.
- The limitations with the on-site parking is likely to result in on-street parking.
- Two dwellings sharing one access could set a precedent.
- There are bats on the adjacent site and the proposed development could disturb these.
- The proposal will cause overlooking issues.
- The development will mean that there are no breaks in buildings along this stretch of the road.
- The layout is too big for this site.
- The submitted D and A Statement cites changes to planning policy and allowances for new builds in smaller villages but in the previous planning applications relating to the whole Church Farm site limitations were not to exceed the footprint of the existing farmhouse and building. The applicant chose to use this allowance up on 3 large dwellings and made a strong case that there was already a good and varied housing stock in the village.
- The applicant also makes reference to NPPF, para 55, in support of development that will enhance or maintain the vitality of a rural community. Rolleston is not a dying village. It has been subject to significant development in recent years despite its size and having no amenities except for a pub/restaurant and a village hall.
- This development, as presented, would be detrimental to what the applicant himself refers to as the historic village core.
- The overhanging tree could be affected by the development.
- There is little space for new landscaping.

**1 letter of support**;- The site is currently an eyesore.

### **Principle of development at this site**

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.

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. In the Inspectors decision it was concluded that the Council does not have a five-year housing land supply. The Council are currently collating monitoring information regarding 2015/16 which will inform a more up-to-date five year supply statement but it is nevertheless conceded that, at the present time, the Council cannot be confident that we have a five year supply based on existing figures. In this respect paragraph 14 of the NPPF applies.

Paragraph 14 states that, where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Thus whilst SP3 includes an element in relation to housing need, this can now be afforded minimal weight on the basis that it forms a housing policy which is considered to be out-of-date in terms of paragraph 49 of the NPPF.

The statutory requirements, both to have regard to the Development Plan and to make decisions in accordance with it unless material considerations indicate otherwise, remain. It is acknowledged that the advice in the Framework is itself an important material consideration. In the context of the current proposal, paragraph 55 is of particular relevance. This states that:

*‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’*

Despite pre-dating the NPPF this is largely in accordance with the location criterion of SP3.

SP3 states that:-

“Beyond Principal Villages, proposals for new development will be considered against the following criteria:

Location - new development should be within the main built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.

Scale - new development should be appropriate to the proposed location and small scale in nature.

Need - Employment and tourism which requires a rural/village location. New or replacement facilities to support the local community. Development which supports local agriculture and farm diversification. New housing where it helps to meet identified proven local need.

Impact - new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network.

Character - new development should not have a detrimental impact on the character of the location or its landscape setting."

As mentioned above, due to the Farnsfield appeal decision and the Council no longer having a 5 year housing land supply, the element of SP3 in relation to housing need can now be afforded minimal weight on the basis that it forms a housing policy which is considered to be out-of-date in terms of paragraph 49 of the NPPF.

As such, the proposal only needs to satisfy the other four criterion of SP3 (location, scale, impact and character) in order for the principle of development on this site to be considered acceptable.

### **Location**

Planning application 12/00900/FUL was refused and dismissed at appeal for the retention of the original dwelling on the site (Lynwood House) in addition to the replacement dwelling that had previously been approved at the larger site. As this was a reasonably recent appeal decision for a very similar development on the same site, the Inspector's decision must be given significant weight.

This concluded that the development satisfied the location criterion of SP3, it stated that;-

*"The appeal site is located within the main built up area of Rolleston. There are local services available, and the village is accessible to Newark and Southwell. I am therefore satisfied that the appeal would satisfy the location criterion of Policy SP3;"*

I am not aware that any of the local services in Rolleston have closed since the previous appeal decision and therefore there are no reasons to go against the Inspector's advice above.

In light of the above, the proposal is considered to meet the location criterion of SP3.

### **Scale**

The Inspector for the previous appeal decision concluded that;-

*"The Council has not objected to the retention of Lynwood House in terms of scale ... and I have no reason to disagree with that assessment."*

The previous appeal decision was for a single dwelling whilst this application is for up to two dwellings. However, I still consider that a maximum of two dwellings is appropriate to this location and can be classed as small scale in nature.

### **Impact**

The impact criterion of SP3 states that;-

*“new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network.”*

Policy DM5 states that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and specific location of the development.

DM5 also states that;- *“the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”*

The previous Planning Inspector did not consider that the previous proposal was contrary to the scale criterion of SP3. However, the detailed plans of the dwelling proposed to be built on site are different. The detailed plans for this application include access and layout with all other matters (appearance, landscaping and scale) reserved for later approval, should this outline application be approved. As such, this new proposal requires re-assessing against this criterion.

With regards to the impact on highway safety the Highway Authority has raised no objection to the proposal. The proposal utilizes an existing access onto Fiskerton Road. 4 no. car parking spaces are proposed for either the single dwelling or two dwelling option and the Highway Authority has stated that this is acceptable. The application form does, however, indicate that the proposed driveway is to be gravel surfaced, which is not acceptable adjacent the highway boundary as this could involve loose stones being deposited on the public highway. However, this issue can be overcome by a planning condition ensuring that no part of the development shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The Highway Authority has also suggested a condition that no part of the development be brought into use until the parking / turning areas proposed are brought into use.

The impact of the proposal on the amenity of the occupiers of neighbouring properties also requires assessing. Layout is to be determined as part of this outline planning application but appearance and scale are to be reserved for subsequent approval, should this outline planning application be approved. Whilst plans have been submitted showing a proposed appearance and scale, these are indicative only.

The nearest neighbouring property is 14.5 metres from the proposed new dwelling(s) when measured from the closest point (front corner of existing property, Church Farm House, to rear corner of proposed new dwelling(s)). I consider that this is a sufficient distance to avoid significant issues of overlooking and massing / overshadowing. This is subject to precise appearance and scale details being assessed at the Reserved Matters application stage, should this outline application be approved. Furthermore, the orientation of the proposed dwelling(s) within its plot is such that it is not directly in line with the nearest neighbouring property, thus further avoiding any direct overlooking issues. The proposed new dwelling(s) is also located to the north-west of the nearest neighbouring property, significantly reducing overshadowing.

Although precise details of scale are to be reserved for subsequent consideration, the indicative plans show the proposed new building(s) to measure approx. 9.8 metres at the highest point (measured from the lowest ground level to the top of the proposed chimney). It is good practice

for a condition to be attached to outline planning consents setting scale parameters for development. This is both for reasons of residential and visual amenity. Such a condition should be attached to this development, should planning permission be granted.

With regards to impact on local infrastructure, flooding issues need to be carefully considered. Following discussions between the EA and the applicant, it has now been established that a small part of this site is located within flood zone 2 (the access as well as a small part of the north-east corner of the dwelling(s) itself.)

It is considered that the small part of the dwelling(s) that is within flood zone 2 can be taken out by like-for-like flood compensation and this can be conditioned, if planning permission is granted.

The issue is therefore whether having an access in flood zone 2 in a case where the majority of the site is in flood zone 1 means that the proposal fails the flood risk sequential test as set out in the NPPF. The NPPF states that;-

*“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”*

Due to the extremely small part of the dwelling(s) being located within flood zone 2 and the fact that this can be taken out by like-for-like flood compensation, I consider the building itself to pass the sequential test. However, the access does not. The fact that this is an existing access is material and indeed has been approved to be used for the replacement dwelling on the adjacent site (this replacement dwelling now utilises an existing access). In addition, the site only falls within a flood zone if both of Rolleston’s two existing flood banks fail.

It needs to be considered in an overall planning balance whether the development is safe. I consider that it is and thus in a planning balance this would carry weight. This is for the reasons stated above (the fact that Rolleston is defended in flood terms and because the access has already been approved for residential use, albeit for a single dwelling) as well as the fact that the EA has raised no objection to the scheme, subject to conditions. The Emergency Planner has also been consulted on the application but no comments have been received. As such, any suggested conditions from the previous approval at the site should be copied over to this decision, should planning permission be approved.

For the reasons stated above, the proposal is considered to comply with the impact criterion of SP3 as well as the access, parking and amenity criteria of DM5.

## **Character**

In accordance with SP3, new development should not have a detrimental impact on the character of the location or its landscape setting. CP3 states that the District Council will expect good quality housing design. CP9 also states that the District Council will expect new development proposals to demonstrate a high standard of sustainable. CP13 seeks to protect the District’s landscape character and CP14 and DM9 seek to protect the District’s historic environment. DM5 states that;- *“the rich local distinctiveness of the District’s landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.”*

Appearance, scale and landscaping are reserved for subsequent approval should planning permission be granted. However, the impact of the principle of up to two dwellings in this location as well as the detailed layout should be assessed as part of this current planning application.

Again, the previous Planning Inspector did not consider that the previous proposal was contrary to the character criterion of SP3. However, the detailed plans of the dwelling proposed to be built on site are different. The detailed plans for this application include access and layout with all other matters (appearance, landscaping and scale) reserved for later approval, should this outline application be approved. As such, this new proposal requires re-assessing against this criterion.

Rolleston is not a Conservation Area but it is an attractive village with many historic properties within it. The site is located within the historic core of the village. This part of Rolleston was historically built upon and the land had no obvious historic significance as a piece of open land.

I do not think it would be out of character to have residential development in this plot of land, between the modern house to the south east (Church Farm Cottage) and the Jubilee Gardens to the north west, where the cross is located. The open nature of the development plot does not contribute anything specifically to the character and appearance of the village, it now holds views towards the rear of the modern houses at Churchfield and Church Gables.

It is considered that the plot is large enough to accommodate the layouts shown.

Subject to details of the Reserved Matters approval, I do not consider that there would be any adverse impact upon the setting of any designated or non-designated heritage assets and development here has the potential to respond well to the overall character and appearance of the village.

I have given little weight to the fact that the site is currently bordered up and unattractive as the site was originally intended to be part of the site for the replacement dwelling. The precise use of the site was queried as part of the subsequent discharge of condition application and the landscaping condition was never discharged, with the most recent correspondence from the LPA stating;-

“The only issue is that the land where Lynwood House used to stand is shown as a vacant plot of land, separate from any of the new residential curtilages. Whilst this is not a major issue in itself, the LPA would need to know the use of this vacant plot of land prior to approving the landscaping details showing it separated off from the new curtilages.”

Notwithstanding this, I do still consider that the impact of the proposal on the character of the area is acceptable, subject to reserved matters approval for appearance, scale and landscaping.

The adjacent overhanging tree should be protected during the construction phase and this can be conditioned should planning permission be approved. I do consider that there is some space within the plot for soft landscaping, in keeping with the built-up part of the village.

For the reasons stated above, the proposal is considered to comply with the character criterion of SP3 as well as policies CP3, CP9, CP13, CP14, DM5 and DM9.

## **Ecology**

Nottinghamshire Wildlife Trust has assessed the proposal but raised no objection subject to conditions regarding removal of vegetation outside of the bird breeding season as well as 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.

As such the proposal is considered to comply with criterion 7 of DM5 and CP12 which seek to conserve and enhance the biodiversity of the District.

## **Archaeology**

Given the location in the historic core, the proximity to the remains of the village cross and the map evidence of buildings on this plot, there are likely to be archaeological implications which will need to be considered at Reserved Matters stage, should planning permission be granted. It is likely that a condition would be attached requiring an archaeological brief. This is in accordance with DM9 which states that development proposals should take account of their effect on sites and their setting with the potential for archaeological interest.

## **RECOMMENDATION**

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

### **Conditions**

01

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

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

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

02

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

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

03

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

Site location plan

2003 10 4 bed option site plan



## 2003 3B 2 bedroom option site plan

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

Reason: So as to define this permission.

04

No development shall be commenced until the tree overhanging the north east corner of the site has been protected by the following measures:

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

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

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

05

Unless otherwise agreed in writing by the local planning authority, no machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site or overhanging the site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

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).

07

No building on site shall be occupied until details of bat boxes / bricks have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

08

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;

- ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### Part B: Submission of Remediation Scheme

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

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

The approved remediation scheme must be carried out in accordance with its terms prior to 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.

09

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 areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: To ensure adequate off street parking provision is made.

10

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

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

11

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by I. S. Whitehead dated 4th February 2016, and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 15.10m above Ordnance Datum (AOD).  
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.

12

No part of the development shall be commenced until details of a scheme to ensure that the development has safe access egress from the site in the form of an Emergency Plan shall be submitted to the Local Planning Authority for their approval. The scheme shall be fully implemented and subsequently maintained, 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 provide the development with a safe means of access and egress in times of flooding.

13

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

Reason: In the interests of biodiversity.

14

The building(s) shall be no more than 9 metres high when measured from ground floor level to the ridge of the building(s).

Reason: In the interest of securing good design.

### Informatives

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/cil/](http://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.

03

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

### BACKGROUND PAPERS

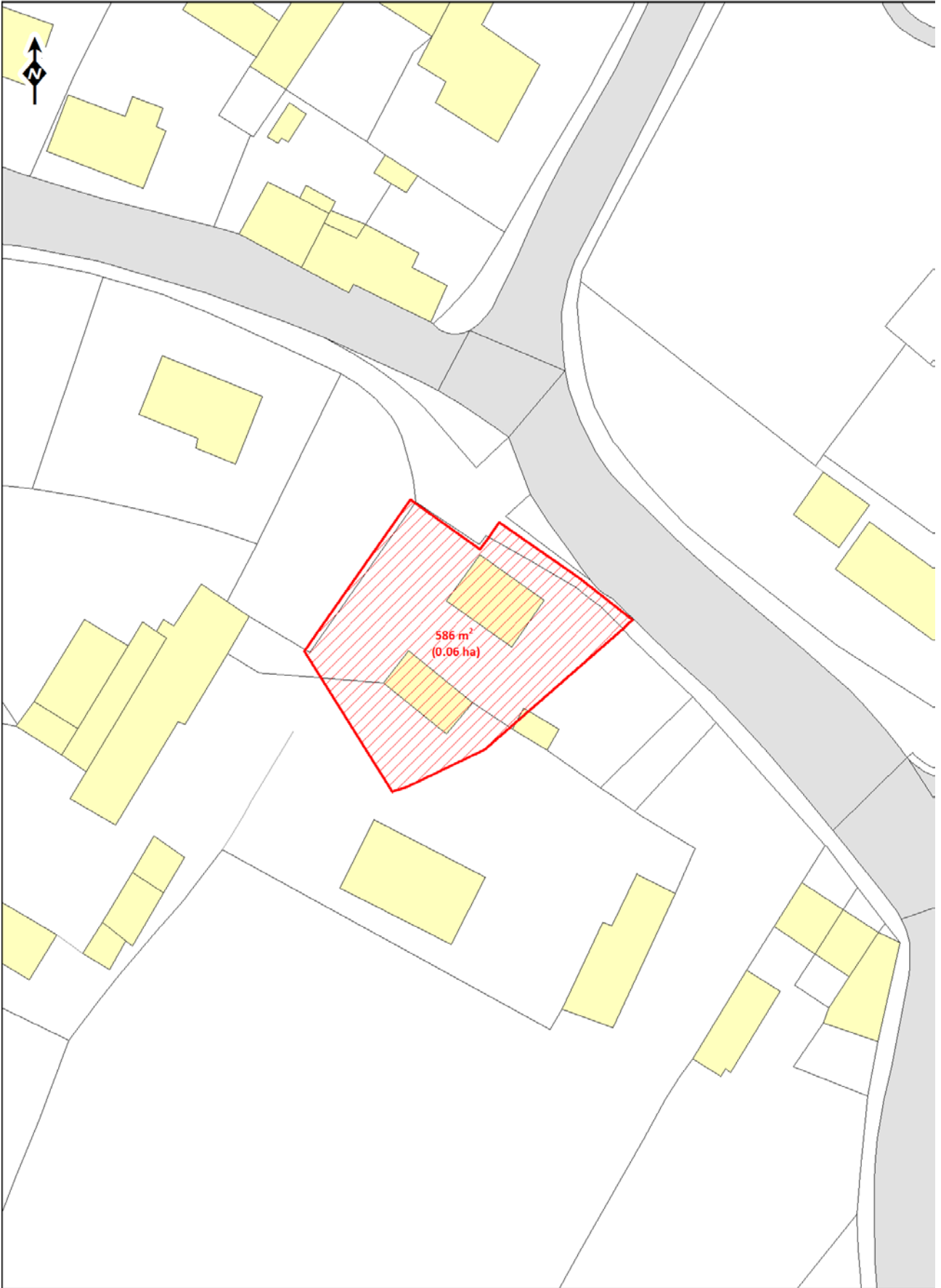
Application case file.

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

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

Committee Plan - 16/00202/OUT



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Application No:	15/01282/FULM	
Proposal:	Flood alleviation scheme	
Location:	Southwell Racecourse, Station Road, Rolleston, Nottinghamshire, NG25 0TS	
Applicant:	Mr S Higgins (Arena Racing (Southwell) Ltd)	
Registered:	21 July 2015	Target Date: 20 October 2015
	Extension of Time Agreed in Principle	

Members will recall this planning application was presented to the Committee on 3<sup>rd</sup> May 2016. It was resolved by Members to defer this application to allow officers to liaise with the relevant flood authorities (Environment Agency, Trent Valley Internal Drainage Board and Lead Local Flood Authority) in relation to four issues:

1. Assurance that the hydrology model takes into account increased flows from Southwell and that any scheme/solution found to protect Southwell would not detrimentally affect residents through this scheme;
2. How will the maintenance of the River Greet be funded?
3. Clarity from the TVIDB regarding their comments 'review at appropriate intervals' on p88 of the May committee agenda
4. Condition 6 to be changed to refer specifically 'shall not be commenced until a level grass strip of at least 6m wide between the bank top of Greenfield Drain and the earth bund that runs parallel has been established and provide detailed management plan for the flood defence'.

The flood authorities responses to these issues are highlighted in bold within the 'Consultations' section of this report.

Condition 6 (now condition 5) has been amended as requested by Members; the change is highlighted in bold. The conditions attached to the recommendation have also been re-worded to remove any pre-commencement requests as works had already commenced prior to this planning application being submitted to the Council.

In addition to the above, Members may recall that the applicant has offered to fund enhanced maintenance for the River Greet. The applicants have met with the Environment Agency and Trent Valley Internal Drainage Board, who have both agreed in writing with the proposals set out by Southwell Racecourse. The details of this agreement are not a material planning consideration but it provides information to answer point 2 above. The details of the letter received from the applicant are as follows,

***Following on from our meeting on Tuesday 26<sup>th</sup> April regarding the flood prevention works at Southwell Racecourse and surrounding areas; set out below is a proposal for a working partnership which would allow for a voluntary contribution to be made by Arena Racing Company, to support improvement works to the River Greet and surrounding tributaries.***

***Southwell Racecourse are seeking to create a positive working partnership with the Environment Agency (EA) and International Drainage Board (IDB) to enhance the maintenance of the River Greet and associated tributaries and drains to the benefit of not only the Racecourse, but that of the nearby community. As part of the ongoing discussions that have taken place Southwell Racecourse are willing to make available an agreed annual sum, not to exceed £25,000, for the purposes of enhanced maintenance and capital expenditure works to the River Greet and associated tributaries in and around the Southwell Racecourse area and nearby community.***

***With the support of this funding and a working partnership with the agencies a strategic maintenance and flood and ecological improvement plan can be developed to benefit the water course of the nearby River Greet and surrounding tributaries leading into the River Trent. The funds would be made available at the commencement of Arena Racing Company's (ARC) financial year with the intention that the IDB would draw down from this fund through the submission of invoices. This is the preferred option for all parties and will ensure transparency for all parties involved.***

***The financial contribution would be subject to a 5-year review, with the intention to assess where the improvement works are, what they have achieved within that period and to identify the current status and what further works are required. ARC are committed to making the contribution whilst they remain the principal owners of Southwell Racecourse. In the event that the racecourse is sold on or ownership transferred ARC would not be under any obligation to maintain the payment of monies.***

***The works to be completed in any financial year would be identified by the IDB/EA and agreed between all parties, including, but not limited to, Southwell Racecourse, EA and IDB. This would ensure that any works to be implemented were for the purposes of improving the flood improvement programme for both the Racecourse and surrounding communities. All meetings would be recorded and all attendees would be in agreement of the programme of works submitted to the contractor for that year.***

***This work would be in addition to Southwell Racecourse own riparian responsibilities, where the current onsite management plan ensures all ordinary watercourses in and around the racecourse are maintained. This agreement would sit outside of the current application for planning but work alongside the programme of improvement and in partnership with the relevant agencies.***

**Members may recall that the late items issued at the May Committee included comments from the NCC Rights of Way Officer stating no objection to the proposal; their comments are highlighted in bold within the 'Consultations' section of this report. Condition 13 has been amended in accordance with the Officer's suggestion outlined in the previous late items**



schedule. Further comments from Rolleston Town Council and Southwell Town Council have also been received (as outlined in the Late Items presented at the May Committee) which are highlighted in bold within the 'Consultations' section. Please note that Southwell Town Council have removed their objection to the scheme.

Please note that the assessment of the scheme remains the same as that presented to Members in May. The additional information received is not considered to affect the Officer's assessment and recommendation of the scheme.

### The Site

Southwell Racecourse is a horse racing venue located to the west of the village of Rolleston, with the villages of Fiskerton and Upton to the north and south respectively and the town of Southwell to the west. The site area equates to c5.71 hectares in area. The River Greet runs to the north of the site and linked to various dykes surrounding the site, most notably the Greenfield Drain and Beck Dyke which run to the south of the site, and as such is located within flood zones 2 and 3 of the Environment Agency's flood maps. The site also includes a biological SINC within the racecourse track. A public right of way runs along the western and northern boundaries of the site. The site lies within the Parish of Rolleston although it is close to Southwell, Fiskerton and Upton.

### Relevant Planning History

There are approximately 60 planning applications associated with the site, most of which relate to the erection of new buildings or extensions of existing buildings within the site and the variation of conditions to allow Sunday racing to take place under temporary permissions. Given the extensive history, below lists planning applications relating to the site over the last 10 years only;

**15/SCR/00013** - Screening request for proposed development of a flood alleviation scheme (Environmental Impact Assessment not required, 15.07.2015)

**10/01574/FUL** - Golf club storage building (permitted 07.01.2011)

**10/01573/FUL** - Replacement of two semi-detached dwellings (permitted 16.09.2011)

**10/01572/FUL** - Replacement of tractor shed (permitted 07.01.2011)

**10/00779/FUL** - Siting of hospitality marquee (retention of existing hospitality marquee) (permitted 23.08.2010)

**07/01125/FUL** - Variation of Condition 11 of Planning Permission 54890792 to allow a maximum of 12 Sunday races per year (within the 80 races per year limit) (permitted 07.10.2008)

**07/00405/FUL** - Variation of condition 11 of planning application ref:54/890792 to allow two Sunday race meetings on 3rd June 2007 and on 19th August 2007 (permitted 04.05.2007)

**06/00506/FUL** - Single storey golf club house. (permitted 15.05.2006)

**06/00351/TEM** - Erection of marquee to rear of owners & trainers bar (permitted 24.04.2006)

### The Proposal

The application seeks full planning permission for a flood alleviation scheme within and along the boundaries of the site to protect the racecourse from future flood events. Some of the proposed works are retrospective. The site already benefits from some flood defences, including historic bunds along the northern, western and southern edges of the site and wetland areas which have not been granted planning permission. In addition to these defences, the application also proposes additional alleviation methods as well as alterations to the existing defences. As such, this application seeks consent for the following:

- **Earth Bunds:** 4km of new and reinforced low level bunds around the racecourse site boundary to a standard that can protect the racecourse to events up to 1 in 100 year inclusive of the climate change design event. The bunds are proposed to be no more than 1m in height. All earth required for the bunds is proposed to be obtained from the site;
- **Cut-off Ditch:** 110 m of new cut off ditch to the west of the site to intercept overland flows and convey them back towards the wetland area;
- **Wetland Area:** Maintain and enhance the 4.0 ha wetland area to retain out of bank flows from the River Greet before slowly releasing them into the Greenfield Drain;
- **Attenuation Pond:** Increasing the size of the attenuation pond to the north-west of the race tracks from 0.17 ha to 0.93 ha
- **New Culvert:** Install twin 600mm diameter pipes to the east of the wetland, to facilitate drawdown (in the wetland) in a controlled manner into the Greenfield Drain;
- **2No. Flood Cells:** The current training barn areas of the racecourse to be allowed to flood and accommodate and allow for out of bank flows from the Greenfield Drain;
- **New Culvert and Weir:** Install a 600mm diameter pipe underneath the cut-off earth bund/weir within Greenfield Drain, to facilitate flows eastward within Greenfield Drain during low flow conditions;
- **3No. Flapped Culverts:** The first 600mm diameter flapped outfall pipe to be located adjacent the triple 600mm diameter culverts underneath the racecourse and adjacent the wetland area. This flapped culvert accommodates the drainage ditch serving the racecourse inside the existing bunding. The second 600mm diameter flapped outfall pipe protecting the racecourse drainage ditch system is located immediately east of the training barn areas. This culvert picks up drainage from the racecourse internal drainage system behind the bunded system. This outfall facilities flows from the racecourse drainage system. The third 600mm diameter flapped outfall is located to the east of the site which picks flows from the pond within the centre of the racecourse;
- **Brick Culverts:** Reducing the existing 900mm diameter culvert to 600mm diameter (i.e. concrete culvert under Racecourse Road reduced by incorporating a 600mm diameter orifice plate on the upstream side); Reducing the size of the existing 650mm diameter brick culvert to

450mm diameter (i.e. brick culvert under Racecourse Road reduced by incorporating a 450mm diameter orifice plate on the upstream side); Reinststate 800mm diameter culvert under Racecourse Road with flap valve on upstream side; Reducing the existing 600mm diameter culvert within the Greenfield Drain to 450mm diameter (i.e. culvert under access road reduced by incorporating a 450mm diameter orifice plate on the upstream side); and Reducing the existing 1m culvert within the Greenfield Drain to 900mm diameter (i.e. Culvert under railway line to the east of the racecourse site).

- **Ditch Works:** Re-grade the ditch to the south of Racecourse Road to join the Beck Dyke.

#### Departure/Public Advertisement Procedure

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

#### Planning Policy Framework

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

##### **Newark and Sherwood Core Strategy Adopted March 2011**

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

##### **Allocations and Development Management DPD Adopted July 2013**

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Landscape Character Assessment SPD December 2013
- Southwell Neighbourhood Plan;

The Southwell Neighbourhood Plan (SNP) has been through a process of independent examination which has culminated in an Independent examiners report concluding that,

subject to the examiner's own recommendations, the plan meets the basic conditions and can proceed to referendum. Following their meeting on 20 April 2016 Southwell Town Council have requested that the plan be put to referendum in accordance with the examiner's recommendations at the earliest opportunity. This was also supported by this Authority at the Council Meeting on 17<sup>th</sup> May 2016, with an agreement that electoral services commence a referendum as soon as practically possible after August 2016. It is clear that both the LPA and Town Council are supportive of the content of the plan. It cannot carry full weight until the referendum is concluded and plan adopted. It is however a significant material planning consideration for the purposes of negotiating planning applications.

## Consultations

### **Rolleston Parish Council –**

#### **Comments 26/04/16**

***Note the additional information provided by the EA and that modifications have been made as per correspondence in September and November 2015. However, remain concerned that the EA maintained flood bank north of Fiskerton Mill is eroded and has not been repaired which has caused flooding within Rolleston previously (Meadowfield Gardens and road closures on Fiskerton Road) as the Rundell Dyke cannot hold the water. Although the concept of the scheme is to hold back water on the racecourse there is still the possibility that released water will cause flooding in the fields alongside the River Greet which will flow into Rundell Dyke.***

***Parish Could therefore maintain that until the floodbank near the Mill is repaired any release of water would increase the risk of third-parties. Also concerned that the scheme could result in neighbouring land being flooded, particularly in the fields up to Trent Valley Equestrian Centre.***

#### **Comments 04/11/15**

*Following a site meeting with David Woolley (EA) on Tues. 3<sup>rd</sup> Nov 2015, we would like to make the following observations on behalf of Rolleston Parish Council.*

*We believe that the E.A. flood modelling information used by Ardent is not up to date, in particular the area downstream of the railway bridge opposite the piled bank of the River Greet. This causes floodwater to pass over the land adjacent to the railway line and into the dyke that flows from the racecourse under the railway line; this then overflows flooding the areas by the approach to the railway station. This then puts three properties in danger of flooding and causes problems with septic tanks, also causing more water to flow along the dyke and into the Rundell Dyke.*

*We accept that the intention of this flood alleviation plan is to hold large amounts of water in the 'flood cells' on the racecourse, releasing the water in a controlled manner through orifice plates fixed to pressure side of culverts, then into the water courses to the south of the racecourse and into the Beck Dyke which flows into the Greet. However there still remains the possibility that this water will cause flooding of the fields alongside of the River Greet by Fiskerton Mill and overtop the*

*old flood bank and cascade into the Rundell Dyke. Also the drain that goes under the Railway line and Station Road will cease to flow causing further problems to the three properties with the build up of floodwater.*

*In 2012 it was confirmed by the EA that the old flood bank north of Fiskerton Mill has eroded and requires work to be done to prevent more floodwater flowing into the Rundell Dyke. We understand that this is a EA maintained flood bank. Overloading of the Rundell Dyke caused a property to be flooded in 2000 and put in serious danger of flooding in 2012. This also causes a part of Fiskerton Road between the corner by Swillow Lane and Norwood Farm at Rolleston to become flooded and impassable in a heavy flood situation.*

*We have also been assured that any works to the surface water drains in Southwell will not put anymore load on the River Greet than there is already.*

*An Ordinance Survey extract 'marked-up' to show the areas of flooding in Rolleston in 2012 was made available to the EA as part of the Rolleston Flood Alleviation Scheme, this could be made available to NSDC Planning if required.*

*We as a Parish Council reserve the right to make further comments after sight of the final EA report.*

**Fiskerton Parish Council** – *The Council unanimously opposed the proposal because:-*

- a. Water will be directed towards other properties*
- b. The racecourse is in a flood zone*
- c. The proposal arises in a certain flood area code and it would be a violation of the code by turning the racecourse into an island which is what the scheme proposes.*

**Upton Parish Council** – *Councillors agreed that they are not in a position to reach an informed decision without the benefit of the independent assessment of the implications of the scheme. However, they confirmed their objections to any proposal which increases the flood risk to the parish, particularly properties on Mill Lane.*

**Southwell Town Council** –

**Comments 28/04/16**

***I am writing in response to the recent addition of new information for the application 15/01282/FULM Southwell Racecourse. In response to this additional information STC Planning Committee are happy to withdraw their objection to the scheme, in light of the positive feedback from the Environment Agency and NCC Flood Risk Team.***

***However, the Committee wish to request that a S106 condition should be put in place to ensure the opening of the roadway to pedestrians and bikes.***

## **Comments 08/10/15**

Object to the proposal on flood risk grounds

**NSDC Conservation Officer** – *The proposed mitigation scheme consists of the creation of flood bunds around the race track; excavation of a wetland area; insertion of new culverts and drains, and creation of two flood cells. Some of this work has already been undertaken, including excavation of the wetland area and most of the bunds.*

*There are no designated heritage assets on the site. The site is near, to the south, various listed buildings in Rolleston. There are no known local interest buildings on site, although there are some historic culverts of some archaeological and building history interest on the site.*

*None of the proposal are likely to affect directly, or through setting, any designated heritage assets. Even though the proposals include an element of three dimensional landscaping, the bund height is limited such that it is very unlikely to impose upon the setting of any listed structures. It is possible that increased greenery may block or screen some views towards tall heritage assets, like the Minster for example, but I believe these to be somewhat incidental views and not necessarily ones important for the enjoyment or understanding of the Minster. I note that the racecourse does not fall in or near any of the view cones identified for the heritage assets of Southwell within the Allocations and Development Management DPD.*

*I therefore do not think there will be any impact upon the built heritage of the surrounding area.*

*I note that Historic England's response is limited to archaeological interest and asks that we act on the advice of the County Council Archaeology Section. I feel this development should ideally be determined with their input. However, if required this is my following advice:*

*I have read the accompanying Desk Based Assessment of the site by Cotswold Archaeology (which also included a walk over survey) and it identifies a limited potential for Bronze Age and later archaeological deposits on the site. I agree with their assessment that given there is a limited potential for archaeological remains, that much of the site has already been disturbed (by the railway track, golf site and race track), along with the fact that significant excavation has already taken place, I do not think there is evidence to suggest archaeological potential should prevent development here. I also would not think there is justification for any further pre-determination evaluation. I would expect that the potential for uncovering and recording archaeological remains could be mitigated by a Developers Watching Brief type condition.*

**NSDC Contaminated Land Officer** – No comments to make

**Environment Agency** –

## **Comments 25<sup>th</sup> May 2016**

***With reference to the above planning application that was considered at the Planning Committee meeting on 3rd May 2016 we understand that there are a number of comments that***

*required additional information. Four queries were raised by in an email from Nicolla Ellis (Planning Case Officer) on 9th May 2016, which we have tried to answer below:*

*1. Want assurances that the hydrology model takes into account increased flows from Southwell and that any scheme/solution found to protect Southwell would not detrimentally affect residents with this scheme;*

*Flood risk management schemes in Southwell are currently being developed by Nottinghamshire County Council. We therefore recommend that NCC will be able to provide further clarity over the likely solutions for Southwell that may come forward in future years. From our involvement in the design of any schemes in Southwell, we are of the understanding that the modelling to date has looked at the impacts to third parties and the solutions are designed to not increase flood risk to others.*

*The Environment Agency are also working in partnership with Southwell Flood forum, Nottingham Trent University, Trent Rivers Trust and Nottinghamshire County Council to look at opportunities for Natural Flood Management upstream of Southwell. This is with the aim to reduce the rate of runoff from the upstream catchment and therefore reduce flows in Southwell and downstream communities.*

*The modelling provided as part of the Southwell Racecourse application has been used to provide evidence that flood risk implications are managed on site and is not increased elsewhere. There have been a number of sensitivity scenarios assessed to consider a range of flows, changes in management practices (increase in roughness in the channel), and loss of channel storage in some of the onsite drains/watercourses. All have been reported on and it has been demonstrated that there is no measureable impact to third parties; therefore the scheme has sufficient tolerance for the lifetime of the development.*

*2. Given levels of concern assurances are sought that the EA will maintain River Greet, how will this be funded?*

*Sections of the River Greet, Marlock Dyke and Halloughton Dumble are designated as Main River. Where this is the case, routine channel maintenance activities are undertaken by Trent Valley Internal Drainage Board (IDB) in partnership with the Environment Agency. The frequency, location and type of maintenance across our operational area is reviewed each year and prioritised based on flood risk to people and property. Our revenue budget at present is secured on an annual basis and therefore we must undertake this priority assessment each year and at present cannot provide assurances for longer durations. Please note that you can review our maintenance programme at: <https://www.gov.uk/government/publications/river-and-coastal-maintenance-programme>*

*We have been working with TVIDB and Southwell Racecourse to consider the opportunities to work in partnership to increase the level of maintenance in the catchment. This needs to be developed further, but the aim will be to use any contribution from Southwell Racecourse to*

*provide enhanced maintenance and improvement works.*

**3. Clarify what the TVIDB mean on pg 88 of agenda 'review at appropriate intervals' needs to be more specific**

*I understand TVIDB have answered this query in their letter dated 19<sup>th</sup> May.*

**4. Condition 6 to be changed to refer specifically.....shall not be commenced until a level grass strip of at least 6m wide between the bank top of Greenfield Drain and the earth bund that runs parallel has been established and provide detailed management plan for the flood defence... change would need to be agreed with the EA.**

*The Greenfield Drain is an ordinary watercourse. Therefore we understand that TVIDB have requested this access arrangement and have provided more detail in their letter dated 19<sup>th</sup> May.*

#### **Comments 22<sup>nd</sup> March 2016**

*The Environment Agency has been working with the applicant, their consultants, Trent Valley Internal Drainage Board and Nottinghamshire County Council in considering this application. We have also received a number of local residents and town/parish council concerns, which we have taken into account whilst considering this application. Throughout this consultation, we have continued to express that it is paramount that any development on this site does not increase flood risk to third parties.*

*The Applicant's consultant, Ardent, have used the Environment Agency's 'Trent Tributaries' modelling as the base modelling for their detailed work. Our Modelling and Forecasting Team have reviewed Ardent's additional modelling, which considers the design and impacts of the scheme. They are satisfied with the methods used. Concerns were raised that the Beck Dyke was not sufficiently represented in the modelling, which Ardent have addressed in the addendums submitted. We have required extra work of Ardent to look at their impacts on the floodplain south of Racecourse Road and south of the railway line. It has been demonstrated that there are no increases outside of the application redline boundary in flood extent or flows during a 1% Annual Exceedance Probability (AEP) plus an allowance for climate change flood scenario. We therefore accept that the scheme has managed flood storage within their site and limited flows from the site (via reduction in orifice sizes) as to have no detrimental impact on adjacent areas.*

*Please note that we have requested a number of sensitivity checks, including increasing the roughness of the channel to consider the impact of the scheme if the watercourses were not adequately maintained and increasing the downstream boundary (in the hydraulic model) of the River Trent to look at the impacts of a combined tributaries and River Trent flood. We have also reviewed a number of blockage scenarios at critical culvert locations. All have shown no significant impacts to third parties as a result of the scheme and that there is sufficient tolerance within the design.*

*The scheme is based on our best available information at the time and has demonstrated that the mitigation measures proposed result in no increase in flood risk to third parties. The flood defence*



*scheme is also reliant upon maintenance and renewal throughout its lifetime and this must be secured through the planning permission. This is to ensure that the scheme provides the relevant protection to the racecourse and that there continues to be no increase in flood risk to third parties. If this can be secured by planning conditions then the EA would have no objections to the application.*

*Therefore, the proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of planning conditions on any planning permission.*

The Environment Agency have also requested 4 conditions and 3 informatives to be appended to the permission should members be minded to approve the application. These are set out verbatim within the recommendation section below.

#### **Trent Valley Internal Drainage Board –**

##### **Comments 19/05/16**

***1) The Board have not undertaken a review of the Hydrological Model as this falls within the remit of the EA. The Board do however understand that the Hydrological Model does not allow for increases in flows from Southwell. The Board consider this is a reasonable approach given that your Authority, in consultation with the Lead Local Flood Authority, can require that any new development incorporates sustainable drainage systems which are designed to mimic the natural greenfield surface water run off rates of undeveloped sites. We would advise that your Authority seek assurances from Nottinghamshire County Council as the Lead Local Flood Authority that any future flood alleviation scheme for Southwell will be designed to ensure that no detriment is suffered by downstream landowners.***

***2) Clarification on the existing maintenance regime of the River Greet Main River and future funding mechanisms should be sought from the EA. The Board welcome the letter dated 29th April 2016 from Southwell Racecourse and Conference Centre (the Racecourse) which offers an annual contribution not exceeding £25,000. The Board fully agree with the contents of the letter and the suggested mechanisms for establishing a working partnership between the Racecourse and relevant Flood Risk Management Authorities. For the avoidance of doubt, the Board believe that the additional funding secured through the working partnership should be strictly allocated to enhanced maintenance and improvement works which is both additional to the existing annual maintenance regime and provides benefit to the Racecourse and / or neighbouring communities.***

***3) In making this comment the Board sought to support the view of the EA and your Authority that a procedure for reviewing the flood alleviation scheme should be in place. The Board fully agree with condition number 5 which is proposed on Page 111 of the Planning Committee Agenda for the 3rd May 2016 meeting. The Board note the proposed condition requires details of the scope and timing of the review to be agreed between your Authority and the Racecourse***

***post planning application decision. Whilst the Board are satisfied the details can be agreed post decision we suggest that an appropriate timescale for the first review may be 3 years after construction or immediately following a flood event, whichever occurs soonest. This would however need to be agreed between your Authority, the developer and other affected Flood Risk Management Authorities.***

***4) The Board will require an access strip alongside the downstream section of the Board maintained Greenfield Drain which is to be retained as a Board maintained watercourse, post planning application decision. A recent site visit revealed that machinery access is mostly available but some work will be required by the Racecourse to provide level access, especially around the existing stable yard. The Board would welcome this requirement being included as part of a planning condition.***

#### **Comments 17/03/16**

*As you are aware, the Board has worked extensively with your Authority, the applicant, their consultants, the Environment Agency (EA), Nottinghamshire County Council and local landowners to assist the applicant in developing a flood resilience scheme that provides greater flood protection for the Racecourse whilst ensuring that third party landowners are not placed at increased risk of flooding.*

*It is the Board's opinion that the Flood Risk Assessment, together with subsequent addendums and the mitigation measures proposed therein has demonstrated the proposed flood resilience scheme will provide added flood protection to the Racecourse without placing third party landowners at greater flood risk. A critical element of the assessment is the hydrological modelling undertaken by the applicant's consultant which has been technically assessed and approved by the EA.*

*Should your authority decide to grant planning permission it is essential that the permission includes appropriate conditions to ensure that the proposed flood resilience scheme is:*

- undertaken strictly in accordance with the proposals submitted*
- reviewed at appropriate intervals*
- fully maintained and;*
- decommissioned if no longer required*

*The Board note that the existing 800mm diameter culvert beneath Racecourse Road has been blocked and it is the applicant's intention to re-open the culvert and install a non-return flap valve on the downstream (northern) headwall as part of the flood resilience scheme. Irrespective of planning consent being granted the Board require this work to be undertaken at the earliest opportunity and within 28 days of this letter.*

*Enclosed is a plan showing the upper reaches of the Greenfield Feeder Drain and Greenfield Drain, both of which are currently maintained by the Board. Due to the proposed changes at the site and the fact that part of the Greenfield Drain is intended to be used for flood storage it will be necessary for the Board to relinquish control of 630 linear metres of Greenfield Drain which is all*

*located upstream of the confluence of the Greenfield Drain and Greenfield Feeder Drain. Future maintenance of this length of watercourse will rest with the applicant.*

*The Board will continue annual maintenance of the remainder of Greenfield Drain and Greenfield Feeder Drain. The applicant should note that the Board will require a level grassed strip of at least 6 metres wide between the bank top of Greenfield Drain and the earth bund which runs parallel.*

*Should planning consent be granted, the applicant must note that the Board's prior written consent will be required for any of the following works:*

- Any works in, over, under or within 9 metres of the bank top of any Board maintained watercourse.*
- Any works that increase or alter the flow of water to any watercourse within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).*
- 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.*

*Lastly, it is welcomed that the applicant is willing to cooperate with the Board and the EA in seeking improvements and enhanced maintenance operations on the River Greet Main River up to Upton Mill in order to improve conveyance of normal and flood flows through to the River Trent Main River.*

**Anglian Water – No comments to make**

**NCC Flood Team –**

**Comments 26/05/16**

***The Planning Committee meeting on 3rd May 2016 required additional information. In response to the queries raised in an email from Nicolla Ellis (Planning Case Officer) on 9th May 2016 the Lead Local Flood Authority give the following response to query 1, further to our previous comments:***

***The query 1) Want assurances that the hydrology model takes into account increased flows from Southwell and that any scheme/solution found to protect Southwell would not detrimentally affect residents with this scheme;***

***The Lead Local Flood Authority (LLFA) has worked with your Authority, the applicant, their consultants, the Environment Agency, the Trent Valley Internal Drainage Board to assist the applicant in developing a flood resilience scheme that provides greater flood protection for the Racecourse whilst ensuring that third party landowners are not placed at increased risk of flooding.***

***The Environment Agency have reviewed the hydrological model. The Flood Risk Assessment and the additional modelling and mitigation methods have demonstrated that there is no increase in***

***flood risk to third parties, so the proposed development remains safe and resilient to flooding without increasing flood risk elsewhere.***

***There are no proposed increased flows from Southwell. Nottinghamshire County Council have undertaken the Southwell Flood Study and the modelling to date has looked at the impacts to third parties and the solutions are designed to not increase flood risk to others and working in partnership with the Environment Agency, Southwell Flood forum, Nottingham Trent University, Trent Rivers Trust to look at opportunities for Natural Flood Management upstream of Southwell in an aim to reduce the rate of runoff and therefore reduce flows in Southwell and downstream communities.***

***The Lead Local Flood Authority is a Statutory Consultee to the Newark and Sherwood District Council Planning Authority for Major New Development in accordance with the National Planning Policy Framework.***

#### **Comments 30/09/15**

*The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3rd party properties both adjacent and at distance from the proposed sites.*

*The proposals would seem to contravene the requirements of the National Planning Policy Framework in that the development should not increase the flood risk to 3rd party properties. At the present time the flood risk assessment appears to describe a proposal that would remove a significant amount of volumetric storage from the floodplain of the River Greet and other local watercourses. In particular we note:*

*2.1 The FRA states that a volumetric balance would be more or less achieved between the amount excavated from the proposed wetland area and the amount deposited as bunds to protect the racecourse area and associated buildings. This approach fails to take into account the volume of flood storage lost inside the bunded area. It is obvious from the flood risk maps produced as part of the Newark & Sherwood DC SFRA and also from the Environment Agency that much of the Southwell Racecourse site lies within FZ3. Construction of a bund to protect the buildings and also the track (including the golf course within the track confines) would remove this area from FZ3 and prevent this area being used to store floodwater. The floodwater would still exist and the effect would be to displace this to another area or to raise the local floodwater levels slightly. Either option is unacceptable.*

#### **Comments 13/04/16**

*The Lead Local Flood Authority (LLFA) has worked with your Authority, the applicant, their consultants, the Environment Agency, the Trent Valley Internal Drainage Board to assist the applicant in developing a flood resilience scheme that provides greater flood protection for the Racecourse whilst ensuring that third party landowners are not placed at increased risk of flooding.*

*The Flood Risk Assessment and the additional modelling and mitigation methods have demonstrated that there is no increase in flood risk to third parties.*

*The proposed site is in an area regulated by the Environment Agency for main river and is in an area regulated by the Trent Valley Internal Drainage Board for ordinary watercourses.*

*The Lead Local Flood Authority are in agreement with the Environment Agency and the Trent Valley Internal Drainage Board and have no objection to the proposed development provided it is in accordance with the measures detailed in the Flood Risk Assessment (FRA) and FRA Addendum and Technical Notes.*

**NCC Archaeology** – No comments received

**NCC Highways** – No objection to the proposal

**NCC Public Rights of Way** –

**Comments 28/04/16**

**Footpath 3**

*As stated earlier, we are pleased to note that you have replaced the originally proposed steps with ramps of a gradient of 1:15, to be constructed on the exact alignment of the current right of way.*

**Footpath no 8**

*It is accepted that the footpath will be between the new bund and the existing embankment to the River Greet. The path is not necessarily as far away from the existing embankment as shown on your plan (4m) where it runs immediately alongside the railings, (see a – b on the attached plan) however it is within the corridor left (some 6.5m approx.) and therefore acceptable. The section from b – c is alongside and closer to the proposed bund and therefore should not be an issue. There is no hedge or vegetation issues that I can see. I apologise if this caused confusion.*

*On a separate issue it looks like the stile at the far end into the adjacent field is off line, with the path staying closer to the embankment. I assume that this stile is in the ownership of the adjacent landowner; one of the team will speak with the landowner to make this adjustment.*

**Comments 8/10/15**

*On behalf of the County Council Countryside Access Team I object to this application. The reasons are as follows:*

*The above mentioned paths are both within the application site and both potentially affected by the proposed development. Neither paths are depicted on the drawings I have reviewed or mentioned on any of the documentation provided by the applicant. Public rights of way are a material consideration with regard to planning matters. Under highway law it would be a criminal*

*offence to obstruct, deposit material on or disturb the surface of a public right of way as a consequence of the proposed development.*

*I enclose a **working copy** plan showing the position of the paths at a scale of 1:10,000. The exact location of the 2 paths should be verified by the applicant with my colleague David Squires, the Definitive Map Mapping Officer, prior to any works taking place or, better still, to add the paths to the drawings. He can be contacted by e-mail at [david.squires@nottscc.gov.uk](mailto:david.squires@nottscc.gov.uk)*

*FP3 is affected in 2 places. At point A a bund is proposed with the section B-B and this appears on drawing R990/109 rev B as passing over the line of footpath which is not shown. There is also a small footbridge crossing a ditch in this location. The bund section is of 1 metre height and 11m span from ground level. No authorisation has been sought or given to construct the bund across the footpath at this location. FP3 continues north east along what appears to be a 3 metre strip left for vehicle access next to the enlarged flood alleviation area. However, it is proposed to re align the bund at the north west corner of the racecourse itself and it appears on the drawing that the bund will cover the footpath where it runs along the edge of the ordinary watercourse. The applicant needs to demonstrate that the width of 1.5m beside the watercourse would be unaffected by the realignment of the bund at this location.*

*FP8 is potentially affected at point C on the plan where it runs between the edge of the racecourse and the banks or the River Greet. A bund is proposed here with the section E-E, .5m high and 7m in span. It is not clear how the footpath is accommodated in this space from the drawings provided.*

### **Comments 02/12/15**

*I note that the revised plan does now acknowledge the two footpaths that are affected by the plan (Southwell Footpath no. 3 & Rolleston Footpath no. 8) Footpath No 3 is affected by the north and south bunds. The applicant is proposing steps and handrail over both bunds. This team does not object to the bund per se but it does subject to the structure proposed. Steps will require regular inspection and maintenance. They are also a barrier to less able people. As a result we would only accept a ramp either side of each bund to a gradient of 1:15. We would also need confirmation that the ramps are constructed on the exact alignment of the footpath (to prevent the applicant having to apply to divert the path as part of the scheme). Footpath no 8 is on its original alignment but now between a hedge and the bund. The applicant needs to confirm the width of land left here for the footpath, confirm the maintenance of the hedge to prevent the path being quickly obstructed in the growing season if the path is reduced in width and to consider the maintenance of the grass/vegetation if it also becomes an obstruction in this potentially confined space.*

**Historic England** – *We do not wish to comment in detail, but offer the following general observations. With regard to the appropriate archaeological assessment and mitigation of impact upon undesignated heritage assets (National Planning Policy Framework paragraphs 128/9 and 141) we refer you to the expert advice of the County Council Archaeologist.*

**Emergency Planner** – No comments received

**East Midlands Electricity Board** – No comments received

**Natural England** – No objection to the proposal

**Network Rail** – *no objection in principle to the development, but below are some requirements which must be met.*

**Drainage**

*Water must not be caused to pond either during or after any construction-related activity.*

*The construction of soakaways for storm or surface water drainage should not take place within 20 metres of the Network Rail boundary.*

*Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.*

*The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.*

*The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.*

***Protection of existing railway drainage assets within a clearance area***

*There are likely to be existing railway drainage assets in the vicinity of the proposed works. No connection of drainage shall be made to these assets without prior consent.*

*Any works within 5m of the assets will require prior consent.*

*There must be no interfering with existing drainage assets/systems.*

*No connection to or alteration of any existing Network Rail drainage assets/systems is permissible without specific approval from Network Rail of detailed proposals.*

**Fail Safe Use of Crane and Plant**

*All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.*

### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### **Method Statements/Fail Safe/Possessions**

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

### **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

### **Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the



*commencement of works and the works shall only be carried out in accordance with the approved method statement*

### **ENCROACHMENT**

*The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.*

### **Trees/Shrubs/Landscaping**

*From the landscaping plans provided, there do not appear to be any concerns for the railway infrastructure. However, should these plans change the following would apply; where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:*

#### **Acceptable:**

*Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Pados), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"*

#### **Not Acceptable:**

*Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europa)*

*A comprehensive list of permitted tree species is available upon request.*

**Access to Railway**

*All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.*

*Network Rail is required to recover all reasonable costs associated with facilitating these works.*

*I would advise that in particular the **drainage, method statements and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.*

*I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.*

*The method statement will need to be agreed with:*

*Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 2A  
George Stephenson House  
Toft Green  
York  
YO1 6JT  
Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk)*

**Nottinghamshire Wildlife Trust –**

**Comments 25/08/15**

*We are pleased to see that an Extended Phase 1 Habitat Survey has been undertaken at an appropriate time of year and are generally satisfied with the methodology, however note the constraints identified in Section 3.5 including some access restrictions. The walkover survey has identified that there are habitats with suitability to support protected species on and around the development site and that therefore a number of further protected species surveys are required to fully assess the ecological impact of the proposals.*

*Paragraph 99 of Government Circular 1/2005 (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.'

### **Detailed Planting Plan**

We are pleased to see that the wetland area appears to have been largely designed to support wetland birds. However, **we would prefer to see the shrub and tree planting removed from plans to maintain the openness of the area** which will benefit ground nesting birds. Trees/shrubs could restrict visibility as well as providing perches for predators.

Ongoing management of the wetland and other newly created areas should also be taken into consideration. We recommend a **condition** requiring submission of a detailed **Biodiversity Management Plan** to ensure that new habitats establish well and that all areas are suitably managed to benefit biodiversity in the longer term.

### **Summary**

In summary, we **object** to this application as insufficient information has been provided with which to assess impacts on protected species. Further survey work is required before the application is determined. These surveys should be used to inform necessary mitigation and/or compensation to be designed into the overall development scheme.

With this in mind, **we strongly recommend that the LPA requests that all outstanding ecological survey work is undertaken, with the results submitted for review before the application is determined.** This is to ensure that all material considerations have been addressed, in particular with respect to protected species.

### **Comments 17/9/15**

We welcome that the additional surveys required have now been undertaken, with methodology generally in accordance with best practice guidance. Where surveys are not considered necessary, clarification and justification of this approach has been given. Provided that the recommended mitigation is implemented, impacts on protected species are considered unlikely.

We recommend that requirements in sections 5.1.2 (reptiles) and 5.3.4 (amphibians) are secured by way of planning condition.

We welcome that the landscape plan has been amended in line with our previous comments. We would recommend a pre-commencement walkover survey be carried out should works not commence within 6 months.

We recommend conditioning a Biodiversity Management Plan to ensure that new habitats establish well and that all areas are suitably managed to benefit biodiversity in the longer term. Given that all required surveys have now been carried out, subject to the above we are able to remove our objection to this application.

### **Comments 15/10/15**

*We note that the revised plans now include for works to an historic brick culvert adjacent to the Greenfield Drain and we cannot see any reference to this structure within the ecology reports. We recommend that the LPA seeks clarification as to whether the historic brick culvert has been inspected by a suitably qualified ecologist to ascertain whether it offer features suitable for roosting bats. Bat Conservation Trust Bat Surveys Good Practice Guidelines (Hundt, 2012) suggests that bat surveys should be undertaken where proposals affect built structures, including tunnels and other underground ducts (see Box 2.1). Any required further ecological surveys should be completed before the application is determined.*

### **Comments 23/11/15**

*The brick culvert was inspected from the entrance, however access and full internal inspection was not possible due to its size. Where detailed inspection was possible near the entrances, no evidence of bats was located although it is possible that signs may have been washed away.*

*Where inspection was possible, potential roost features including slipped mortar between bricks were identified.*

*Overall, the culvert was deemed to offer 'low to moderate' bat roost potential (Hundt, 2012) and the report notes that further surveys are recommended. The ecologist suggests a minimum of one emergence and one re-entry survey, with further surveys possibly required following this work.*

*The report recommends that the application is not delayed until the bat activity season (May to September), but that the surveys are included in a planning condition.*

*It is clear that the Preliminary Roost Assessment has not been able to rule out the possibility that bats maybe using the culvert for roosting and that further survey is required. With regards to how and when this survey work is secured, NWT are guided by Paragraph 99 of Government Circular 1/2005 (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.'*

*Given the above guidance, to ensure that all material considerations have been addressed, in general we recommend that the LPA requests all necessary ecological survey work to be carried out **before an application is determined.***

*However, should you decide that this application for a flood alleviation scheme constitutes an 'exceptional circumstance', a planning condition must be used to secure the necessary bat survey*

work **before any works commence to the culvert**. All bat species are statutorily protected from reckless killing, injuring and disturbance, and damage and obstruction to roost sites by the Wildlife and Countryside Act 1981 (and as amended) and by The Conservation of Habitats and Species Regulations, 2010 (as amended). Note that even if bats are not present their roosts are protected all year round. The Countryside and Rights Of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost. As a minimum, we would expect to see 2 emergence and/or re-entry surveys carried out, ideally with at least one survey undertaken in mid-June to investigate the possibility of a maternity roost being present. If a roost is found, then an EPS licence would be required and this would require adequate mitigation for the roost which would be destroyed. The level of mitigation would depend on the status of the roost and may result in delays and alterations to the development plans.

On re-examination of the plans, it appears that the proposed work would effectively remove any potential features and/or obstruct access to the culvert on a permanent basis. With this in mind, **even if bat roosts are not found to be present during surveys** (in this scenario roost replacement mitigation would be required as part of an EPS licence application), we suggest consideration should be given to **compensating for loss of potential bat roosting habitat**. This could take the form of a number of artificial bat boxes suitable for crevice dwelling species being erected around the application site which could be secured through a planning condition.

**Southwell Civic Society** – No comments received

**Severn Trent** – No objection but advise of a public sewer located within the application site.

**In addition to the statutory consultees, 13 letters of representations have been received from 9 local residents. The issues raised by these residents are summarised below:**

- The scheme would put adjacent landowners at an increased risk of flooding, reducing crop productivity when agricultural land is underwater and de-value the land;
- The existing drainage is not adequate to take the volume of water which is being held in the constructed bunds that have already been built;
- Existing drainage is purely field drainage consisting of small dykes, designed to exit through the racecourse, as the racecourse is the lowest point;
- Potential impact upon Beck Dyke and Marlock Dyke which will affect land upstream of the racecourse as well as Fiskerton and Morton;
- Lack of information regarding flooding south of the site
- Increased risk of flooding to residential properties in Rolleston and Upton
- Southwell Racecourse have not attempted to inform or discuss their proposals with those likely to be affected. Local residents have had no evidence or reassurance whether there is any provision for the racecourse to indemnify any properties affected and we will require an assurance that compensation will be paid if approved.
- Should the proposals be approved local residents require valid assurances from Newark and Sherwood District Council that the implementation would have no adverse results

whatsoever on Rolleston. Furthermore local residents will require an assurance that compensation will be paid by Southwell Racecourse and Newark and Sherwood Council to the Rolleston residents affected by any flooding experienced should the proposal be approved.

- Adequacy of the proposed extended “wetland” area to absorb/contain floodwaters- Model is site specific and therefore untested and as such risk or safety margins need to be used and applies to the outputs of the model. require confirmation that the flood risk models used have been independently tested and verified as being fit for purpose when applied to schemes of this nature and that the wetland areas are capable of fully compensating the scheme.
- Volume and Distribution of Flows both in Flood and Non-Flood Conditions- The documentation notes that the scheme is expected to result in total flood flows downstream of the railway which are largely unchanged from those at present. However, the distribution of these flows will be changed from that historically experienced. The scheme expects to improve the overall drainage for the site. No information is given as to how the volume and distribution of flows would be changed under normal (steady state) conditions. It is to be expected that the construction of a bund will isolate partially or totally the catchment area within it from acting as an As such it is to be expected that flows in both the Marlock Dyke and the Rundell Dyke will be subject to more variation than at present, with peak (non-flood) flows being increased. Of particular concern is the likelihood that increased variable water flows would be directed to the Rundell Dyke, rather than the Marlock Dyke, which is the correct watercourse to be used.
- The proposer needs to provide flow data not just pertaining to flood conditions, but to the expected changes in flows and volumes under “normal” and “peak” weather conditions.
- Control and Monitoring of Flows- The flood risk assessment provides little or no information on how excess water will be actively managed. The document notes that waterways will be altered to generally improve the ability of water to leave the site. Without a comprehensive control and monitoring scheme to ensure that flows leaving the site are kept to within acceptable parameters, there is no guarantee that the flow details given in the flood risk assessment for the various watercourses affected will be kept within acceptable limits.
- This scheme should ensure that discharges to watercourses can be effectively controlled and that adequate monitoring and alarm facilities are in place to ensure that flows can be modulated/ceased as required to ensure that downstream watercourses are not overloaded.
- Adjacent land will lose its ability to drain in its natural fall
- Location of the racecourse means that an all-weather racetrack is not a suitable surface nor substantial development
- Existing watercourses currently not well-maintained
- Should the Council permit these flood defences with the acknowledged increased risk to flooding on the land, the Council will be held liable for loss in value of farmland and any loss caused by flooding;

- Plans are incorrect – show Greenfield Feeder terminating 40m from Beck Dyke but actually connected;
- Southwell's continued development has an impact on the increased levels in the River Greet;
- Issues of flow in the Beck Dyke- already overloaded;
- The scheme proposals are based on an "Environment Agency model" of hydraulic behaviour in the area. The results shown in the both the presentation and the graphic animations DO NOT match either flooding events of historical record or directly observed events by landowners/stakeholders in the relevant area.
- We have been given no information on how the scheme will behave if it is presented with water flows/volumes which exceed its design parameters. At worst this could lead to a direct pass through of additional volumes into areas of land/watercourses which are unable to cope. This in turn could lead to additional risk to properties adjacent to the racecourse and to unacceptable flows in the downstream dykes.

### 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

Southwell Racecourse is an established horseracing facility located within the open countryside outside the villages of Fiskerton and Rolleston, as well as close to the town of Southwell. The site is located adjacent to the River Greet which runs to the north of the racecourse. Given the proximity to the river, the site lies within flood zones 2 and 3 (medium to high risk of flooding) and has historically flooded several times, the last flood event being November 2012. As a result of the flooding, the significant damage to infrastructure caused has led to increasing insurance costs and therefore the applicants have been advised to protect the site with flood defences which would protect the site from at least a 1 in 100 year plus climate change flood event.

Some ad-hoc flood defences have been constructed over the last few years without planning permission and without detailed analysis from engineers; in January 2015, the Council instructed the applicants to cease further works and submit a planning application for the engineering operations associated with the flood defences. Subsequently this planning application was submitted and includes alterations to the ad-hoc defences as well as new proposals to help reduce the risk of flooding.

Since the application was submitted in July 2015, the applicants have been working with the LPA, Environment Agency (EA), Trent Valley Internal Drainage Board (TVIDB) and the Lead Local Flood Risk Authority (LLFRA) to address concerns raised by the above in terms of flood risk. Additionally, the applicants held a public consultation exercise in October 2015 to advise the local parishes of the proposals and their implications to flood risk both within and outside the site. Subsequently,

amendments have been made to the scheme (notably the layout of the earth bund to the NW of the site) and further hydrological studies have been submitted during the course of the application.

The NPPF places great weight upon the inappropriate development in areas at risk of flooding, which should be avoided where possible, however where development is necessary, development should be made safe without increasing flood risk elsewhere; this is backed up by Policy DM5 of the DPD and Core Policy 10 of the Core Strategy. Regard should also be given for the preservation of a leisure and tourist attraction in accordance with Core Policies 6 and 7, and Spatial Policy 8 of the Core Strategy.

Aside from flood risk, the proposal's design and impact upon the open countryside should also be considered against Policies DM5 and DM8 of the DPD and Core Policy 9 of the Core Strategy, along with any impact upon ecology, residential amenity and highway safety in accordance with Core Policy 12 and Spatial Policy 7 of the Core Strategy and DM5 and DM7 of the DPD.

#### *Southwell Neighbourhood Plan*

Southwell Racecourse lies partially within the area covered by Southwell Neighbourhood Plan (NP). Some but limited weight can be attached to this NP because the plan is yet to be subject to a referendum following an independent inspector's assessment and report on the plan. However, below I have outlined the main policies which are relevant to this application.

Policy CF4 of Southwell NP supports tourism for Southwell and states that the racecourse is one of the town's many attractions which attracts a great number of visitors to the town who contribute to its economy. Additionally, the Southwell NP places great weight upon the protection of local wildlife sites, such as that within the racecourse. Policy E3 of the NP requires proposals to include a base line assessment of habitats, species and overall biodiversity value for the site. Development proposals which create additional habitat space, including roosting, nesting or shelter opportunities for wildlife, will be looked on favourably when considering the biodiversity value of a development. Policy E4 of the NP also states that public rights of way across the parish should be kept open and accessible.

In addition to the NP policies above, policies E1 and E2 of the NP also provide guidance on flood risk within the parish. Policy E1 states that flood risk assessments (FRA) should reference the Nottinghamshire County Council (NCC) commissioned, URS Hydraulic Model and the NCC Flood Mitigation Plan for Southwell (or most up to date equivalents) as well as the Environment Agency's flood maps. However, the NP was not approved by Southwell Town Council until September 2015; given that the planning application was submitted in July 2015 I do not consider it reasonable for the FRA to comply with this part of the policy, particularly given the status of the NP. The policy does however state, *'Flood defence measures can have a detrimental impact on the built and natural environments. For example, replacing natural watercourses with faster flowing artificial channels can result in the loss of important aquatic habitats.* Furthermore, Policy E2 requires development proposals to avoid increasing the risk of flooding both on and off site and will need to demonstrate this, which the following section now discusses in more detail.



## Impact upon Flood Risk

The River Greet is the main source of flooding for Southwell Racecourse. When the river overtops its banks, water flows from the watercourse in a south-easterly direction to the western edge of the site. This direction of flow explains the need for the attenuation ponds to the west of the site as these will be the first interception point of flood water.

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.

It is recognised that the racecourse is located on the River Greet's floodplain and the development is considered to be a water compatible use in accordance with the NPPF's technical guidance on flood risk. As such, the land is, in simple terms, expected to flood and therefore any defence to prevent this natural flooding onto a flood plain, could have serious implications for surrounding land and nearby built up areas, some of which are located downstream of the site. It is for the above reasons that many local residents and local parish councils have objected to the scheme as they are concerned the scheme could put their properties and land at a greater risk of flooding. Concerns have also been raised with regards increasing groundwater levels and whether the dykes would be able to cope with an increase in volume during a flood event. During discussions with the EA, the applicant's agent and the TVIDB the issues relating to groundwater levels were discussed and it was confirmed verbally that the water table is unlikely to be affected by the scheme as the water table is approximately 1m below the lowest ground level within the attenuation ponds.

Concerns have also been raised with regards to the scheme's impact upon the storm drain along The Ropewalk in Southwell. The drain has not been included within the modelling carried out but the LLFRA have advised verbally that the works carried out involve ditch improvement with no increases in waterflows expected therefore the drain should not alter tolerances in the model.

As submitted, concerns were raised with regards to a lack of modelling to show the proposal's impact upon land to the south of the racecourse beyond Beck Dyke as there are records which suggest this area has flooded previously. Following various discussions between the applicant's agent, the EA and TVIDB additional modelling has been carried out and submitted on 30<sup>th</sup> September 2015. Further modelling and hydrology studies were undertaken late in 2015 to provide additional information relating to the flooding of Beck Dyke and Marlock Dyke (south of Occupation Lane) to show that there would be no increase in flood risk to these watercourses. The hydrological study carried out has also been used to update the 2014 Environment Agency ISIS-TUFLOW model of the River Greet. These studies were submitted on 22<sup>nd</sup> January 2016 and the EA and TVIDB's comments are based upon this additional information.

The main concern relating to the application was how the flood alleviation scheme would impact upon flood risk to the surrounding area due to the redirection of the natural flow of water during a flood event. In essence, the scheme should not increase the rate of flows out of the site from that prior to flood defences being constructed on the site (indicated in the plans as the 'baseline

model'). The modelling carried out over the course of this application has shown that the rate of flow leaving the site into the Greenfield Drain and subsequent surrounding dykes will not increase as a result of the proposed alleviation works.

The EA have summarised the discussions undertaken with the applicant, as highlighted in the 'Consultations' section of this report and are satisfied that the proposal would result in no increase in flood risk to third parties, based upon the best flood information available at this time; it has been demonstrated that there are no increases outside of the site in flood extent or flows during a 1% Annual Exceedance Probability (AEP) plus an allowance for climate change flood scenario. Their conclusions also take into account modelling of abnormal situations within the watercourses, including blockages and an unmaintained watercourse. As such, subject to conditions and informatives, the EA have no objection to the proposal.

The TVIDB have also reached a similar conclusion. Again, their full comments are set out in the 'Consultations' section of this report. They are of the view that the scheme will provide added flood resilience to the racecourse without placing third party landowners at a greater risk of flooding. This is on the basis that the work is undertaken strictly in accordance with the proposals submitted and reviewed at appropriate intervals, as well as fully maintained and decommissioned if no longer required; the TVIDB have requested that conditions are attached to this effect and which are similar to those requested by the EA, which I consider to be appropriate in this instance.

The proposal also includes works to the Greenfield Drain and several culverts which are currently maintained by TVIDB. Whilst the comments raised in respect of the management/ownership of these watercourses cannot be considered under a planning application, as they are covered by the IDB's legislation, it is useful to highlight that control of part of the Greenfield Drain will be transferred to the applicant to maintain as part of this drain will be used for flood storage. Additionally, TVIDB have requested that a blocked culvert beneath Racecourse Road is re-opened as soon as possible as their records indicate that this was blocked without consent from the Board.

In addition to the EA and TVIDB, the Lead Local Flood Risk Authority (LLFRA) have been consulted on the proposal and have also been part of the discussions held between the applicant, EA, TVIDB and the LPA. The LLFRA objected to the scheme in September 2015 on the basis that the proposals would contravene the requirements of the NPPF in terms of flood risk to third party properties however, following the additional work carried out by the applicant's agent, the LLFRA confirmed on 13<sup>th</sup> April 2016 that they no longer raise an objection to the proposal as it has been demonstrated that there is no increase in flood risk to third parties. As such, the LLFRA raise no objection providing the proposed development is carried out in accordance with the measures detailed in the Flood Risk Assessment (FRA) and FRA Addendum and Technical Notes.

Amendments have been made to the proposal through 3 addendums along with additional modelling and a hydrology study to show how the water will be retained on site via the attenuation ponds and that the scheme will not increase flood risk elsewhere. As such, on the basis that all flood consultees (the EA, LLFRA and TVIDB) are satisfied that the information and modelling received during the course of this application provides evidence that the proposals will

not increase flood risk to any third parties, I accept their conclusions on the proposal's impact upon flood risk and am therefore of the view that the proposed flood alleviation works comply with the NPPF, Core Policy 10 of the Core Strategy and DM5 of the DPD, along with the broad principle of Policy E1 and E2 of the Southwell NP, which may be given some weight.

Members should note that the comments from the EA and TVIDB are based on the assumption that the watercourses will be maintained throughout the lifetime of the flood alleviation scheme to prevent any blockages or other debilitation to the river/dyke channels which could result in the reduction in effectiveness of the scheme. These channels are currently, and will continue to be, maintained by the EA and TVIDB. The applicants have previously stated verbally that they are willing to contribute to the maintenance of the watercourses surrounding the site, although no formal agreement has been drawn up.

There have been concerns raised by members of the public that the reports produced are not independent and therefore it has been requested that an independent flood expert carried out another assessment. In the view of the LPA, the EA, TVIDB and LLFRA are independent flood experts, and indeed the LPA's point of call for flood advice, and as such any discrepancies should be picked up by these experts. As such, Members are advised that it is my view that an independent assessment is not required, particularly given the detailed responses from the above flood experts and the continuous dialogue the EA and TVIDB have had with the applicant's agent.

#### Impact on the Visual Amenities of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. Additionally, the site lies within open countryside and therefore development must be considered against Policy DM8 of the DPD, as well as Core Policy 14 of the Core Strategy and DM9 of the DPD given the site's proximity to designated heritage assets and a scheduled ancient monument.

#### *Landscape Character and Open Countryside*

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Upton Village Farmlands (MN PZ 32) which is described as gently undulating topography with some agricultural and leisure development (equestrian centre), resulting in views being medium distance to frequently wooded skylines. The landscape sensitivity is defined as high and condition is defined as very good given a visually strongly unified area and strong functional integrity. The policy action for this area is 'Conserve with specific actions to conserve hedgerows, historic field patterns and biodiversity'.

Southwell Racecourse 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. The land immediately surrounding the site is very sparse of development, with the

exception of some residential and agricultural development along Occupation Lane and Station Road, as well as Rolleston railway station to the SE 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 scheme is an engineering operation to protect the existing racecourse from future flooding. The majority of the works will not extend above ground level, limiting the visual impact across the surrounding landscape, therefore having little impact upon the open countryside. Whilst I note that the works are classed as development, the creation of wetland areas does not in my view have a negative impact upon the openness of the countryside and alongside providing a flood defence, will attract wildlife without being readily visible from the surrounding landscape. Those works above ground level, namely the earth bunds, will be visible from the surrounding area, as is the case with the existing bund around part of the site. However, these bunds are relatively low in height and will be left to vegetate naturally, and therefore over time will blend into the surrounding countryside and existing river banks. On this basis, whilst the development lies within the open countryside, I am satisfied that 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.

#### *Historic Environment*

The site does not lie within a designated conservation area (Upton Conservation Area is closest to the site, some 600m away). The site does however lie close to Mill Farm (located to the east of the site) which is a Grade II Listed Building; additionally beyond this building lies a scheduled ancient monument at Rolleston Manor, the building of which is also listed. Upton Mill to the NW of the site which is a local interest building.

The internal Conservation Officer has advised that the proposed scheme is unlikely to unduly affect the setting of any heritage asset close to the site given the low bund height. It is noted that that the possible increased greenery may block or screen some views towards tall assets, such as Southwell Minster but it is not believed that these views to be necessarily important for the enjoyment or understanding of the Minster. As such, I do not consider the proposal to have an adverse impact upon the historic environment from this perspective.

I note the Conservation Officer's observations that there are some historic culverts and some archaeological and building history interest within the site. Archaeological interest has also been picked up by Historic England, but whom have advised that the application is determined in accordance with the County Council's Archaeology department. The NCC Archaeology team have not offered any comments on the application; however the internal Conservation has provided some advice, as detailed earlier in this report. It has been suggested that whilst it is unlikely that archaeological potential will prevent development within the site, a developer's watching brief should be conditioned should Members be minded to approve the application to ensure that any archaeological interest is recorded. In this instance, I would concur with the Conservation Officer that this is a reasonable condition to request as further pre-determination evaluation would be

unnecessary and expensive for the applicant, particularly given the limited potential for archaeological remains.

#### Impact upon Residential Amenity

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

The closest neighbour to the site is Mill Farm, approximately 50m to the east of the site. This neighbour will lie closest to the bunds which are already in situ. Given the height of the bunds, I do not consider the proposal to have an adverse impact upon this neighbour's amenity; the low height of the bund will have no impact upon loss of light for this property nor have any overbearing impact.

In terms of the amenities of the surrounding land uses in general, the low height of the earth bunds and lack of visibility of the other works to take place is such that it is unlikely the flood scheme will have a harmful impact upon amenity.

I am therefore satisfied that following the amendments the proposal complies with Policy DM5 of the DPD and the NPPF.

#### Impact upon 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.

The Highways Authority have no objection to the development from a highway safety perspective, stating that the level of the proposed bund is lower than the highway (Occupation Lane) and the plans submitted show flood extent comparisons indicate no change as a result of the proposal. As such, it is considered that the proposal is not expected to affect the adjacent public highway.

#### Impact upon Ecology

An Extended Phase 1 Habitat Survey and Phase 2 Habitat Survey have been submitted as part of the application which Nottinghamshire Wildlife Trust (NWT) are happy with, providing the recommended mitigation is implemented and also subject to conditions. These conditions include the requirement to comply with the following outlined in the Phase 2 Survey,

*5.1.2 To ensure that reptiles do not colonise the works footprint, it is recommended that the onsite habitats - other than the existing southern flood bund - are maintained as short as possible via mowing until such time as works commence. Recommendations regarding the southern flood bund are provided under section 5.4 of this report.*

5.4.3 To minimise the likelihood of harm to common toad as a result of the proposed works, all grass and ruderal vegetation along the existing southern flood bund should be removed via an amphibian-sensitive three-stage cut, as follows:

- Step 1 (Cut 1): Using a tractor-mounted flail or similar, top vegetation to a height of approximately 10cm, taking care not to track over tall/rough grass and herbs;
- Step 2 (Rest Period 1): Leave cut vegetation for 24 hours. This will encourage toads to move off the bund;
- Step 3 (Raking): After 24 hours, carefully rake the cut vegetation off of the bund and strew it next to the southern boundary ditch. This will allow any toads still present to escape into the retained ditch habitat;
- Step 4 (Rest Period 2): Leave the raked bund surface for a further 24 hours to allow any remaining toads to move off;
- Stage 5 (Cut 2): After this second 24 hour rest period, reduce height of vegetation to 5cm;
- Stage 6 (Rest Period 3): Leave 5cm high vegetation for further 24 hours;
- Stage 7 (Cut 3): Reduce vegetation to ground level and proceed with works.

Additionally, it is has been advised that the LPA should condition a Biodiversity Management Plan to be submitted to ensure new habitats establish well and re suitability managed in the long term. NWT have also advised that a pre-commencement walkover survey should be carried out should works not commence within 6 months; given that 6 months have passed since the submission of the surveys, I would recommend to Members that this pre-commencement walkover is conditioned.

In addition to the ecological surveys, NWT have referred to works to a historic brick culvert adjacent to the Greenfield Drain which would effectively remove any potential features and/or obstruct the culvert on a permanent basis for bats. A full survey of the culvert has not been carried out and therefore there is still the potential for bat roosts in the areas of the structure not surveyed.

Usually, the LPA would request that a full survey is carried out prior to the determination of the application. However in this instance given that the works to the culvert form only a small section of the scheme, I consider the scheme to constitute a 'special circumstance' and therefore deem is appropriate to condition the bat survey to be carried out prior any commencement of works to the culvert rather than requiring the survey up front before the application is determined; this pragmatic approach has also been agreed with NWT. NWT have highlighted that they would expect to see 2 emergence and/or re-entry surveys carried out, ideally with at least one survey undertaken in mid-June to investigate the possibility of a maternity roost being present. It would be appropriate to add this as an informative should Members be minded to approve the application.

On the basis that the proposal is carried out in accordance with the submitted surveys and additional ecological information, and the suggested conditions are complied with, I consider that the proposal is unlikely to have a harmful impact upon ecology within or surrounding the site in compliance with the Development Plan. I also consider the proposals to comply with E3 of the

Southwell NP which has satisfied the criteria that a base line assessment is submitted and that development proposals should protect the biodiversity of the site, which it has been concluded to do so, subject to conditions.

### Other issues

#### *Rights of way*

Public footpaths no.3 and no.8 run through the site and close to the proposed bunds and attenuation ponds. The Rights of Way team at NCC have raised concerns regarding the proposals' impact upon these public footpaths and the alterations required. The applicant's agent has provided all the required information requested by the Rights of Way team but the LPA are yet to receive a formal response. I am of the view that the concerns raised by the Rights of Way team can be addressed and therefore should Members deem it to be appropriate, I would recommend a condition is attached to the permission requiring details of the works to the footpaths to be agreed prior to the commencement of any works adjacent to the footpaths. Policy E4 of the Southwell NP also seeks to ensure that public rights of way are maintained and kept open following development.

#### *Network Rail*

The site is located adjacent to the railway line and therefore the proposals, especially works to the south-eastern corner of the site, have the potential to impact upon the railway. Given this, Network Rail have offered extensive advice and requirements for the applicant to be mindful of. Additionally, Network Rail have sought conditions relating to drainage, method statements and landscaping, which I will address in turn below.

The River Greet and a culvert serving the Greenfield Drain pass below the railway and therefore Network Rail have requested that the LPA condition overland flow conditions to be submitted for approval prior to works commencing, however as the culvert is already in situ with only minor works to take place close to the railway line, I do not consider this condition to be appropriate in this instance.

The method statements requested relate to any excavations/earthworks to be carried out within the vicinity of Network Rail property to ensure that the works to have a detrimental impact upon the railway undertaker's property or ability to operate train services. I consider it appropriate to condition this method statement given the proximity of the bund to the railway in the SE corner of the site.

In terms of landscaping, some information has been submitted with regards to the wetland area and tree types proposed, however no detailed plan has been submitted. Network Rail have provided information of types of vegetation which are appropriate close to the railway line but have asked to be consulted on any landscaping plan submitted. On the basis that no detailed plan has been submitted, I would recommend it appropriate to include the Council's standard landscaping conditions should Members be minded to approve the application.

## Conclusion

The application seeks consent for engineering operations for a flood alleviation scheme to protect Southwell Racecourse from 1 in 100 year plus climate change flood events. The protection of the racecourse would allow the continuation of a leisure and tourist attraction which is assumed to provide for the District's economy and therefore supported in principle by Spatial Policy 8 and Core Policy 7 of the Core Strategy.

It has been concluded by the EA, TVIDB and LLFRA that the flood scheme proposed, based upon the information available to inform flood modelling, will not increase flood risk to third parties, subject to conditions. The scheme is therefore considered to comply with the NPPF, as well as Core Policy 10 of the Core Strategy, Policy DM5 of the DPD and Policies E1 and E2 of the Southwell NP.

The design of the scheme is such that the works are unlikely to be highly visible from the public realm, with low height earth bunds the main works proposed above ground level. As a result, it is not considered the proposal would have an adverse impact upon the character of the area, the openness of the countryside nor any nearby heritage assets. A similar conclusion is also reached with regards to residential amenity. As such, the proposal is in accordance with Policies DM5, DM8 and DM9 of the DPD and Core Policies 9 and 14 of the Core Strategy.

In terms of ecology, Extended Phase 1 and Phase 2 Habitat Surveys have been submitted which have provided significant detail with regards to the likely impact upon ecology within the site. NWT have provided detailed comments on the proposals and have raised no objection to the proposal, subject to conditions. Advice has also been offered with regards to the potential for bat roosts in a historic culvert; whilst it is the norm for the LPA to request a bat survey prior to the determination of the planning application, in the case of this application, it is not felt proactive to request this information up front given that the works to the culvert form a small part of the development and therefore would suggest to Members that it is appropriate to allow other works to commence with the bat survey to be conditioned to be submitted prior to works commencing on the historic culvert.

Aside from the above, the NCC Rights of Way team have raised concerns with regards to public footpaths which run through the site, however it is considered that the issues raised could be dealt with through condition. Additionally, points raised by Network Rail are valid and as such the conditions suggests should be attached to the permission, should member resolve to approve the application.

It is therefore concluded that this application is recommended for approval to Members, subject to the conditions and informatives detailed below.

## **RECOMMENDATION**

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



01

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

- R990/100 Rev.A – Site Boundary and Location Plan (received 20<sup>th</sup> July 2015)
- R990/101 Rev.C – Pre-Flood Alleviation Works Site Layout (received 18<sup>th</sup> April 2016)
- R990/102 Rev.A – Current Alleviation Scheme Site Layout (received 20<sup>th</sup> July 2015)
- R990/103 Rev.D – Proposed Flood Alleviation Scheme Site Layout (received 18<sup>th</sup> April 2016)
- R990/104 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 1 of 5) (received 18<sup>th</sup> April 2016)
- R990/105 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 2 of 5) (received 18<sup>th</sup> April 2016)
- R990/106 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 3 of 5) (received 18<sup>th</sup> April 2016)
- R990/107 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 4 of 5) (received 18<sup>th</sup> April 2016)
- R990/108 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 5 of 5) (received 18<sup>th</sup> April 2016)
- R990/109 Rev.C – Proposed Bund Layout and Sections (received 18<sup>th</sup> April 2016)
- R990/110 Rev.B – Proposed Vehicular Access Details (received 18<sup>th</sup> April 2016)
- R990/111 Rev.C – Proposed Earthworks Strategy (received 18<sup>th</sup> April 2016)
- R990/112 Rev.B – Proposed Construction Details (received 18<sup>th</sup> April 2016)
- DFCC/1320/L01 Rev.A – Detail Planting Plan (received 9<sup>th</sup> September 2015)
- DFCC/1320/D01 – Double Staked and Tied Tree Pit Details (received 20<sup>th</sup> July 2015)
- DFCC/1320/L02 – Planting Pallett (received 20<sup>th</sup> July 2015)
- Site Location Plan (received 20<sup>th</sup> July 2015)

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

Reason: So as to define this permission.

02

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.

03

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), the September 2015 FRA Addendum and letter dated

23<sup>rd</sup> September 2015, the Addendum Technical Notes of 22<sup>nd</sup> January 2016 and 8<sup>th</sup> March 2016, and drawing number R990-P-04 and the following mitigation measures detailed within the FRA:

1. Limiting flows leaving the site to no greater than existing.
2. Providing a scheme that results in no net increase in flood risk to third parties up to a 1% AEP plus climate change Annual Exceedance Probability chance of flooding.
3. Flood risk infrastructure on site to be maintained for the lifetime of the development up to a 1% AEP plus climate change Annual Exceedance Probability chance of flooding.
4. Confirmation of the unblocking of the 800mm culvert under racecourse road and subsequent fitting of a non-return flap valve on the downstream (northern) headwall.

Reasons:

1. To prevent flooding elsewhere by ensuring that appropriate mitigation is in place to store flood waters and restrict flows from the site.
2. To prevent flooding by ensuring protection up to the design event.
3. To ensure the structural integrity of the proposed flood defences and infrastructure and also prevent an increase in an increase in flood risk to third parties.
4. To reinstate flows through a culvert that has historically been blocked and provide flood protection measures to land south of Racecourse Road.

04

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) a scheme to provide a review process of the flood defence structures and infrastructure shall be submitted to, and approved in writing by, the local planning authority.

The review process should include:

- Details of when a review should take place;
- How frequent the review should be undertaken;
- Who should undertake the review;
- What the review should consider

Details of which authorities are responsible for compliance that the review has been undertaken and that any future actions have been undertaken within a reasonable time frame.

Reason: To ensure that the scheme continues to provide a 1% AEP plus climate change Annual Exceedance Probability chance of flooding and that the mitigation is providing adequate mitigation as to not increase flood risk to third parties.

05

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) **a level grass strip of at least 6m wide between the bank top of Greenfield Drain and the earth bund that runs parallel has been established** and a scheme

to provide detailed management plan for the flood defence infrastructure shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure appropriate management is afforded during the lifetime of the development.

06

The raised flood defence structures hereby permitted shall be removed and the natural floodplain restored if the racecourse ceases to exist for its current use.

Reason: To restore the natural floodplain. This is vital, as in this eventuality, management of the flood defence infrastructure will no longer be present and therefore unable to ensure that there is no increase in flood risk to third parties.

07

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) a scheme for an Archaeological Watching Brief has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority.

Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

08

Notwithstanding the Extended Phase 1 and Phase 2 Habitat Surveys submitted with the application, a pre-commencement walkover of the site shall be carried before any further works begin on site. A summary of this walkover shall be submitted to and approved in writing by the Local Planning Authority and shall include any changes found during this walkover that differ from those presented in the information submitted with the application.

Reason: To ensure that that there is no harmful impact upon ecology.

09

The development shall be carried out in accordance with the recommendations set out in 5.1.2 (reptiles) and 5.3.4 (amphibians) of the Phase 2 Habitat Survey (dated 11<sup>th</sup> August 2015) submitted with the application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

010

No development shall commence in respect of the historic culvert serving the Greenfield Drain (the location of this culvert is shown in Appendix 1 of the letter from Samuel Durham of D F Clark Bionomique Ltd, dated 19<sup>th</sup> November 2015) until a minimum of 2 emergence/re-entry Bat Surveys have been carried out by a suitably qualified person or organisation and details of the results and required mitigation have been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures agreed shall be carried out in full to a timetable which shall also be agreed in writing by the Local Planning Authority.

Reason: In the interests of maintain and enhancing biodiversity.

011

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) adequate on site compensation shall be provided for the loss of potential bat roosting habitat in compliance with a scheme first agreed in writing by the Local Planning Authority. Such compensation may involve bat boxes suitable for crevice dwelling species around the site and the scheme shall detail the numbers and locations.

Reason: To mitigate the loss of potential bat roosting habitat in order to protect the ecology within the site.

012

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) an Ecological Management Plan and timetable shall be submitted to and approved in writing by the local planning authority. The plan shall include:

- a) description and evaluation of the features species to be managed;
- b) ecological trends and constraints on site that may influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) personnel responsible for the implementation of the plan;
- h) monitoring and remedial/contingency measures triggered by monitoring.

All works shall be carried out in accordance with the approved details and timetable, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

013

Prior to any further works to the bunds taking place, the approved works to footpath no.3 and footpath no.8, as shown on drawing numbers R990-P-20, R990-P-21 and R990-P-22 (received 12th

April 2016 shall be implemented on site unless otherwise agreed through a non-material amendment.

Reason: In the interests of ensuring that the public footpaths which run through the site remain accessible to members of the public for the lifetime of the development hereby approved.

014

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

Reason: In the interests of visual amenity and biodiversity.

015

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

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

016

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence, including a Method Statement, shall be submitted to and approved in writing with the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Reason: In order to ensure that the development does not impact upon the railway line.

### Notes to Applicant

01

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

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

02

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

03

The Environment Agency have been working with the racecourse and the Trent Valley IDB to consider working in partnership to improve the level of maintenance of the existing watercourses within the River Greet catchment. The Environment Agency wish to continue to work with the applicant to consider options of funding and maintenance activities in this area.

04

Flood risk modelling undertaken by a third party has been used in support of this application and the Environment Agency has applied a risk based approach to the assessment of this model. In this instance a detailed review has been carried out. However, the Environment Agency can accept no liability for any errors or inadequacies in the model.

05

Under the terms of Section 109(3) of the Water Resources Act 1991 prior written consent of the Environment Agency is required for any proposed works to erect or alter any structure designed to contain or divert the floodwaters of any part of a main river.

06

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

If you require any further information please contact Severn Trent Water on 0116 234 3834.

07

Condition 11 requires a bat survey to be submitted prior to works commencing on the historic culvert. Please note that Nottinghamshire Wildlife Trust, *as a minimum, would expect to see 2 emergence and/or re-entry surveys carried out, ideally with at least one survey undertaken in mid-June to investigate the possibility of a maternity roost being present. If a roost is found, then an EPS licence would be required and this would require adequate mitigation for the roost which would be destroyed. The level of mitigation would depend on the status of the roost and may result in delays and alterations to the development plans.*

08

Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

09

The Trent Valley Internal Drainage Board request that the applicant notes the following:

- Any works in, over, under or within 9 metres of the bank top of any Board maintained watercourse.
- Any works that increase or alter the flow of water to any watercourse within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).
- 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.

#### BACKGROUND PAPERS

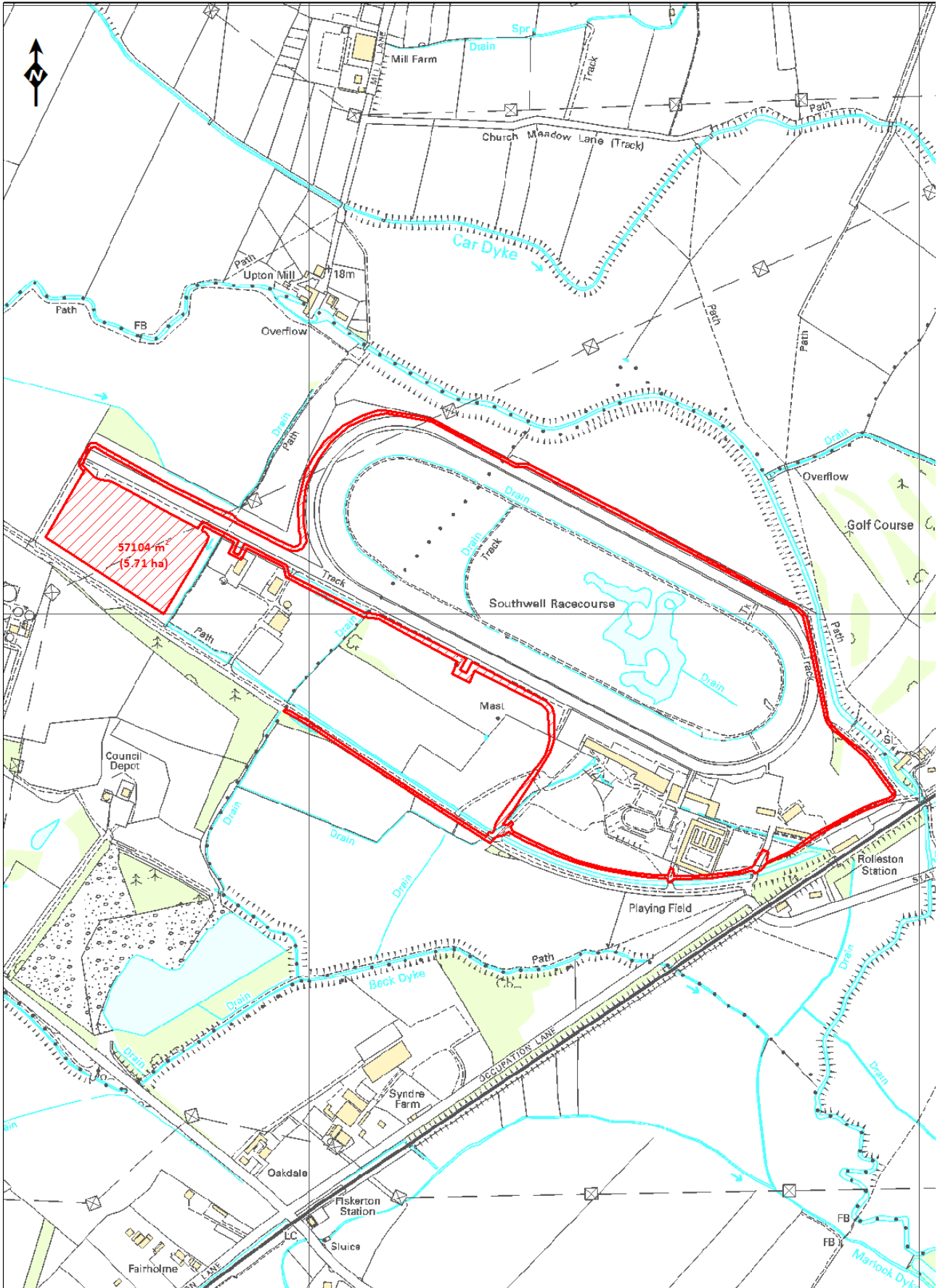
Application case file.

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

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

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

Committee Plan - 15/01282/FULM



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<b>Application No:</b>	<b>16/00650/FUL</b>	
<b>Proposal:</b>	<b>Installation of mechanical equipment associated with catering facilities at The Palace Theatre. Incoming gas supply to North Elevation and supply/extract ductwork to South Elevation (part retrospective)</b>	
<b>Location:</b>	<b>Palace Theatre, 16 Appleton Gate, Newark On Trent, Nottinghamshire, NG24 1JY</b>	
<b>Applicant:</b>	<b>Mr Matthew Finch - Newark and Sherwood District Council</b>	
<b>Registered:</b>	<b>03.05.2016</b>	<b>Target Date: 28.06.2016</b>

**This application is being referred to the Planning Committee as the District Council owns the site.**

The Site

The application site lies within the main built-up area of Newark and within Newark Conservation Area. The site is within the historic core of the town and lies within close proximity to a number of listed buildings. Located on the eastern side of Appleton Gate, the site is situated adjacent to Old Magnus Buildings (Grade II\* listed) recently restored to become the National Civil War Centre. The churchyard of the Church of St Mary Magdalene is in close proximity to the south on the opposite side of Appleton Gate. Newark College is situated to the east of the site. In terms of street scene the area is predominantly substantial Georgian townhouses. The character of the area is on the edge of the town centre and comprises mixed uses including commercial, entertainment, education, residential and religious.

The application site itself is a rectangular plot relating to 0.13 hectares of land, almost the entirety of which is occupied by the built form of the Palace Theatre; a Grade II listed building. The theatre was constructed in 1920 as a centre of entertainment for the people of Newark and the surrounding area. The Palace Theatre has undergone a number of changes since it was built, most relevant being the conversion from a cinema to a theatre, and the removal of seats to the rear of the stalls to form the Function Room. Twelve staff car parking bays are available to the east of the site with visitors having the opportunity to park in the Appleton Gate Car Park approximately 100m to the north of the site. The site is owned by the District Council.

Relevant Planning History

**16/00651/LBC** – *Associated LBC in relation to current application, also on Committee agenda for Members consideration.*

**15/00166/FUL and 15/00167/LBC** - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area

and WCs. Improvement of catering facilities. *Applications approved by Planning Committee March 25<sup>th</sup> 2015. Support was later endorsed by the Secretary of State.*

### The Proposal

The recently completed project referred to above has formed a link between the Palace Theatre and the adjacent National Civil War Centre as well as refurbishing the front of house facilities, providing shared welcome areas between the two sites creating a tourist information hub.

The current proposal has arisen through the expansion of the first floor catering kitchen. This led to the requirement for intake and extract ducts to be fitted to the building's South elevation (already completed on site) as well as a gas pipe to the North elevation. The intake on the South elevation is in the form of a 500mm diameter galvanized steel grille. The extract is linked to a canopy within the kitchen and routed to a 400mm diameter stainless steel flue. Intervention to the North elevation includes an external incoming gas supply pipe (150mm diameter) which will run vertically up the edge of the first bay parallel to the existing rainwater and soil pipes.

The application has been accompanied by a Heritage Impact Assessment.

### Departure/Public Advertisement Procedure

Occupiers of twenty 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 8: Protecting and Promoting Leisure and Community Facilities
- Core Policy 6: Shaping our Employment Profile
- Core Policy 7: Tourism Development
- Core Policy 9: Sustainable Design
- Core Policy 14: Historic Environment
- Newark Area Policy 1: Newark Urban Area

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

- Policy NUA/TC/1: Newark Urban Area - Newark Town Centre
- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5: Design
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM11: Retail and Town Centre Uses
- Policy DM12: Presumption in Favour of Sustainable Development

#### Other Material Planning Considerations

- National Planning Policy Framework 2012

- Planning Practice Guidance 2014
- Historic England's Advice Notes
- Sections 61, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### Consultations

**Newark Town Council** – No comments received at time of writing, requested extension to June 2<sup>nd</sup> for comments. Any comments received will be reported to Members as a late item.

**NSDC Conservation** – The Palace Theatre is Grade II listed, designated on 13.08.1992. Adjacent is the Old Magnus Buildings which is Grade II \* listed and there are a number of Grade II listed buildings opposite the site (including Nos 11 & 13, 15-19, 29 & 31 and 33 Appleton Gate). All these buildings are situated within Newark Conservation Area first designated in 1968.

In accordance with sections 16, 66 and 72 of the Act, the LPA must pay special regard to the desirability of preserving the listed buildings, including their setting and any architectural features they possess, as well as to the desirability of preserving or enhancing the character and appearance of the CA. Preservation in this context is taken to mean 'causing no harm'.

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). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest works that might be appropriate.

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

The proposed works comprise:

- a pipe providing an incoming gas supply to the building that runs from ground level to first floor level to feed a first floor boiler on the north elevation;
- the insertion of a 500mm diameter galvanised steel duct between ground and first floor levels on the south elevation; and
- the insertion of 400mm diameter galvanised steel flue running from upper ground floor level to 600mm above eaves level on the south elevation.

The proposals represent modern interventions to the side elevations of this listed building. Whilst they contribute to the general visual clutter, it is also acknowledged that they are relatively small scale relative to the building and necessary to the proper internal functioning of this significant public building. In overall terms the modifications are relatively minor within the context of the original approved scheme and the overall special interest of the building, and if appropriately mitigated, will otherwise cause no harm to the overall significance of the listed buildings and their settings or to the character and appearance of the CA.

Therefore subject to conditions requiring the colour and finish of the gas pipe and in relation to the flue, appropriate mitigation in terms of colour/finish or brickwork cladding to be submitted and approved in writing, Conservation considers that the proposals would cause no harm and raises no objection.

**NSDC Environmental Health** - I note that the application is in relation to a new extractions system. Very little information is given about the system.

Specifically the system would need to comply with the requirements of the defra guidance on the control of odour and noise from commercial kitchen exhaust systems Jan 2005.

**No letters of representation from neighbouring / interested parties have been received.**

#### Comments of the Business Manager

The application relates to work to a listed building and as a consequence one of the main planning considerations in the assessment of the application will be the significance of the development on the listed building itself as well as the surrounding designated heritage assets including directly adjacent listed buildings and the designated conservation area within which the site is situated. The proposal relates to an established theatre in the main built up area of Newark and thus the implications to the longevity of the cultural facility within the site will also be of relevance.

#### Principal of Development

The site is located within the main built up area of Newark and is therefore considered to be a sustainable location close to other services and facilities with very good transport links. The Grade II listing status of the building and its location within Newark's historic core make it an important and significant contribution to the town's tourist attraction. Area Policy NAP 1 of the Core Strategy seeks to *'promote Newark Town Centre as one of the District's key tourism destinations by developing and enhancing cultural, leisure and entertainment facilities and uses and heritage*

*assets which attract visitors and residents to the area, including tourist accommodation and facilities.'* This is mirrored by the support for tourism and visitor development offered by Core Policy 7. As a consequence I find the principle of development to be acceptable. Notwithstanding this, it is noted that the minor works sought through the current proposal are in association with the wider development of the site already approved in terms of the integration with the National Civil War Centre.

#### Impact on Significance of Heritage Assets

Palace Theatre is a Grade II listed building situated within the Historic Core of the town as well as the designated conservation area. The site is surrounded by numerous other designated heritage assets including the Old Magnus Buildings to the south of the site which are Grade II\* listed and thus recognised as being within the top 6% of the nation's built heritage.

In terms of the assessment for the application for planning permission it is necessary to focus assessment on the external alterations and interventions which would require planning permission. As implied in the description of development and indeed confirmed in the details of the proposal, some elements of the application have already been completed on site. This allows for a thorough assessment of their impacts on the designated heritage assets. There is no doubt that the galvanised steel work on the South elevation is a modern intervention. The steelwork protrudes above the eaves height of the building and thus is visible in the public realm. However, owing to the positioning of the works behind the single storey connecting extension, the proposal is relatively discrete. The flue also has some impact on the setting of the adjacent Grade II\* Old Magnus buildings, and in particular the Schoolroom building which is adjacent to it. However, given its relative scale and a condition requiring appropriate mitigation to minimize its appearance, it is considered that the alterations to the south elevation would not be harmful to the setting of the Schoolroom or someone's ability to appreciate its significance.

Having reviewed the plans for the North elevation, I am content that these too will be a discrete feature on the building, particularly noting the positioning adjacent to existing rainwater and soil pipes and would not be harmful to the setting of listed buildings or the historic environment within the Conservation Area.

Subject to appropriate mitigation through condition, I have identified no harm to the significance of listed buildings, their settings or to the character and appearance of the Conservation Area and therefore I recommend support of the application.

#### Other Matters

I have noted the comments of internal Environmental Health colleagues in terms of Defra guidance. This has been passed to the agent for further comment during the life of the application. Nevertheless it is noted that the details of noise and odour were submitted as part of the extant permission on the site and the current application has purely be submitted on the basis of alternative external arrangements for extraction. The agent has responded to confirm the likely impact of noise or odour externally has been gauged to be minimal. Internally, fan units are fitted with silences.

## Conclusion

In weighing the planning balance of the scheme I have attached significant weight to the benefit of the proposal in terms of the enhanced tourism offer which the scheme supports. The proposal would create only minor harm to the significance of designated heritage assets of the site and I have identified no other material considerations which would warrant refusal of the scheme.

## **RECOMMENDATION**

**That full planning permission is granted subject to the conditions and reasons shown below.**

### **Conditions**

01

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

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

02

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

- Theatre Proposed Elevations – 1210 (as amended by Condition 3)
- Proposed Elevations – 1211 (as amended by Condition 3)

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

Reason: So as to define this permission.

03

Notwithstanding the details submitted as part of the application, within one month of the date of the decision hereby approved, details of additional mitigation measures for the galvanised steel flue on the south elevation shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures should be implemented within three months of the date of the decision and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the special interest, setting and character and appearance of the historic environment.

04

No development shall be commenced in respect of the insertion of the gas pipe to be attached to the north elevation until details of the external colour/finish of the pipe 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.

Reason: To preserve the special interest, setting and character and appearance of the historic environment.

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

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

02

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

### **BACKGROUND PAPERS**

Application case file.

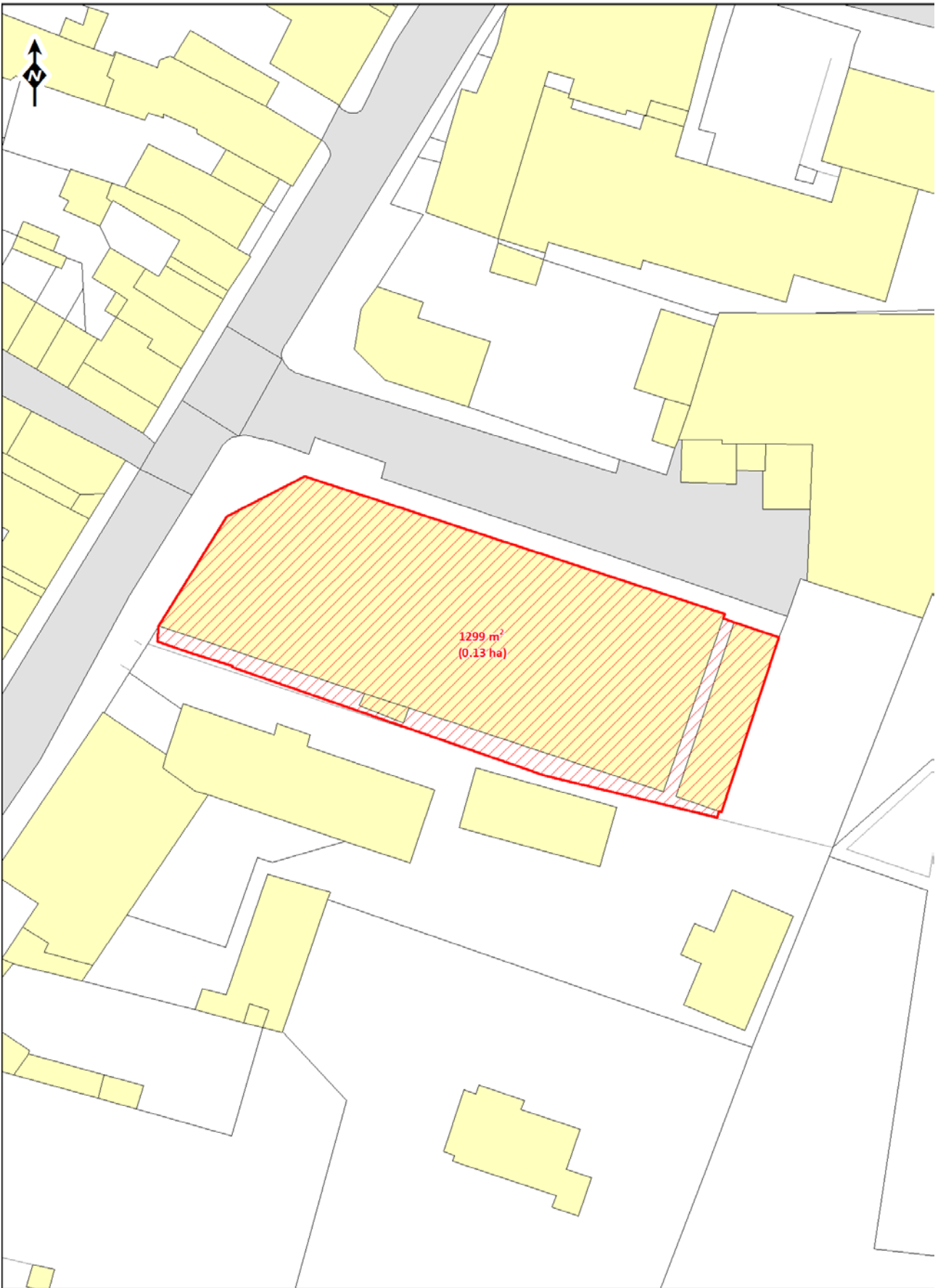
For further information, please contact Laura Gardner on 01636 655907.

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

**K Cole**

**Deputy Chief Executive**

Committee Plan - 16/00650/FUL



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<b>Application No:</b>	<b>16/00651/LBC</b>	
<b>Proposal:</b>	<b>Installation of mechanical equipment associated with catering facilities at The Palace Theatre. Incoming gas supply to North Elevation and supply/extract ductwork to South Elevation (part retrospective)</b>	
<b>Location:</b>	<b>Palace Theatre, 16 Appleton Gate, Newark On Trent, Nottinghamshire, NG24 1JY</b>	
<b>Applicant:</b>	<b>Mr Matthew Finch - Newark and Sherwood District Council</b>	
<b>Registered:</b>	<b>25.04.2016</b>	<b>Target Date: 20.06.2016</b>

**This application is being referred to the Planning Committee as the District Council owns the site.**

The Site

The application site lies within the main built-up area of Newark and within Newark Conservation Area. The site is within the historic core of the town and lies within close proximity to a number of listed buildings. Located on the eastern side of Appleton Gate, the site is situated adjacent to Old Magnus Buildings (Grade II\* listed) recently restored to become the National Civil War Centre. The churchyard of the Church of St Mary Magdalene is in close proximity to the south on the opposite side of Appleton Gate. Newark College is situated to the east of the site. In terms of street scene the area is predominantly substantial Georgian townhouses. The character of the area is on the edge of the town centre and comprises mixed uses including commercial, entertainment, education, residential and religious.

The application site itself is a rectangular plot relating to 0.13 hectares of land, almost the entirety of which is occupied by the built form of the Palace Theatre; a Grade II listed building. The theatre was constructed in 1920 as a centre of entertainment for the people of Newark and the surrounding area. The Palace Theatre has undergone a number of changes since it was built, most relevant being the conversion from a cinema to a theatre, and the removal of seats to the rear of the stalls to form the Function Room. Twelve staff car parking bays are available to the east of the site with visitors having the opportunity to park in the Appleton Gate Car Park approximately 100m to the north of the site. The site is owned by the District Council.

Relevant Planning History

**16/00650/FUL** – *Associated planning application in relation to current application, also on Committee agenda for Members consideration.*

**15/00166/FUL and 15/00167/LBC** - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area

and WCs. Improvement of catering facilities. *Applications approved by Planning Committee March 25<sup>th</sup> 2015. Support was later endorsed by the Secretary of State.*

### The Proposal

The recently completed project referred to above has formed a link between the Palace Theatre and the adjacent National Civil War Centre as well as refurbishing the front of house facilities, providing shared welcome areas between the two sites creating a tourist information hub.

The current proposal has arisen through the expansion of the first floor catering kitchen. This led to the requirement for intake and extract ducts to be fitted to the building's South elevation (already completed on site) as well as a gas pipe to the North elevation. The intake on the South elevation is in the form of a 500mm diameter galvanized steel grille. The extract is linked to a canopy within the kitchen and routed to a 400mm diameter galvanized steel flue. Intervention to the North elevation includes an external incoming gas supply pipe (150mm diameter) which will run vertically up the edge of the first bay parallel to the existing rainwater and soil pipes.

The application has been accompanied by a Heritage Impact Assessment.

### Departure/Public Advertisement Procedure

Occupiers of twenty 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.

### The Development Plan

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and its Guidance, as well as Historic England's Advice Notes.

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

### Consultations

**Newark Town Council** – No comments received at time of writing, requested extension to June 2<sup>nd</sup> for comments. Any comments received will be reported to Members as a late item.

**NSDC Conservation** – The Palace Theatre is Grade II listed, designated on 13.08.1992. Adjacent is the Old Magnus Buildings which is Grade II \* listed and there are a number of Grade II listed

buildings opposite the site (including Nos 11 & 13, 15-19, 29 & 31 and 33 Appleton Gate). All these buildings are situated within Newark Conservation Area first designated in 1968.

In accordance with sections 16, 66 and 72 of the Act, the LPA must pay special regard to the desirability of preserving the listed buildings, including their setting and any architectural features they possess, as well as to the desirability of preserving or enhancing the character and appearance of the CA. Preservation in this context is taken to mean 'causing no harm'.

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). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest works that might be appropriate.

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

The proposed works comprise:

- a pipe providing an incoming gas supply to the building that runs from ground level to first floor level to feed a first floor boiler on the north elevation;
- the insertion of a 500mm diameter galvanised steel duct between ground and first floor levels on the south elevation; and
- the insertion of 400mm diameter galvanised steel flue running from upper ground floor level to 600mm above eaves level on the south elevation.

The proposals represent modern interventions to the side elevations of this listed building. Whilst they contribute to the general visual clutter, it is also acknowledged that they are relatively small scale relative to the building and necessary to the proper internal functioning of this significant public building. In overall terms the modifications are relatively minor within the context of the original approved scheme and the overall special interest of the building, and if appropriately mitigated, will otherwise cause no harm to the overall significance of the listed buildings and their settings or to the character and appearance of the CA.

Therefore subject to conditions requiring the colour and finish of the gas pipe and in relation to the flue, appropriate mitigation in terms of colour/finish or brickwork cladding to be submitted and approved in writing, Conservation considers that the proposals would cause no harm and raises no objection.

**No letters of representation from neighbouring / interested parties have been received.**

#### Comments of the Business Manager

As set out under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. National advice is contained within Section 12 of the NPPF and accompanying *Historic Environment Planning Practice Guide* (HEPPG- notably paragraphs 178-192).

#### Impact on Significance of the Listed Building

Palace Theatre is a Grade II listed building situated within the Historic Core of the town as well as the designated conservation area. The site is surrounded by numerous other designated heritage assets including the Old Magnus Buildings to the south of the site which are Grade II\* listed and thus recognised as being within the top 6% of the nation's built heritage.

The proposal relates to external works to both the North and South elevations. As implied in the description of works and indeed confirmed in the details of the proposal, some elements of the application have already been completed on site. This allows for a thorough assessment of their harm on the special interest of the listed building. There is no doubt that the galvanised steel work on the South elevation is a modern intervention. The steelwork also protrudes above the eaves height of the building. However, owing to the positioning of the works on the less significant side elevation of the building any visual impact to the significance of the wider special interest of the building can be adequately mitigated with appropriate treatment.

Having reviewed the plans for the North elevation, I am content that this too will be a discrete feature on the side, and less significant part of the building, particularly noting the positioning adjacent to existing rainwater and soil pipes.

I have identified no harm to the listed building which would justify the resistance of the application.

## Conclusion

The rationale behind the submission of the application for listed building consent is noted in terms of the continued support to the redevelopment of the Palace Theatre site. The proposals which would involve minor interventions to the historic fabric of the building have been adequately justified and appropriate weight given to the wider public benefits.

## RECOMMENDATION

**That the application be referred to the Secretary of State with a recommendation that listed building consent is granted subject to the conditions and reasons shown below.**

### Conditions

01

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

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

02

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

- Theatre Proposed Elevations – 1210 (as amended by Condition 3)
- Proposed Elevations – 1211 (as amended by Condition 3)

Reason: So as to define this consent.

03

Notwithstanding the details submitted as part of the application, within one month of the date of the decision hereby approved, details of additional mitigation measures for the galvanised steel flue on the south elevation shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures should be implemented within three months of the date of the decision and retained for the lifetime of the works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the special interest of the listed building.

04

No works shall be commenced in respect of the insertion of the gas pipe to be attached to the north elevation until details of the external colour/finish of the pipe have been submitted to and approved in writing by the local planning authority. The works shall thereafter be

undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To preserve the special interest of the listed building.

### **Informative**

01

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

### **BACKGROUND PAPERS**

Application case file.

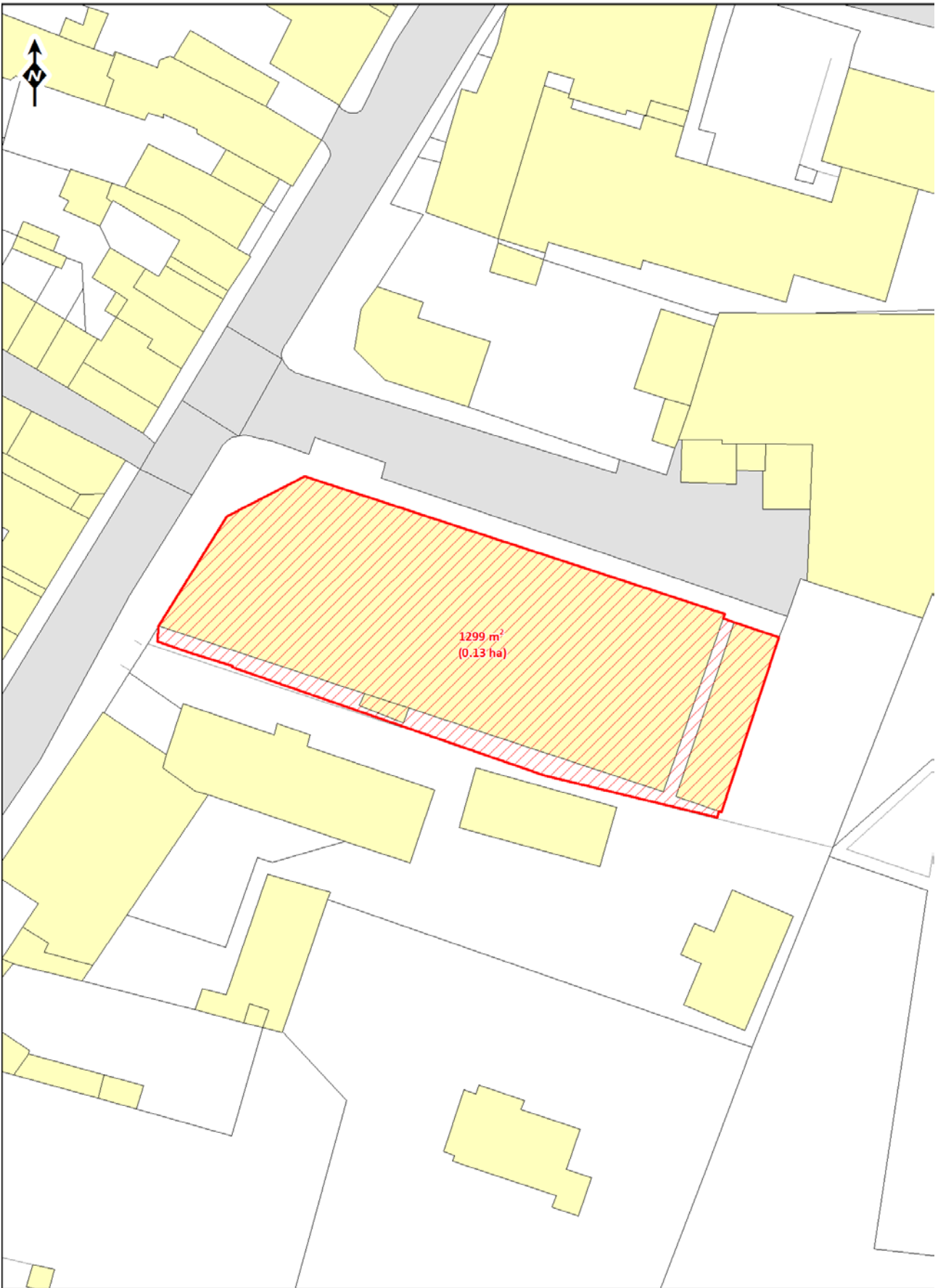
For further information, please contact Laura Gardner on 01636 655907.

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

**K Cole**

**Deputy Chief Executive**

Committee Plan - 16/00651/LBC



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<b>Application No:</b>	<b>15/01295/FULM</b>
<b>Proposal:</b>	<b>Proposed residential development of 38 dwellings and conversion and extension of existing residential property to form 12 supported living units.</b>
<b>Location:</b>	<b>Springfield Bungalow Nottingham Road Southwell Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr Christopher Holroyd and Mr Steve Shatwell</b>
<b>Registered:</b>	<b>24<sup>th</sup> July 2015</b> <b>Target Date: 23<sup>rd</sup> October 2015</b>
	<b>Extension of Time Agreed in Principle</b>

The Site

This application relates to circa 1.92 hectares of land situated on the western side of Nottingham Road at its junction with Halloughton Road on the southern approach into Southwell. It consists of a detached bungalow (Springfield Bungalow) and associated land to the rear which abuts the rear gardens of the existing dwellings on Halloughton Road to the north, open countryside to the west and the detached property, Springfield House and its associated land to the south.

The gradient of the site rises steeply by some 14m towards the western boundary.

The immediately adjoining properties to the north and North West of the site are a mix of single and two storey detached dwellings. No.s 36 and 38 Halloughton Road are detached bungalows and adjoin the proposed access.

The adjoining property located immediately to the south of Springfield Bungalow, Springfield House, is a large two storey detached dwelling.

The site lies to the west of the Conservation area boundary within the Southwell Protected Views corridor. The site is allocated in the Newark and Sherwood LDF Allocations and Development Management DPD (2013) for housing development - Southwell Housing Site So/Ho/2.

Relevant Planning History

Planning permission was refused for the erection of a residential development - 92/51034/FUL

Planning permission was refused in 1994 for the erection of 18 bungalows – 94/51619/FUL. This was dismissed on appeal.

The Proposal

Full planning permission is currently sought for:-



## Residential Development

The erection of 38 no. dwellings comprising:-

- 19 no. 3 beds
- 16 no. 2 beds
- 3 no. 1 bed

5 individual house types are proposed as indicated on the schedule of development shown on the proposed layout of development.

House Type A (plots 1-12) – forms two storey pairs of dwellings of a traditional design which have overall maximum dimensions of circa 10.8m width, 8.5m depth and 8.6m height.

House Types B (plots 13-18) - forms a terrace of two storey properties of a traditional design with an overall footprint of circa 21.5m x 22m and a maximum height of 10m

House Type C (plots 19-23) – forms 5 dwellings attached by their garages of a contemporary asymmetric design which measure circa 11.5m width, 12m depth and a maximum height of 9.2m;

House Type D (plots 24-29) – forms split level pairs of semi detached properties which are 3 storey to the front and two storey to the rear which have maximum dimensions of circa 6m width, 9.6m depth and 11.5m height;

House Type E (plots 30-38 (excl. plot 34) – form 2no. terraces of properties each of which have maximum dimensions of circa 8.5m width, 18.5m depth and 9m height;

House Type F – forms a two storey dwelling with garages at ground floor and undercroft providing access to rear parking which has maximum dimensions circa 13m width, 6m depth and 7.7m height.

## Bungalow

The development comprises the demolition of the central section of the existing L shaped bungalow to create 2 linked elements (buildings 1 and 2) together with:-

- The erection of a two storey extension to the north of building 2 to create 6 no. bedrooms with bathrooms and which will have maximum dimensions of 15m depth, 8m width and 8.5m height; and
- The erection of a two storey extension to the south of building 2 to create 6 no. bedrooms with bathrooms which will have maximum dimension of 12.5m depth, 10m width and 8.5m height.

A statement has been deposited with the application which outlines how the independent living units would be operated by Reach, a local charity for disabled children. The accommodation would operate as supported living rather than residential care. Qualifying residents will select their own care provider and may live independently of each other within the unit.

The residential development would be served by a vehicle access located between no.s 34 and 36 Halloughton Road whilst the supported living units would be served by the repositioned vehicular access which serves the existing bungalow on Halloughton Road.

The Planning Application has been submitted with the following supporting documents: -

- Planning and Heritage Statement
- Design and Access Statement
- Landscape Visual Impact Assessment (LVIA)
- Topographical survey
- Tree Survey
- Tree Survey Addendum
- Flood Risk Assessment
- Foul and Surface Water Drainage Strategy
- Ecological Phase 1 Survey
- Ecology Update
- Transport Statement Part 1 and 2
- Artist Impressions

During the assessment of the application, additional information, drawings and images have been submitted in relation to the LIVA, flood risk, foul water and surface drainage, trees, ecology, and highways. Amended plans have also been received which include the provision of a visibility splay at the access to the proposed residential development, minor revisions to the internal pavements and drainage channels within the residential development, the revised position of the access to the proposed supported living units and a revision to the site boundary line along the southern boundary with Springfield House.

#### Departure/Public Advertisement Procedure

Occupiers of 71 properties were individually notified by letter. Two site notices were also 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 7: Sustainable Transport
- Core Policy 1: Affordable Housing Provision
- Core Policy 3: Housing Mix, Type, and Density
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment

## **Allocations & Development Management DPD**

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

## **Other Material Planning Considerations**

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG) 2014
- Newark and Sherwood Developer Contributions and Planning Obligations SPD, 2013
- Newark and Sherwood Affordable Housing SPD, 2013
- Southwell Conservation Area Appraisal July 2005
- Newark and Sherwood Landscape Character Assessment SPD December 2013
- Amended Southwell Neighbourhood Plan;

The Southwell Neighbourhood Plan (SNP) has been through a process of independent examination which has culminated in an Independent examiners report concluding that, subject to the examiner's own recommendations, the plan meets the basic conditions and can proceed to referendum. Following their meeting on 20 April 2016 Southwell Town Council have requested that the plan be put to referendum in accordance with the examiner's recommendations at the earliest opportunity. This was also supported by this Authority at the Council Meeting on 17<sup>th</sup> May 2016, with an agreement that electoral services commence a referendum as soon as practically possible after August 2016. It is clear that both the LPA and Town Council are supportive of the content of the plan. It cannot carry full weight until the referendum is concluded and plan adopted. It is however a significant material planning consideration for the purposes of negotiating planning applications.

## **Consultations**

### **Southwell Town Council –**

Initial comments raised are summarised below:-

- Flood assessment is flawed - The conclusion of the FRA is unfounded and FRA is a flawed document that is inadequate for planning application assessment purposes due to lack of information and preparatory work by the developers. It presents conclusions that are not warranted.
- Insufficient parking provision for residential development and supported living accommodation

- Pedestrian and highway safety – there is a history of accidents at the entrance to Halloghton Road – issues with poor access and poor visibility
- Safety issues in relation to attenuation pond and swales
- Visual impact and poor transition of the rural area into the town
- The development does not include opportunity of open space within the site
- Impact on amenity for neighbouring residents in terms privacy and overbearing impact by virtue of the proximity of development to site boundaries
- The capacity of the drainage/foul water systems to deal with 2 new major housing developments (Springfield d Bungalow and Becketts Field developments)

Following reconsultation the following comments were received:-

- Issues with land ownership at Springfield House boundary

the amended FRA remains flawed:- Soil testing has not been carried out to determine permeability, no investigation has been carried out to determine groundwater sources in or feeding water across the site, no details have been provided of proposed site drainage systems permeable paving will reduce in effectiveness over time and no consideration has been given to safety measures or maintenance requirements or who would fund such maintenance for any part of the proposed system

- The photomontage fails to address the issue of visual impact on the historic view and shows that the roof lines of the 3 storey properties would actually block the view
- There is a lack of information available to the public regarding viability
- Inaccuracies with plans and information submitted particularly with regards to the landscape buffer zone
- As there may be further impact on this development in terms of flooding, highway problems etc. created by the neighbouring development which cannot be ascertained until this development is completed, and as such the plan application for this proposed site at Springfield Bungalows should be postponed until then.

The following additional comments were also received:-

Reference is made to the conclusion of an Inspector in 1996 in dismissing a previous appeal against the refusal to allocate the site for development as it was considered that this would cause demonstrable and unacceptable harm to landscape setting and that if a special exception were to be made for affordable housing it would be difficult for the council to resist general housing.

The following subsequent comments were also received:-

- Previous comments reiterated
- The application should be refused

- Questions regarding land ownership should be resolved prior to determining the application
- If permission were to be granted then suggested conditions regarding visibility splays and landscaping should be attached.
- Reference is also made to the lack of children's play area which the developer has omitted because of viability. This cannot be challenged as the viability assessment has not been made public.

### **Southwell Civic Society –**

Initial comments raised are summarised as follows:-

- The Society supports the conversion of Springfield Bungalow into 12 supported living units.
- Objection is raised to the speculative 38 dwellings on following grounds:-

- Flooding

The flood report should take account of the recommendations of the NCC Flood mitigation plan for Southwell

Ground water issuing from springs - The report contains no evidence of the expertise of a qualified hydrologist / hydro-geologist. Until accurate flows of water can be calculated and the manner of their disposal demonstrated planning permission should be withheld.

The flood report offers only generalized concepts and does not offer detailed solutions to how site drainage would be dealt with e.g adequacy of the swales, where water issuing from springs will go, water discharging from the attenuation ponds, overflow to the swales, management of the suds drains.

Surface water seems to be fed into combined sewer on Halloughton Road. There is no evidence that STW agree to accept an surface water from the site.

- Design

The proposal for smaller house types is welcomed

The layout is regimented and akin to city centre development

There is a lack of variety in the house types

Poor roofscape design to plot 19-25

- Parking

Parking Provision does not meet the requirement of the SNP – 8 more spaces are needed

- Parks and amenities

No children play area is provided as required by the SNP

Disagree with Parks and Amenities Manager's comments that the developer should provide "a commuted sum towards off-site provision/improvements and maintenance of children and young people's playing space in the vicinity of the development – location is not defined. If unavoidable a location should be agreed with STCV

No details have been provided of how the amenity areas have been calculated

- Environmental Matters

The surveys do not include the Springfield Bungalow site

The conservation and retention of all sound trees and the hedges on the site, particularly on the roadside boundary must be subject to a planning condition in the interests of biodiversity, amenity and landscape.

The ecological survey lacks clarity and objectivity as required by the NPPF

- Other Matters

The carports/garages are situated too close to number 34 Halloughton Road. They will be only some 4 to 5 metres from the living room windows. The residents will be subject to the noise of slamming doors etc. The artist's impression hides these buildings with large mature trees. These trees will be overbearing to the residents.

There is no access for maintenance in the southeast corner of the site.

The bin stores for plots 31/32/37 and 38 have no direct access to the road.

Following reconsultation the following comments have been received:-

- Previous comments are reiterated
- The flood report still falls short and offers only generalised concepts
- No details of the proposed French drain are included and it is impossible to construct without entering adjacent properties.
- Detailed calculations and drawings are required so that local residents can be confident that the scheme is satisfactory
- The roof scape of the 3 storey properties will impact on views of the town and the Minster. These houses should be bungalows

Further additional comments have been received as follows:-

- Reiterates previous comments
- Ground water problems should be fully resolved prior to or if permission is granted

**NSDC Environmental Health** – No comments are made

**NSDC Environmental Health Contaminated Land** – No observations from a contaminated land perspective are made.

**NSDC Conservation** – Initial comments raised noted that the proposal site does not include any designated heritage assets. However, due to its location at the entrance to the town along Nottingham Road, the scale and form of the development is capable of affecting the setting of designated heritage assets, including Southwell Minster, Holy Trinity Church and Southwell Conservation Area (CA).

Legal and national and local policy considerations and were outlined

#### Assessment of proposal

The proposal site was identified as a Housing Allocation site (ref So/Ho/2).

Although not within Southwell CA or directly adjacent to any listed buildings, the proposal site falls within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects the wider setting and context of, amongst other assets, the landmark Grade I listed Minster and Grade II listed Church of Holy Trinity. Furthermore, the gateway location of the proposal site and its proximity to the Southwell CA are material considerations in this case.

The layout of the proposal preserves the wider setting of the CA. The proposal site is located to the south of Halloughton Road which is otherwise a modern 20<sup>th</sup> century residential area. The green infrastructure screening the proposal site from Nottingham Road and the general appearance of development along Halloughton Road combines to ensure that the proposed new development is unlikely to be unduly prominent when appreciated from the southern end of the CA. It is also noted that the approval for the Miller Homes residential development changes the dynamics of the CA at the entrance to the town, and in this context it is not envisaged that the proposals will exacerbate any adverse impacts on the immediate setting of the CA.

Nevertheless, the Minster and Church of Holy Trinity are important landmarks within the townscape, and views towards these monuments is a significant aspect of their setting, e.g. both the Halloughton Wood walk offers views of the surrounding area and the footpath from Cundy Hill in the southwest on the approach to Halloughton Road, offer views of the Minster and spire of Holy Trinity, and in this context, the proposal will have an impact on the experience of passing through the rural setting of the town.

It is accepted that the topography of the site and surrounding land is such that impact is often minimal from material receptors, e.g. impact is very limited from the north and north east due to existing building lines, and views from Nottingham Road and the Brackenhurst area are similarly restricted by tree screening and topography. Proposed buffer zones along the southern and western boundary of the site will also help to reduce impact.

However, the lack of superimposed modelling or wireframes in the LVIA makes it difficult to be certain that the development has the limited impact argued within the submission. In forming an opinion on landscape impact on the setting of the Minster and Church of Holy Trinity, it is important that the Council is certain that the scale of the development is compatible with the surrounding area when seen from the southwest (particularly given the use of 3 storey dwellings within the proposal). For example, when utilising Viewpoint 5 from the LVIA, the existing bungalow provides a useful indicator that new development of the scale proposed could have a more significant impact that argued within the general submission. That is not to say that this impact is negative (assuming that the primacy of the landmark Minster and Church of Holy Trinity is sustained).

Notwithstanding this, there are many positive aspects of the proposed scheme. The layout of the site is appropriate (noting the desired density outline in the Allocations Policy), and the proposal expresses many encouraging aspects of good urban design within the form and appearance of new dwellings. The use of timber joinery and appropriate local materials is welcomed furthermore.

Conservation requested illustrative modelling of the proposal in views from the footpaths to the south and southwest (notably Viewpoints 3, 4 and 5 within the LVIA). A wireframe or indicative imposed montage would suffice.

Following the submission of additional landscape information as requested the following comments have been received:-

Having reviewed the additional landscape work undertaken, on balance Conservation are now satisfied that the proposal is unlikely to have a significant detrimental impact on designated heritage assets within Southwell, notably the landmark churches of Holy Trinity and the nationally significant Minster.

This is not to say that there is no impact. Certain aspects of the proposal have the potential to impact on wider glimpses of the Minster and other listed buildings when seen in aspect from local walking routes. However, the additional landscape work demonstrates that this impact is not substantial, and combined with appropriate landscape proposals, will not be unduly prominent to the historic environment in this case.

In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the setting of listed buildings, notably Southwell Minster, a Grade I listed building. Should the decision-maker feel that there is any adverse impact to the setting of designated heritage assets, it would equate to less than substantial harm for the purposes of paragraphs 132-134 of the NPPF, and in any case, moderate harm at that. It is nevertheless considered that the decision-maker is entitled to weigh the public interest in addressing housing needs in the area against any harm to designated heritage assets

**NCC Archeology** - There has been so little archaeological work done. If there is archaeology in here, it could be significant. I am inclined to recommend that the overall archaeological sensitivity of Southwell and its environs justifies imposing a condition which allows for a level of archaeological supervision over groundworks. A flexible approach would allow for the supervision to be scaled back if initial work demonstrates low archaeological sensitivity, or enhanced if initial observations identify archaeological features. A condition such as the following may be appropriate.

"No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the CPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

**NCC Education** - the proposed development of 38 units would yield an additional 8 primary and 6 secondary places. Based on current projections, the primary schools are at capacity and cannot accommodate the additional 8 primary places arising from the proposed development We would therefore wish to seek an Education contribution of £91,640 (8 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.



**Ramblers** – providing that the integrity of Southwell Footpath 81 is maintained no objections are raised.

**NCC Policy** – outline the national policy contexts **County Planning Context is outlined as follows:-**

#### *Minerals*

The south western corner of the site lies within a Mineral Safeguarding and Consultation Zone for brick clay. However, as the site is bounded by existing residential properties to the north and east, the likelihood of brick clay extraction is very limited. The site is also partly brownfield land. In this instance the County Council would therefore not raise any issues in terms of mineral safeguarding.

#### *Waste*

As a housing development the County Council would be keen to see the best practice of waste management for the development.

#### *Travel and Transport*

##### *Bus Service Support*

At this time it is not envisaged that contributions towards local bus service provision will be sought.

##### *Infrastructure*

The County Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

#### *Ecology*

##### *Site context*

No impact on any statutorily designated sites is likely

##### *Surveys and assessment*

Two inspections have been carried out in support of the scheme together with a tree survey. The following comments are provided on these surveys:

- Whilst a desk-top study has been carried out, a consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC) would be expected. This needs to be undertaken, as it may flag up the presence of protected and/or notable species in the area which require consideration.
- It is stated that the site supports suitable habitat for reptiles, but because none were seen on the site surveys, these are considered unlikely to be present. However, it is not surprising that no reptiles were seen. Therefore, on the basis that the site supports suitable habitat for reptiles, and in order to allow the impacts of the proposals to be properly adjudged (and for any mitigation that may be required to be secured), it is request that a full reptile survey is carried out, prior to the determination of the application.
- Clarification is requested regarding the status of the poplar tree (identified as T3) in the tree report, and whether it is needs to be felled to or not to facilitate the development, given that it has been assessed as having 'Moderate' potential to support roosting bats.
- It is apparent that the site covered by the ecological survey differs from the proposed site layout; no ecological or tree surveys have been carried out on the eastern portion of the site, where the existing bungalow if located. An ecological survey is required of this area to

investigate its potential for roosting bats in the vegetation and buildings, and to identify any other ecological issues.

#### *Ecological mitigation and enhancement*

It is recommended that the production of a detailed landscaping scheme is secured through a condition, to show the extent and type of habitat creation that will be occurring to the west of the site and to ensure that the biodiversity value of the wider site is maximised, noting that native species of tree and shrub appropriate to the local area should be planted, and that swales and balancing ponds should be sown with wildflower seed mixes and/or planted with suitable native wetland plant species.

Further conditions should be used to require the submission of details relating to i) the protection of retained vegetation during construction, to include trees and boundary hedgerows, and ii) the installation of bird and bat boxes within the fabric of the new buildings.

Finally, a standard condition should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive.

#### *Landscape and Visual Impact*

The site appears to be an allocated housing site under Newark and Sherwood District Council's Local Plan, and although the GNLCA Policy Zone action is Conserve and Reinforce, it does recommend a new settlement is located on the edges of Southwell.

The Landscape and Visual Impact Assessment (LVIA) is generally carried out to current guidelines and in principle the County Council do not have any objections to the development. The site layout shows a buffer zone of vegetation around the southern and western boundaries of the site which theoretically will provide a substantial screen and Green Infrastructure to assist with the assimilation of the development into the southern boundary of the town.

The County Council have concerns about this – the LVIA and layout note that the existing boundary vegetation will be gapped up and enhanced yet the tree survey fails to show any substantial vegetation on the boundaries. In addition, the buffer zone appears to be only about 6-7 metres wide, which is only wide enough for one tree when established; canopies will overhang adjacent gardens and homeowners may be tempted to cut back trees that are casting shade, especially on the southern boundaries.

There is a sizeable area of non-developed land allocated as 'The Square'; it is suggested that all the public realm open space might be better located on the southern boundary of the site to ensure any trees planted for screening are well away from the housing.

#### *Conclusion*

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

In terms of Travel and Transport, the County Council do not envisage that contributions towards local bus service provision will be sought. In addition the County Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

In terms of Ecology, objections are raised, however, a number of conditions and surveys, as set out in detail above are requested, if planning permission were to be granted.

The County Council do not have objections in principle to the proposed development from a Landscape perspective however do raise concerns in relation to boundary/screen proposals, as set out above in further detail.

**Nottinghamshire Wildlife Trust** - We have reviewed the documents available, particularly the Ecological Surveys and Proposed Layout, and wish to provide the following advice:-

### Habitats

The Site was originally surveyed in 2012, with the most recent report submitted in November 2015 (CBE Consulting). Onsite habitats were considered to be of low ecological value and consisted of species poor semi-improved grassland, ruderal vegetation, dense areas of bramble, scattered hawthorn and boundary species-poor hedgerows and trees.

However, grassland is recognised as a habitat of value to wildlife, as even “improved grassland” is included within the Nottinghamshire Local BAP habitats of Farmland habitats. This is because areas of rank grassland provide niches for a range of invertebrate species, small mammals and hunting opportunities for birds of prey (including barn owls). Hedgerows are also a Nottinghamshire and UK Local BAP habitat (a priority species under Section 41 of the Natural Environment and Rural Communities Act 2006) as even species poor hedgerows can provide nesting and foraging opportunities for wildlife. As you will be aware, the NERC Act also creates a duty for every public authority to conserve biodiversity including through the planning process. The duty is not simply to avoid harm, but includes active restoration and enhancement i.e. conservation. As such, the presence of this habitat should be a material consideration.

Noting the nearby development on Nottingham Road it is advised that the LPA does do not consider this application in isolation, as the proposed could result in a further net-loss in the area of semi-natural habitats within the immediate local area, which is dominantly an intensive arable landscape.

### Bats

The majority of trees are proposed to be retained. The trees were identified to have low to moderate potential for roosting bats. It is recommended in within the Ecological Appraisal that the poplar tree within G3 should be checked again for roosting bats prior to removal as a precautionary measure. This should be set as a condition.

### Breeding Birds

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

## Other Species

Hedgehogs have been the subject of a scientific within the Southwell area, and the onsite habitats could be suitable for this species. Hedgehogs are listed within Section 41 of the Natural Environment and Rural Communities Act 2006, and as such, should be a material consideration. Working methods will need to follow best practice regarding badgers and mammals.

## Mitigation, Enhancements and Landscaping

From the revised proposed landscaping plan (drawing no ref 12/1889/101 E) it is our understanding that the hedgerow boundaries adjacent to the open countryside will not be included with the proposed residential gardens. This is welcomed, although we would also advise the following ecological mitigation/enhancements:

- Fencing to allow passage of small mammals, so that there is not a significant net-loss of habitat area to species such as hedgehog.
- The area of proposed wildflower meadow is welcomed. If not provided prior to determining the application, further details of the proposed grassland seed mix and the long term management will also need to be provided prior to works commencing. Due a potential loss in habitat area, we wish to encourage the applicant to include the meadow planting/species rich grassland as much as possible within the development (for example, including in “The Square”).
- Planting of native hedgerow flowers could also benefit pollinators.
- Enhancement of swales to benefit wildlife, by providing areas of continuous standing water and appropriate planting of native species of a local provenance.
- Installation of bird and/or bat boxes on retained trees.
- The planting of native woodland is welcomed. This should include species of a local provenance suited to the Landscape Character Area.
- Other planting onsite should include dominantly native species.
- Management of hedgerows should be undertaken in an ecologically sensitive manner. Only one third of (the total length of) hedgerows onsite should be cut each year, on a three year rotation. These should be cut in January/February, outside of the bird breeding season, and to allow wildlife to utilise the winter berry crop. Cutting hedgerows into an “A” shape will prolong the life of the hedgerow and create denser cover for wildlife.

If you are minded to grant the application, we would expect detailed landscaping design (a planting plan) and a Habitat Management Plan to be conditioned.

**NCC Lead Local Flood Authority** – the following observations were initially made in relation to the initial FRA document which are summarised as follows:-

### Executive Summary -

- Calculations have omitted the sloping landscaping areas. These will contribute flows so need to be included. The storage volume is undersized at the present time.
- The site is steeply sloping – there’s a pluvial flood risk to the site and from the site.
- Percolation testing might be a futile. Soakaway drainage is probably not going to be a suitable method for disposal of SW on this site.
- The routes for the ‘land drainage’ scheme have not been defined. Considering the shape of the site and local conditions, this needs to be addressed.

#### 4.0 – Sources of Flooding:-

- Groundwater flooding is a risk. The site apparently has some history of flows from springs. Needs further investigation.
- Pluvial flows from off site (further up the hill) need to be considered as these will continue to flow towards and through the site post-development.

#### 5.0 – Proposed Development:-

- 5.8: if the site drainage is properly designed it might be possible to reduce the flood risk to 3rd parties as water flows would be attenuated. I doubt that infiltration drainage would work efficiently on the site.
- 5.13: the storage volume appears to be too small – the engineer has used the full site area to generate the run-off rate but only used the impermeable area to generate the storage volume. This needs to be corrected. I'd expect closer to 500m<sup>3</sup>. This volume would need to be stored underground I think. I don't see how the site layout can incorporate this at the present time.
- 5.14: interception of the groundwater is fine in principle but where will it flow to once intercepted? This should not go to the sewers. Ideally it would be routed to a nearby watercourse or diverted around the new buildings and released at the site boundary in the position where it exits at the present time. –perhaps the springs could be incorporated as a feature. Seasonal watercourses?
- 5.16: Flows should be attenuated and stored as required within the site boundary.

7.0 Assessment of Flood Impact - There are a lot of unknowns here and the site flood risk assessment and drainage design requires some more work to establish the broad design rather than simply a statement of principles as exists at the present time.

8.0 - At the present time, I would question whether the flood risk would be reduced from the site as I don't think there's enough storage. Additionally, the flood risk should not be considered as 'low' until some of the outstanding questions have been addressed.

Following the submission of a Flood Risk Addendum the following comments have been received:-

Having considered the application the LLFA do not object to the development and we are satisfied that the proposed drainage strategy meets the aims of the NPPF and would not create a risk of increased flooding to 3rd parties.

- 1 The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3<sup>rd</sup> party properties both adjacent and at distance from the proposed sites.
- 2 The site **is not shown** within an area indicated on contemporary records as susceptible to fluvial flooding.
- 3 The site **is not shown** within an area indicated on contemporary records as susceptible to pluvial flooding.
- 4 We would ask that the pre-commencement condition is added to any planning permission for the site requiring the following in respect of detailed drainage designs in accordance with the Flood Risk Assessment and the Flood Risk Assessment Addendum dated 18/12/2015.

- 5 The underground piped drainage design should be in accordance with Sewers for Adoption 6th or 7th edition (as appropriate) design standards.
- 6 There should be no surcharge of pipes in a 1 year storm, no surcharge in a 30 year storm and no flooding outside the site boundary in a 100year + 30% climate change storm.
- 7 The drainage design is to provide containment for all rainfall events up to a 100 year return period + 30% peak rainfall intensity increase to allow for potential climate change with the flow throttled to the Qbar rate of greenfield run-off.
- 8 The designer should demonstrate this condition is met for all storm durations from 15 minutes to 24 hours to establish where flooding may occur on the site.
- 9 These areas of flooding must be directed away from the site boundaries, new dwellings and 3rd party properties and must be directed towards the surface water attenuation scheme.
- 10 The site levels, plot design and highway design should be configured to enable this design requirement to be achieved.
- 11 Calculations to be submitted using contemporary drainage software.
- 12 The drainage design drawings and calculations to be submitted for written approval.

**NCC Highway Authority** - Initial concerns raised related to the access on Halloughton Road and the access Springfield Bungalow, the intensification of traffic using the existing access and the levels of visibility, existing footways , the provision of a suitable crossing and parking on Halloughton Road. With regards to the internal layout of the development concerns were raised with regards to the road layout and footways, adoption of the SudSs, lack of details of structures shown bridging the swales, parking and future maintenance.

The requirements of the Planning Obligation Strategy were outlined. The HA considered that improvements to public transport facilities could be carried out which related to the development and were in the vicinity of the site. Suggested improvements related to bus stop improvements on Nottingham Road. Details of the required financial contribution towards sustainable transport methods were outlined.

It was concluded that on the basis of the available information and due to the drawings showing unsatisfactory proposed and existing highway details, the Highway Authority were unable to support the proposed development as submitted and the applicant was advised to submit an amended site plan that addressed the issues and provided correct information which would allow further formal comments.

Notwithstanding this a number of informatives were suggested in relation to offsite works on the highway, adoption, payments and commuted sums, codes of practice, permits and bus stop enhancements.

Following the receipt of revised layout drawings the following comments have subsequently been received:-

The principle of this development is acceptable but there remains some outstanding issues that require clarification before approval can be fully endorsed. The Planning Authority may however consider that these issues can be covered by conditions which are suggested below.

The most major of the issues is highway drainage. NCC would not adopt the swales and therefore would seek to have highway surface water drain to a publicly-maintained system. Alternatively, if the swales were to be adopted by the District Council, this position could be reconsidered

Because NCC will not be adopting the swales and/or open space, the limit of highway adoption will be restricted in 'The Square' to the inner kerbline plus a hard-paved strip of, ideally, 1 metre in width for maintenance purposes. This may require minor layout amendments.

Suitably placed dropped kerb crossing points will be required at the main residential access junction with Halloughton Road, but this may be covered by the Section 38/278 Highway Adoption Agreement.

In line with County Council's Planning Contributions Strategy, improvements to the local bus infrastructure are sought in lieu of payment to promote sustainable travel. These improvements would include:

NS0952 Leisure Centre – Bus Stop Pole, Bus Shelter, and Additional Hardstanding. It is suggested that a scheme of improvement should be achieved by the planning condition and notes below.

The following conditions are suggested:-

- No part of the residential development hereby permitted shall be occupied until all associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.
- The new shared private driveway serving Springfield Bungalow shall be laid out to a width of not less than 4.8 metres for at least 10 metres back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance in accordance with the approved plan. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.
- Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area; all in the interests of Highway safety.
- No part of the Supported Living Units hereby permitted shall be brought into use until the new dropped vehicular verge crossing serving Springfield Bungalow is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

- No part of the Supported Living Units hereby permitted shall be brought into use until the existing site access serving Springfield Bungalow that has been made redundant as a consequence of this consent 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.
- No part of the residential development hereby permitted shall be occupied until visibility splays of 2.4m x 43m (minimum) are provided at the junction with Halloughton Road.
- No residential unit or 'supported living unit' hereby permitted shall be occupied until its associated private access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area 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.
- No part of the development hereby permitted shall take place until details of the drainage and outfall proposals for the new residential access road have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

The Highway Authority has confirmed that these comments stand in relation to the latest revised site layout drawings.

**NSDC Policy** – Initial comments outlined the relevant national and local planning policy context the context of the SNP and the weight afforded to its policies, the establishment of the principle of residential development in this location, the number of dwellings proposed and the density of the development and the Southwell Flood Risk Position.

The main issues of strategic importance were identified as being the level and nature of development proposed, the appropriate management of the gateway location, the acceptability of any impact on views of heritage assets, the need for positive management of surface water, the provision of suitable highways arrangements, the proposed housing mix and the approach the applicant is suggesting to the affordable housing requirements.

With regards to the level and nature of the development, the supported living units would not contribute to meeting the towns housing requirements and therefore the proposal would fail to meet the indicative level of development noted in the allocation policy. It was not disputed that the supported living element would likely help meet the requirements of a specific section of the community and provide a public good. The resultant shortfall in development would however be considered to be modest and would not risk the meeting of settlement wide housing requirements, given the specifics of the application and the site. No objections were therefore raised to the inclusion of the supported living units as part of the wider scheme, purely on the basis that it results in a marginal shortfall of development.

#### *Gateway Location*

The acceptability of design, density and layout together with the details deposited and the effectiveness of the proposed landscaping and screening were deferred to the planning officer.



### *Protected Views and proximity of the Conservation Area*

Although an LVIA has been deposited, concerns were expressed as to whether the demonstration that there will be no detrimental impact on the views of and across the principal heritage assets had been adequately made. The comments concluded that the LVIA and heritage statement failed to provide a comprehensive demonstration that there would be no negative impact on views of or across the principal heritage assets. The cross section confirmed that the land rises to the west and that this part of the site would accommodate the tallest form of development proposed, and whilst showing that there had been an attempt to work with topography without the surrounding context being provided it was difficult to come to a conclusion over how successful this has been. The Holy Trinity Church should be included at the very least so that proper assessment can be made over the degree of likely impact.

The cross section show landscape screening above the height of the 3 storey units it is unclear as to whether existing planting is to be retained, with the suggested height reflecting the current situation or if this new planting is to be introduced which will take time to mature. Insufficient detail has been provided to show how effective this screening would be.

### *Highways*

Policy would defer to Highways Authority for guidance over the acceptability of the proposal.

### *Flood Risk*

I would defer to relevant stakeholders for its consideration.

### *Archaeology*

In line with the site allocation policy would defer to stakeholders for its assessment.

### *Housing Mix and Affordable Housing Provision*

The approach to affordable housing provision raises significant concern given the suggested provision of the supported living units offsetting the affordable housing requirement.

It was considered that the supported living units would not meet the definition of affordable housing, that there would be no mechanism to control how residents are selected, the cost of accommodation or the criteria for selection. Additional concern was raised that the units could eventually be sold on the open market with no recourse to the Council by way of planning gain. Although Reach is a registered charity it is not a registered provider of housing with the HCA.

Whilst supportive of the public good that meeting the accommodation needs of a specific group in the community would provide this would be a different matter to addressing the chronic affordable housing need present within Southwell.

Given the level of need any proposal within Southwell which meets the affordable housing thresholds but proposes that no contribution will be made would have to make a robust and convincing viability case, or alternatively identify clear and valid site specific circumstances in support of this stance. No such justification has been made.

Should these points be addressed and a demonstration made that the supported living units could be truly considered affordable units, available in perpetuity, this may on balance address policy requirements

### *Developer Contributions*

Detailed infrastructure needs arising from development proposals should be identified and an appropriate level of provision provided in line with The Developer Contributions and Planning Obligations SPD.

### *Southwell Neighbourhood Plan*

Had the application been in compliance with the Development Plan then there would be merit to providing guidance over conformity with the SNP and the level of appropriate level of weight to be given. However further work and justification would be required with regards to the concerns raised in order for further comment to be made

Notwithstanding the above it may be possible that with further work and amendments on the part of the applicant the proposal could be made acceptable.

Following the submission of additional information and drawings in December 2015 and January 2016 the following comments have been subsequently raised as follows:-

Concerns are raised with regards to the viability case being put forward the in terms of the valuation of the bungalow. The valuation doesn't set out what they are seeking to value i.e. it should be the bungalow post-development of the remainder of the allocation. If the valuation includes the bungalow, the full extent of its existing curtilage and the prospect of residential development on the basis of its allocated status then the valuation for the purposes of the application is considered flawed.

Previous comments with regards to affordable housing provision are reiterated.

Although some concern is raised with regard to the additional LVIA information submitted, policy would now defer to Conservation.

Additional flood risk work has also been submitted and policy would defer to the County Council for its opinion. The Council will need to be satisfied that any flooding issues can be adequately addressed.

Additional comments have also subsequently been received which are summarised as follows:-

Previous comments regarding flooding are reiterated.

In terms of the issues around affordable housing provision the applicant has not sought to demonstrate that the supported living units can meet the affordable housing definition and also be made available in perpetuity. The most recent advice from the Valuation Office concludes that the proposal can support the full affordable housing requirement, Section 106 contributions, CIL and the gifting of the bungalow.

Given the chronic affordable housing need in Southwell any proposal which meets the thresholds of CP1 but proposes that no contribution will have to make a robust and convincing viability case, or alternatively identify clear and valid site specific circumstances in support of this stance which

do not appear to have been presented and the application as it stands would still be considered to fall short of being able to satisfy Core Policy 1.

Perhaps a balance would be a scheme which includes the gifting of the bungalow together with a reduced affordable housing contribution which may be acceptable providing:-

- The level of affordable housing contribution is consistent with what our evidence shows to be viable; and
- That payback mechanisms are put in place to recover the value of the bungalow should the Reach project remain unimplemented beyond a reasonable timeframe, or if following implementation the facility comes back onto the market following cessation of the supported living use.

Policy would be unable to support the proposal if the level of affordable housing proposed fell below what the evidence deems viable, as this would be contrary to policy. Strong material considerations, outweighing the under-provision of affordable housing provision, would be needed to determine the application positively.

With regards to the SNP, given that the Plan has been examined and in its modified form meets the Basic Conditions, there are no outstanding objections and the Qualifying Body supports the modified Plan my view is that it should be afforded considerable weight within the decision-making process.

In this particular circumstance however the proposal is clearly at an advanced stage and was submitted well in advance of even the publication of the Draft NP. Consequently the scheme has not been progressed, or assessed, against the content of the emerging NP and so to seek to do so retrospectively at this stage would, in my opinion, be disproportionate – particularly in light of the fact that the Plan is yet to be ‘made’. Nonetheless both the Development Plan and Neighbourhood Plan seek to deliver sustainable development and in this instance, subject to the outstanding matter of affordable housing provision, the proposal provides for a good balance between good design, sensitivity towards the historic environment, natural environment and provision of much needed housing. In this respect I am content that on balance the proposal is consistent with the emerging Neighbourhood Plan.

**NSDC Strategic Housing** – Initial comments received outlined the policy requirements contained within CP1 of the Core Strategy in terms of affordable housing provision and tenure types and the requirements contained within in the Developer Contributions and Planning Obligations SPD and Affordable Housing Supplementary Planning Document (2013).

The district council would seek to secure 30% affordable housing provision and a tenure mix of to reflect local housing need and viability on individual sites. Overall the tenure mix in the district should be 60% social rented housing (or affordable rented housing) and 40% intermediate housing (usually shared ownership). The affordable housing should be accessible and affordable to those unable to compete in the general housing market.

The affordable housing provision requirement on this site was outlined as being 11 dwellings. The follow unit and tenure types were suggested on this proposed development of 38 dwellings which would need be detailed in any S106:

Type	Rent	Intermediate (SO)	Total
1 Bed apartment	3	0	3

2 Bed house	3	2	5
3 Bed house	1	2	3
Total	7	4	11

The demand and need for affordable housing in Southwell was identified as follows:-

From the District Councils district wide housing needs survey and the DCA Housing Market and Needs Assessment (2014) overall affordable need in the Southwell area is for 93 one and two bedroom homes. reference should also be made to the Housing Register data, (tabled below) managed by Newark and Sherwood Homes, which is provided to determine additional housing need in Southwell area as detailed in the following table:

1 bed	100
2 bed	104
3 bed	48
4 bed	8
1 bed elderly	105
2 bed elderly	144
<b>TOTAL</b>	<b>509</b>
<b>(April 2015)</b>	

For the town of Southwell there are currently 204 housing register applicants who have identified this area as their first preference for one and two bedroom property types. A further 48 require three bedroom properties and 249 require supported/retirement accommodation. The overwhelming need in the district is for social rented accommodation, however, in the interests of meeting the needs of the residents and to promote a balanced housing market an element of intermediate housing will be considered. Further to analysing the housing need in the Southwell locality the proposed affordable tenure split for this site and each unit type should be 60% social rented and 40% intermediate housing.

Although there has been some small scale delivery of affordable housing in Southwell there is still a considerable shortfall of small and family homes required to meet the identified need.

Initial comments set against the current Policy position and social objectives of 'Reach' are summarised as follows:-

The applicant proposes that the provision of on site affordable housing is offset by the transfer of a three bedroom private dwelling (known as Springfield Bungalow) to 'Reach' (formerly Southwell Care Project), which is adjacent to the proposed development.

The suggested approach to affordable housing provision for this proposed development is not in accordance with Council's CP1, as detailed in the Affordable Housing Supplementary Planning Document (2013).

It would result in the loss of provision 11 affordable homes with the potential to house 43 people with a local connection to Southwell who are in housing need and in an area where there is significant demand for affordable housing particularly for smaller homes.

The transfer of the property to Reach would be in its current condition. There appears to be no further financial provision to be offered by the applicant to convert and extend the property to provide suitable supported housing. The property in its entirety would fall considerably short of meeting the appropriate contribution towards affordable housing.

Although of charitable status, Reach is not an approved support provider with NCC or registered with the HCA for the provision of affordable housing. The delivery model used by Reach is currently not supported by the NCC and therefore unlikely to secure County funding.

There is no mechanism in place to control allocations, rent levels or the management of the property or retaining the property in perpetuity. The Council would have no recourse to any planning gain should the Charity cease to exist.

The applicant has not provided an 'independent' and substantiated valuation of the property to assist in assessing whether the contribution is sufficient to cover an affordable housing contribution.

The applicant has not presented a S106 detailing how the conversion/extension of the property would be phased in line with the market housing delivery in line with good practice

It should also be noted that Southwell is a designated protected area (by map) and the proposed affordable rental units will be exempt from the Right to Acquire and the shared ownership/intermediate rent units will be subject to a staircasing restriction of 80% or 100% providing the Registered Provider has the right to re-purchase. The District Council's Legal Department will provide further details in the Section 106 Agreement.

Following the submission of revised plans and viability details the following comments have been received:-

**Environment Agency** – The site falls within Flood Zone 1. The Lead Local Flood Authority will want to comment on the surface from the site

**Severn Trent Water** – No objections are raised subject to conditions being attached should permission be granted requiring the submission and approval of drainage plans and that the applicant is advised to contact Severn Trent Water regarding public sewers.

**NSDC Access** – 'It is recommended that the developer be advised to provide inclusive access and facilities for all, with particular reference to disabled people. To this end, BS 9266:2013 'Design of accessible and adaptable general needs housing – Code of Practice', Lifetime Homes Standards as well as Approved Document M of the Building Regulations contain useful guidance.

In addition the inclusive access should be provided to and within the supported living accommodation on all floors with accessible facilities and features as well as carefully laid out car parking provision for disabled motorists. BS8300:2009 gives further information in this regard as well as Approved Document M.'

**Representations (including photographs and a video) have been received from 47 local residents/interested parties which can be summarised as follows:**

### **General Objections**

Objections were raised at the time of the sites allocation and these remain unchanged

Timing of initial consultation and lack of opportunity to comment within the timescales

Problems of viewing the application on line

Lack of publicity of the application in terms of site notices and the number of local residents consulted

Inaccuracy of red line site plan which invalidates the application and should be rectified and at the very least the application be resubmitted and those affected by the proposal given the opportunity to comment

Misleading information and old plans have been submitted, which do not show the existing details of neighbouring properties which have been extended

The planning regulations are for the benefit of the community and the application should be assessed against these

The proposal should be 2 separate applications as each proposal is entirely different and has unrelated matters

If approved the development would set a precedent for future unsustainable development

It is noted that the applicant has donated Springfield Bungalow to Reach at the same time as the application was submitted. Are both developments conditional on each other

Other more preferable sites should be sought for allocation from the SHLAA process

If approved there should be a substantial landscape buffer along the southern boundary, dwellings along this boundary should be single storey, the developer should be responsible for the repositioning of services, enhancement of existing hedgerows etc. ensure least disruption during development and ensure that surface water run-off is not directed onto other properties.

Expansion of the town is acceptable but the infrastructure is not currently ready for the development

Documents and plans submitted are outdated and misleading

### Residential Development

#### Flooding

The effectiveness of proposed French drains and permeable paving is questioned

Incorrect volume calculations have been deposited with regards to the proposed balancing ponds

There are underground springs on the site and there is a history of flooding as evidenced in the Councils own documentation (Southwell Gateways Site Assessment)

The FRA fails to assess the impact of water run off behind the development or the proposals impact on the high water table

The proposal will greatly increase the risk of flooding – this together with existing water flow will exacerbate current issues and increase frozen water hazards on the highway

Sources of water and water flow in and around the site are identified

Existing ditches are ineffective

The land is on a steep slope and together with the springs if flood mitigation measures fail than neighbouring properties will flood.

There is no indication in the application as to how the grey water system is intended to be used.

The cost of mitigation measures and green roofs will result in properties not being low cost

How can the application be considered when the Southwell Flood Forum report has not been made public

Plans seem totally inadequate to cope with draining surface water and the additional waste water generated by the development

No infiltration tests have been carried out on the SuDs to ensure that they are effective

On site storage proposals seem inadequate

Land drainage provision will exacerbate flooding down stream

The proposal would add to the potential for increased flooding despite permeability and the provision of ponds and surface water management proposals

It is questioned as to where water will go other than into neighbouring gardens who is responsible for any damage, which will maintain and clear the drainage areas and how will springs on the land be dealt with.

Appropriate upstream drainage works should be carried out before any works commence on site

The Council should be confident that all flooding eventualities are covered and should therefore be liable and underwrite any costs of any future damage through flooding as a result of new development as it has been made aware of flooding issues

There are flaws with the FRA – it fails to undertake or complete a number of essential elements required to provide a comprehensive understanding or comment - no percolation tests have been undertaken, there are no details of the proposed land drainage system, permeable paving is problematic and unsuitable (capability of absorbing surface water flows, maintenance, increased risk of transfer of surface water out of the site), it fails to reflect that neighbouring properties have suffered considerable surface water flows, there are no maintenance details of the swales and attenuation pond, these features raise safety issues, the FRA makes no assessment of the springs, overland flows are inaccurate and are not detailed, overland flows onto the highway would result in safety issues

The FRA fails to mention flooding of 2013 and details are unclear

The FRA fails to meet the requirements of the PPG

The ability for the public sewer network to cope

Permission has been granted for 2 other large residential developments which have been already badly affected by flooding.

### Highways

The Transport assessment fails to adequately address the impact on road safety – it is based on old data, surveys were carried out outside of Minster School pick up times and so are not representative, it fails to adequately assess the impact on other roads, it fails to assess the proposals impact on the condition of the road the assessment of Halloughton Road is inaccurate

There are existing highway issues and traffic problems on Halloughton Road despite turning restrictions being put in place, which will be exacerbated by the proposal which would not be mitigated by implementing extra measures such as speed or parking restrictions

Highway safety on blind bends

The adequacy of Halloughton Road is questioned as it is not designed to cater for a large residential development. It is too narrow

The number of traffic movements estimated in the application is vastly underestimated

On street parking will be an issue particularly during construction phases

The lack of parking for both developments will lead to on street parking on Halloughton Road and impact on existing on street parking

A roundabout should be constructed at the bottom of Halloughton Road to cater for proposed and existing access and egress onto Nottingham Road

Proposed splays at the access onto Halloughton Road are on land not within the ownership of the applicant. Strong opposition is raised to any encroachment onto this land.

Pedestrian safety, particularly at certain times of the day at drop off and pick up times, as there is a lack of pavement on Halloughton Road and the splays are inadequate for cars accessing or leaving properties behind the splays

The proposal would exacerbate existing traffic issues along Halloughton Road which is used as a rat run. It has a blind bend at its junction with Nottingham Road and already experiences problems with speeding traffic and drivers ignoring the no right turn from Westgate

The transport statement is incorrect – there are no parking restrictions on Halloughton Road and therefore the practical road width is only half of the road – there is no footpath on the south side of Halloughton Road raising issues with pedestrian safety – the land required visibility splay is not shown within the red line of the site plan and no notices have been served on owners of this land

The transport statement is out of date and pre dates recent highway changes

Increase in traffic would result in congestion at both ends of Halloughton Road

### Character

Concentration of dwellings would be overdevelopment of the site and would be out of character with the area – the layout is very dense and institutionalised

Density out of character with surrounding area

3 storey dwellings will be out of character with the vernacular of the area

2 storey dwellings may be altered with windows in the roof and will become 3 storey which would be out of character artist impressions and drawing inaccurate in terms of screening and visibility of the 3 storey properties

There is a need for starter homes in Southwell but a greater mix of housing types would be preferable on the site

Adverse impact on the Gateway into Southwell – previous application for 18 bungalows had been refused and upheld on appeal on the grounds of impact on the Gateway

The proposal would adversely impact on this view, particularly the 3 storey properties

The LIVA predates the establishment of the protected view corridor and assesses impact when trees are in full leaf.



Existing houses are single or two storey properties – the proposal doesn't sit comfortably with the surrounding area

Properties on the south side of Halloughton Road created a natural boundary to Southwell which be lost

The LIVA is misleading in terms of its view points

### Design and layout

It is utilitarian and industrial without any architectural merit

The layout should have rear gardens backing onto rear gardens

### Heritage

There would be adverse visual impact on the Minster and Holy trinity Church – the photomontages submitted with the application do not take full account of the views –at least two storeys of the proposed dwellings will be viewed.

### Amenity Issues

Overlooking and loss of privacy – layout could be revised to mitigate this

A footpath runs directly adjacent to boundaries with neighbouring properties which will result in overlooking and increased noise nuisance from traffic and pedestrians

The road level should not be above the floor levels of neighbouring properties

If permission is granted then it is requested that a 1.8m high wall be erected to protect privacy

The side elevations and garages of one of the proposed properties will result in overbearing impacts

The human rights to Privacy will be breached

Increased noise and activity issues

Bungalows would be preferable

### Other matters

Safety issues arising from the proximity of ponds to homes.

Infrastructure – the proposal would put pressure on schools and doctors

Should permission be granted any future amendments to the scheme should be the subject of a full application and consultation and not be considered minor amendments

Landownership in relation to the land required for the provision of the visibility splay to serve the proposed residential development on Halloughton Road and along the boundary with Springfield House

Relocation of existing services within the site should be at the applicant's expense

If permission is granted then it is requested that a 1.8m high wall be erected to protect privacy.

## Bungalow

Supportive of proposal but does the proposal results in an institution rather than a home which was the original vision of REACH

The extension of the bungalow on one level with fewer occupants would be more appropriate

## Highways

The transport statement incorrectly comments that that there would not be any greater levels of activity using this access - There would be greater levels of vehicular traffic and pedestrians accessing the Reach units on a blind bend which would impact on highway and pedestrian safety.

There is an underestimation of traffic using this driveway.

Insufficient level of parking provision.

The proposed access to the bungalow has been repositioned on Halloughton Road opposite a splay previously reserved for the Beckett Fields development which has now been deemed too dangerous and the access to this development has been repositioned onto Nottingham Road. How can the access to Springfield Bungalow be considered safe.

Issues of access for emergency vehicles.

Pedestrian safety for the residents of Springfield Bungalow by virtue of lack of pavement.

## Amenity

Upper floor windows will overlook neighbouring properties.

## Flooding

The existing domestic drainage is inadequate for the care home.

Following reconsultation further letters /email have been received which consider that the revised plans and details fail to address previous concerns raised and reiterate the above concerns.

Additional comments:-

## Landownership:-

- for the splay at the access to the residential development on Halloughton Road – the applicant has failed to serve the requisite notices and therefore the application is invalid and should not be determined. The owners of this land would not make any of their land available for the provision of the splays
- along the southern boundary of the site the proposed buffer zone is not within the applicants ownership

There is already a shortage of school places and strain on medical services which would be exacerbated by the proposal.

The provision of the supported living accommodation which has been stated as constituting the provision of social housing which is incorrect as there is still a need for low cost starter homes.

The highway authority originally raised concerns with access for the bungalow. If it's not suitable for those without disability why is it suitable for those with a disability. The supported living

units are not a care home but are 12 individual units of accommodation occupied under a separate tenancy arrangement with their own care package. Therefore the residents should be treated as any other person with regards to parking standards and provision which as proposed are inadequate.

There have been discriminatory remarks made by NCC regarding car ownership/driving. Everyone should be treated equally. This issue has not been addressed in the parking provision for the bungalow.

#### SUPPORT

1 email has been received which considers that the development should maintain and enhance the character of the town and supports the design references to Southwell historic buildings

16 letters of support for the supported living development have been received summarised as follows:-

Everyone should have the opportunity to live where they have been brought up

There is a lack of this kind of accommodation which also supports the educational and personal needs of the residents

It would allow adults with learning difficulties to live independently rather than in an institution but in their local community and close to their family

It would provide a purpose built, well planned and supported, familiar, quiet and safe living environment for its residents

It is close to Reach offices, local facilities and employment and training for the reach clients

The development would also provide low cost smaller housing in the town

#### Comments of the Business Manager/ Appraisal

##### Principle of Development

In considering the principle of the proposed development account has to be given to the District Councils current position with regards to its 5 year housing land supply. Subsequent to the appeal decision into the refusal of planning permission for residential development for 48 dwellings at Southwell Road, Farnsfield, the Planning Inspectorate has concluded that against a target of 550 dwellings the Council does not have a five-year housing land supply.

In reaching her decision the inspector considered the conclusions of the Strategic Housing Market Assessment for the Nottingham Outer HMA (SHMA) which identified that for Newark & Sherwood 454 dwellings should be delivered annually. She concluded based on evidence before her that the figure should be materially higher, 550 dwellings. On this basis, primarily due to the slow delivery of housing on strategic sites, it was concluded that the Council does not have a 5 year land supply.

The Council is currently seeking further guidance from our consultants on the Inspector's conclusions regarding the higher 550 figure and the interrelationship between employment and housing rates which formed the basis for her judgements. Whilst we do not agree with the Inspector's conclusions regarding the SHMA (as will be dealt with robustly as part of the Plan Review process) the appeal decision itself is a material planning consideration. At the current time the Council's published five year supply position is based on 2014/15 completions and

assumptions. This clearly pre-dates the Farnsfield appeal. The Council will shortly be in a position to publish its current land supply position (likely against a 454 figure). At the current time it remains the position that the Council cannot be confident of its 5 year supply position. This is a significant material planning consideration in the context of this site, which is both allocated and capable of delivery to contribute to an overall supply.

### **Implications**

If the LPA cannot be confident of a 5 year land supply the policies contained within the Core Strategy and the Allocations & Development Management DPD in relation to housing supply are now considered out-of-date in terms of Paragraph 49 of the NPPF and in that sense Paragraph 14 is in place in that “where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless: any adverse impacts of doing so would *significantly and demonstrably* (emphasis added) outweigh the benefits, when weighted against policies in this Framework taken as a whole; or specific policies in this Framework indicate developments should be restricted.”

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 should 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 making.

Southwell is identified in the SP1 of the Core Strategy as being a Service Centre with the function of acting as a focus for service provision. SP2 of the Core Strategy continues that in order to secure its future as a sustainable community provision should be made for new housing to meet local housing need.

Policy DM1 of the A&DM DPD advises that within the urban boundaries of the Service Centres, as defined on the Policies Map, proposals will be supported for housing, development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 of the DPD refers to development on allocated sites being supported for the intended use provided that they comply with the relevant Core and Development Management Policies, site specific issues set out in the DPD.

Policy DM12 of the A&DM DPD sets out a positive approach to considering development proposals reflecting the presumption in favour of sustainable development within the National Planning Policy Framework. Where appropriate, this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions within the district. The policy further details that applications which accord with the District’s Development Plan will be approved without delay, unless material considerations indicate otherwise.

The principle of development in this location has been established through the sites allocation in the A&DM DPD, with Policy So/Ho/2 setting out a detailed approach for the bringing forward of the site. This states that the site is allocated for residential development providing around 45 dwellings. In addition to the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2

Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:-

- i. Appropriate design, density and layout which addresses the site's:
  1. Gateway location and manages the transition into the main built up area;
  2. Potential impact on views of and across the principal heritage assets of the Minster, Holy Trinity Church, Archbishop's Palace and the Thurgarton Hundred Workhouse in accordance with policy So/PV 'Southwell Protected Views'; and its
  3. Proximity to the Southwell Conservation Area respecting its character and appearance.

In order to assimilate the development, provision should therefore be made, in accordance with the landscape character, for the retention and enhancement of the site's existing landscape screening.

ii. The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;

iii. The provision of suitable access off Halloughton Road as part of the design and layout of any planning application. This should be informed by the preparation of an appropriate Transport Assessment to identify the impact of the development on the highway network. Through this assessment, the access requirements of So/Ho/3, the impact on the Halloughton Road / West Gate junction and the provision of appropriate mitigating measures should be addressed; and

iv. The investigation of potential archaeology on the site and any necessary post determination mitigation measures secured by condition on any planning consent.

Policy SS2 of the amended SNP reflects the criterion contained within policy So/Ho/2 of the ADM DPD.

The principle of residential development is therefore considered to be acceptable having been established through the sites allocation. Detailed assessment is made to the specific criterion within the allocation policy below and other site specific circumstances.

Critically, it has also been necessary to carefully assess flood risk issues associated with the site, particularly given the extensive flooding in July 2013 (and indeed in years prior to this). Full commentary on this issue is detailed in the relevant section below.

### **Housing Affordability, Mix, Type and Density**

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

Core Policy 1 of the Core Strategy requires affordable housing provision in Newark and Sherwood (outside the Newark Urban Area which has its own requirements) on sites of 5 or more dwellings or which have a site area of 0.2ha or above, with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought should reflect a 60% social rented and 40% intermediate mix.

Policy CP3 of this document outlines that a density of not less than 30 dwellings per hectare is required unless a lower density is justified, taking account individual circumstances.

Policy HE1 of the SNP sets out housing mix and associated densities informed by NSDC Housing Needs Survey outlining an average of density of 30 dwellings per hectare subject to site characteristics in line with the minimum number of dwellings to satisfy the requirements of the Core Strategy.

The density of the development is approximately 28 (proposed dwellings plus proposed supported living) units per hectare, calculated using the net developable area of the site which is approx. 1.92 hectares. This density falls slightly below the requirement of Core Policy 3 which seeks development densities in housing development of 30 dwellings per hectare or more. However, for reasons outlined below, I am satisfied that this shortfall of four dwellings is modest and given the community benefit in terms of the provision of the supported living units, would in this instance be considered acceptable.

The proposed supported living units would not fall within Use Class C3 (residential) but given the nature of the accommodation and the level of care provision would be considered to fall within use Class C2. The scheme proposes 38 dwellings and the provision of 12 supported living units which would differ from the terms of the site allocation and would fall short of the indicative level identified within this site allocation policy which states that around 45 dwellings should be provided.

However, being mindful that the requirement of the site allocation does not identify an exact figure, taking account that the development also proposes 12 supported living units which would likely meet the accommodation requirements of a specific section of the community I do not consider that less units is materially harmful in this instance.

Notwithstanding this, the key aspect in considering the level of development is therefore whether the proposal remains able to satisfy relevant policy requirements, and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist a modestly lesser development and particularly not for statistical reasons alone. It is therefore considered that, subject to the acceptability of the design, layout and local environmental, highway, heritage or amenity impacts, that the principle of the provision of 38 dwellings on the site is acceptable. Members will be aware that allocations have delivered quantum of development both above and below those referred to in allocations. One must also have regard that in this instance there is a wider likely benefit to a section of community in the form of Reach.

The mix of units would comprise 19no. 3 bed dwellings, 16no. 2 bed dwellings, 3no. 1 bed dwellings together with the conversion of the existing bungalow to create a 12 bed supported living unit. It is considered that this mix is appropriate and would meet the key objectives of CP3

which is to secure family housing of 3 bedrooms or more, whilst helping to address localized need for smaller 1 and 2 bed units in accordance with the aim of So/HN/1. It is also considered that, on balance and in this particular instance the density of the proposed development is acceptable taking account of specific circumstances in accordance with CP3, So/Ho/02 and HE1.

### **Flood Risk and Surface Water Management**

In line with earlier comments I would consider that any proposal on the site needs to be able to satisfactorily address the issue of any flood risk to the site or surrounding area.

Following the site allocations process and subsequent adoption of the Allocations & Development Management DPD, as noted within the concerns raised by local residents, Southwell has experienced a significant flooding event. This included severe flash flooding from the Potwell Dyke and Halam Hill sub catchment watercourses as well as overland surface water flows which affected a significant number of properties.

In light of this significant flood event and the more frequent but less severe flooding which has been experienced it is crucial that flood risk is appropriately considered as part of the planning process. This is a position also accepted by Nottinghamshire County Council as Lead Local Flood Risk Authority (LLFA).

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

Section ii. of policy So/Ho/2 states that development on this allocated site will be subject to the positive management of surface water through the design and layout to ensure that there is no detrimental impact in run off into surrounding residential areas or the existing drainage regime.

Policy CP 9 of the Core Strategy requires that all new development through its design proactively manage surface water including, where feasible the use of Sustainable Drainage Systems.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

The amended SNP at policies E1 and E2 outlines specific policies in relation to flood risk assessments and mitigation. Recent events have highlighted a clear need for further investigation to be carried out so that the nature and extent of flood risk to the settlement can be fully understood.

The stance for new development is that the applicant should be able to demonstrate to the satisfaction of the District Council and relevant flood risk authorities that flooding issues can be adequately addressed. This assessment should take into account the findings of the surface water flood maps produced by the Environment Agency.

I acknowledge of the significant level of concern raised by the Town Council, the Civic Society and local residents with regards to surface water drainage and flooding. Following the concerns raised with regards to the initial FRA submitted with the application a revised FRA has been prepared by ASC Civil and Structural Engineers dated 18<sup>th</sup> December 2015 which has been deposited as part of the application. It concludes that the risk of flooding to the proposed development and adjoining property from groundwater/overland has been reviewed and an appropriate land drainage strategy proposed to mitigate for such flooding. On site investigation work is proposed to establish the extent and location of any springs that emerge on the site, with appropriate measures to be included within the detail design to convey flows to the proposed land drainage system. It is also proposed to provide a staged attenuation based surface water drainage strategy, utilising a combination of above and below ground attenuation devices.

It is considered that the proposed land drainage measures and the revised surface water drainage strategy will result in a reduction in flood risk to both the site and the adjoining properties in the post development scenario.

The LLFA has been reconsulted on these revisions. They have confirmed that they are satisfied that the proposed revised drainage strategy which now meets the aims of the NPPF and is considered to not create a risk of increased flooding to 3rd parties. The detailed comments of the LLFA are included within the consultation section of this report. The LLFA are satisfied that an appropriate level of evidence on flood risk and surface water management has been provided in the revised assessment. No objections are now raised subject to the attachment of a number of pre commencement conditions being attached should permission be granted. Taking account of these comments I am of the opinion that it would be reasonable to attach the suggested conditions should members be minded to grant approval for the proposed development.

In light of the amendments made to the scheme, and the comments received from the County Council Flood Team and Severn Trent Water it is considered that the applicant has demonstrated that flood risk and surface water management issues associated with the site can be adequately addressed in the design and layout of the scheme and secured by condition should permission be granted. The application is therefore considered to be acceptable and in accordance with CP9, CP10, So/Ho/02, E1 and E2.

### **Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings**

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 requires continued preservation and enhancement of heritage assets.

Core Policy 9 of this document requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment.

The sub text of Policy DM5 of the ADMDPD requires that have special regard has to be given 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.



Policy So/Ho/2 requires the design of the development to adequately address the gateway location and management of the transition into the main built up area and the potential impact of and across the principal views of the Minster, Holy Trinity Church, Archbishops Palace and the Workhouse. Following the submission of additional landscape visuals the Conservation Officer raises no objections to the proposals (a full assessment of the proposal is set out in the Consultations section above). Considerable importance has been given to the desirability of preserving the setting of the Listed Buildings within Southwell, particularly the Grade II Listed Holy Trinity Church and Southwell Minster, which has a Grade I Listing. Policy ES2 of the amended SNP reflects this criterion.

Policy DH3 of this document refers to the Historic Environment and comments that proposals should not negatively impact on the conservation area and Listed Buildings, particularly the Minster nor should they result in impact on any particular archaeological interests.

I note the comments received with regards to the impact of the proposed residential development on the historic environment and heritage assets. I also note the comments of the District Councils policy officer with regards to such impact and that this has been deferred to the considerations and conclusions of the Conservation Officer.

Being mindful of these comments I would concur with the Conservation Officers views following the submission of the revised photomontages that although some aspects of the proposal may have some potential to impact on views of the historic environment, any impact would not be substantial and when combined with appropriate landscaping proposals, which could be secured by planning condition. It is considered that any harm would be at the lower end of less than substantial harm (for the purposes of paragraphs 132 and 134 of the NPPF), to be weighed against the benefits of the scheme including the delivery of market and affordable housing and assisted living for a disabled charity.

### **Visual Amenity and impact on the gateway to Southwell**

Notwithstanding the impact of the proposal on the heritage assets consideration has to be given to the impact of the proposal visual amenity and the character and appearance of the immediate and wider setting of the site.

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.

Policies So/Ho/2 of the AM DPD and ES2 of the amended SNP outline that proposals should appropriately address by virtue of design density and layout the gateway location of the site and manage the transition into the main built up area.

The predominantly two-storey nature of the development would reflect some of the existing character of the area and the mix of detached, semi-detached and terraced properties is considered appropriate. I am mindful that three storey properties are proposed to the western edge of the site. However, these are split level, having three storey frontages and two storey rear elevations taking account of the topography of the land taking account of levels and landscaping I do not consider that the proposal would such an impact on visual amenity to justify refusal.

As discussed above within the Heritage section of this report, it is accepted that there would be

some visual impact on views of the historic environment and consequently the gateway into the town, although this is not considered to be so substantial, given the topography of the site and the proposed landscaping works to justify refusal on these grounds.

I note the comments received with regards to previous refusals on the site and impact on the gateway. However, each application has to be assessed on its own merits. The site, of course, is also now allocated.

I am satisfied that the transition into the main built up area of the town can be appropriately achieved and managed by the imposition of a condition to secure a good quality landscaping scheme in accordance with the above policies.

### **Design and Layout and Impact on General Character and the Landscape Character of the Area**

The NPPF recognises the importance that the government attaches to the design of the built environment. Paragraph 58 of the document outlines that development should function well and add to the overall quality of the area, establish a strong sense of space using streetscapes and buildings to create attractive places, respond to local character and history, create safe and accessible environments and should be visually attractive.

Policy DM5 sets out the Design criteria for proposals and includes that new development should reflect the local distinctiveness of the District's landscape and character of built form.

Criterion contained within Policy So/Ho/2 requires that provision should be made in accordance with the landscape character, for the retention and enhancement of the sites existing landscape screening.

Policies So/Ho/2 of the AM DPD and ES2 of the amended SNP outline that proposals should be of appropriate address design density and layout.

The residential development has a predominantly linear layout with dwellings having open frontages facing the highway. There will be a focal point created to the western end of the site with a landscaped 'Square' which will make provision for the incorporation of drainage measures, will soften the built form and provide an area of public open space. Corner properties are designed so as to appropriately address the streetscape. Taking account of this layout I am of the opinion that the proposed residential development would not appear cramped or overintensive, nor would it appear completely out of character within the area given the nearby residential development on Nottingham Road.

The general height of the proposed dwellings will be two storey, excluding 6 dwellings at plots 24-29 which will be 2/3 split level properties built into the bank taking account of the topography of the site and the rise in the land levels to the west of the site.

The mix of house types proposed which are mostly traditional in design with appropriate architectural detailing, for example eaves and headers and chimneys. I am mindful that plots 19-23 within the south western corner of the site are of a more contemporary and vertical design with asymmetric roof lines. However, although such a design would not be a common characteristic of the area, I am of the view that within the context of the site this design would create a unique sense of place around the Square. The asymmetric design would also allow glimpses and views of the Church of Holy Trinity.

With regards to impact on the landscape character, Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the district and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the LCA as falling within Mid Nottinghamshire Farmlands Policy Zone MN PZ38: Halloughton Village which defines the Landscape Condition as being good and landscape sensitivity as moderate. Landscape Actions are defined as conserve and reinforce.

A Landscape Visual Impact Assessment has been deposited with the application which includes viewpoints within the surrounding area. Four additional photomontages have subsequently been deposited which show existing views and views showing the outline of the proposed dwellings within the setting of the site.

Taking account of the LIVA, although it is acknowledged that there would be some visual impact on the landscape, it is considered that this would not be so substantial, given the existing screening and topography of the site together with the proposed additional planting and landscape buffer zones, to unacceptably impact upon the landscape character of the area.

I note the comments of the NCC with regards to the width of the proposed landscape buffer zones and the relocation of 'The Square'. I have not sought the relocation of 'The Square' as it is considered that this feature creates a focal point and establishes an area landscaped open space within the residential development and which enhances its design and layout. Moreover it is considered that a condition regarding precise details of proposed landscaping and planting to the site boundaries and to the proposed buffer zones will ensure that appropriate species are provided to safeguard these zones and to ensure that there will be no undue impact on neighbouring plots.

Being mindful of the scale of the proposed extensions to Springfield Bungalow it is not considered that this element of the proposal would result in any undue impact on the landscape character of the area.

Taking account of the above considerations, I am of the view that the proposal is of an acceptable design, scale and layout which would not unduly impact on the landscape character. The proposal would therefore accord with Policy CP9, CP13, So/Ho/02, DM5 and ES2.

### **Residential Amenity**

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. 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.

### **Neighbouring amenity**

I acknowledge the comments received with regards to impact on the adjoining dwellings. I am satisfied that the relationships and separation distances between the proposed dwellings, garages and car ports of the proposed development and the existing dwellings on Halloughton Road to the north and Springfield House to the south are sufficient so as not to result in any undue overbearing, overshadowing impact or overlooking impact.

The closest relationship is between the blank side end gable of plot 38 of the development and the rear elevation of no. 36 Halloughton Road which measures at circa 17-20m. I have given very careful consideration to this separation. However, I am mindful that such a relationship and separation distance would not be unusual within the urban grain of the settlement. Taking account of there being no windows to this side gable I am satisfied that, on balance, there neither would not any be undue overlooking impact nor would there be such a degree of overshadowing or overbearing impact to justify refusal on these grounds. A condition requiring appropriate boundary treatments will also safeguard residents from undue impact on amenity

With regards to the proposed extension and alteration of the existing bungalow to provide the supported living units, I note the comments received in relation to overlooking from the proposed extensions of the bungalow. Again given the relationship between the existing properties and the bungalow I am of the view that the proposed extensions would not result in any undue overlooking or loss of privacy. It is therefore considered that the proposal accords with Policy DM5.

#### *Amenity of future occupiers*

The proposed layout of the residential development allows for a reasonable relationship and separation distance between dwellings to avoid any direct overlooking, overbearing or overshadowing impact.

An adequate area of private amenity space has also been provided for each dwelling. However in order to protect these amenity spaces and prevent any future reduction in separation distances, it is considered appropriate and reasonable to remove permitted development rights for future extensions and outbuildings to these dwellings should planning permission be granted.

Having carefully assessed the scheme I am satisfied that the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5.

#### **Highways Matters**

Policy So/Ho/2 sets out the need for an appropriately designed access off Halloughton Road which should be informed by a Transport Assessment to identify the impact of the development upon the highway network. The access requirements of So/Ho/3, the impact on Halloughton Road/Westgate junction and the provision of appropriate mitigation measures should also be addressed.

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Core Policy 9 requires proposals to be accessible to all. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development and that perking provision should be based on the scale and location of the development.

Policy TA3 of the amended SNP seeks to ensure that new development does not adversely affect the highway network. Policy TA4 of this document refers to development meeting parking standards where appropriate.

The comments of the Town Council, Civic Society and the written representations received from local residents relating to the highway implications of the proposal are acknowledged.

Access to the proposed residential development would be created between nos 36 and 38 Halloughton Road. The existing access adjacent to no. 42 Halloughton Road which currently serves Springfield Bungalow will be realigned to serve the proposed supporting living units.

A Transport Statement has been submitted with the application which concludes that:-

- the site is accessible by modes of transport other than by private car,
- the housing proposal would generate limited peak hour traffic which would be marginally above the threshold for traffic assessment recommended by the DOT
- A suitable access can be provided through a priority junction to Nottingham Rad which would comply with NCC adopted standards
- The proposed supported living units would generate negligible additional traffic which would not impact on the access or operation of the highway
- The development would not have a detrimental impact on the local highway network (A612, its junction with Halloughton Road and the junction of Halloughton Road and Westgate)
- A review of records does not suggest a significant road safety problem in the area.

Following the initial concerns raised by the Highway Authority the applicant submitted revised plans which propose a visibility splay to the grass verge to the front of nos 36 and 38 Halloughton Road at the access to the proposed residential development together with some minor revisions to the internal roads and footways. It is also proposed to widen the access serving the Springfield Bungalow development from circa 4m to 4.8m for the first 10 metres in line with the comments of the Highway Authority.

The Highway Authority has consequently confirmed that the principle of the development is now acceptable. I note that although some outstanding issues remain which require clarification the Highway Authority is satisfied that these could be controlled and appropriately secured by condition should permission be granted. These issues include drainage of surface water to a publicly maintained system, the limit of the adoption of the highway and the provision of dropped crossing points. Subject to appropriate conditions securing this there is no objection in this regard.

The Highway Authority officer has also confirmed that the level and timing of trips to and from Springfield Bungalow raise no concerns given the proposed improvements to the existing access.

With regards to parking provision, this equates to circa 1 space per one or two bed dwelling and 2 spaces for 3 bed properties. 4 visitor/staff spaces and an ambulance space would serve the proposed supported living units.

The Highway Authority has raised no concerns with regards to the parking provision for both elements of the proposal. It has confirmed that any comments made are in accordance with national and local highway guidance.

Taking account of the above considerations it is therefore considered that the proposal would not result in any detrimental impact upon highway or pedestrian safety in accordance with policies SP2, CP9, DM5, So/Ho/2 and TA3 and TA4.

## Ecology

Paragraph 116 of the NPPF outlines that in determining applications LPS should conserve and enhance biodiversity. Permission should be refused for proposals which result in significant harm which cannot be adequately be mitigated for and opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the DPD states that significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures) provided, where they cannot be avoided.

Policy E3 of the amended SNP outlines criterion in relation to Green Infrastructure and biodiversity. Of particular reference to this application is that development proposals must demonstrate how biodiversity will be conserved and enhanced, the creation of additional habitat space, the provision of buffer strips and replacement planting.

The comments of NCC Policy are noted with regards to the extent of the survey undertaken. An extended survey has been subsequently undertaken in line with these comments which include the site of the bungalow. The Nottinghamshire Biological and Geological Records Centre (NBGRC) have been consulted which confirm that the site is not a statutory or non-statutory site and has not been identified as containing any mapped habitats of any significance.

The extended survey also confirms that there are no recent records of reptiles within the locality.

The extended ecological survey concludes that the site does not contain features that would be of potential interest to wildlife and that the site, having been cleared as part of land management, is relatively inaccessible to significant wildlife except for birds and possibly bats.

There are some marginal areas that will provide feeding for invertebrates, in particular butterflies or moths. No evidence of protected species or well established habitats that may support significant populations of protected species has been identified on the site.

The level of biodiversity within the footprint of the development site area is now considered to be relatively low. There are no significant habitats on this land identified that will be lost as a result of any change of land use and the site is not positioned so as to provide a strategic or important linkage between nearby sites of ecological interest.

The development would require the removal of two trees on the east boundary and cutting back of some short stretches of boundary Hawthorn hedgerow. Suitable planting and habitat creation around the marginal areas, particularly the south west and west of the site will help to promote the diversity of these areas.

A condition to encourage works outside the bird nesting season or control works within it is recommended. In addition it is recommended that a condition be attached to any permission to secure that the mature Poplar tree identified for removal should be checked once again prior to felling to ensure there are no roosting bats present.

Subject to conditions I am of the opinion that in taking account of the results, conclusions and recommendations of the extended ecological survey, the proposal would not result in such an impact on the biodiversity of the area to justify refusal on these grounds either in its own right or taking account of any cumulative impact with the nearby Miller homes development. The proposal is therefore considered to accord with policies CP12, DM7 and E3

### **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.

With the exception of affordable housing all developer contributions are being provided fully in accordance with the Council's SPD. That is not to say that the level of affordable housing provision proposed is unacceptable, albeit it is necessary to understand the context of the type of affordable or 'community' housing which could be secured.

### *Affordable Housing*

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met.

In circumstances where only housing is proposed one would normally seek to secure 11 no. affordable housing units (30% of the 38 units proposed). In this particular case the proposal involves the 'gifting' of a bungalow and its curtilage to Reach. For the avoidance of doubt there are several issues with this position in policy terms:

1. Independent living does not provide affordable housing  
The Reach Project is a registered charity and not a registered provider. The provision of units via this project does meet the definition of affordable housing. It is accepted that such provision would meet an important community need, albeit not an affordable need.
2. The proposal does not propose actually delivering the Reach units  
The scheme as submitted proposes 2 no. traditional on site affordable units. With respect to the assisted living units what is actually proposed is the land and bungalow being gifted to the Reach Project. It would be for Reach (who are joint applicants) to actually convert the building in the first instance and to fund the extensions to create the bedroom wings proposed. In essence it is reported that the applicant will assist in delivering the project by gifting the asset itself
3. Is it appropriate to provide independent accommodation in lieu of affordable housing and how can it be ensured that what is secured is equivalent to 30% affordables provision?  
Whilst I am clear the Reach project cannot provide affordable housing I am of the opinion that as a matter of principle it is legitimate to accept needed housing provision for a section of the community in lieu of affordable housing provision. The issue is how one can conclude whether an appropriate level of in lieu provision is being secured. Normally an extra care/assisted living house could be swapped on a one-for-one basis for affordable units. In this case there are 12 beds (not 12 units) which could be provided if the bungalow is extended through funding that Reach would need to secure (not that will be provided by this development). Given that one is not comparing like-for-like provision there has been

some difficulty in addressing the issue of whether sufficient quantum's of affordable housing or in lieu provision is being properly secured. The fairest and most objective way to assess this in my opinion was to attach a financial value to the bungalow being gifted, to look at all other S106 contributions being delivered, and to then see (after development profit) whether there was any additional scope left to also secure on-site affordable housing. The only way to do this would be through a viability appraisal.

A viability assessment for the site has been undertaken for the development which has been independently assessed on behalf of the Council. Following much debate, negotiation, and review between the two sets of professionals there remains some professional disagreement in terms of the levels of affordable provision which can be provided in viability terms, in addition to the existing bungalow being gifted to Reach and payment of all other developer contributions. I have replied solely on the views of the Council's own assessors, who have concluded that in their professional opinion the scheme should provide for: 1) the gift of the bungalow; 2) 2 no. on site affordable housing units (1 no. 2 bed and 1 no. 3 bed); and 3). the payment of all other developer contributions. The applicant has now agreed to provide this despite ongoing professional disagreement between the respective viability experts.

Subject to the above being secured via a S106 agreement, and to clauses securing repayment of the value of the bungalow (valued at £600,000) plus indexation to the Council for affordable housing in the event that the Reach project is not delivered within an appropriate timeframe (3 years) it is considered that the proposal is acceptable.

In terms of other developer contributions, the scheme as detailed above is policy compliant in that every requested contribution would be met and secured through the Section 106 Agreement as follows:

#### Public Open Space

The Council's SPD on Developer Contributions sets out that for a proposal of 38 units the following POS provision would apply:

It is noted that as the proposed layout shows areas of landscape buffer zones, meadows and swales this is sufficient to meet the need for amenity green space.

Children's and Young Peoples Space delivered through the payment of a commuted sum would need to be payable calculated as £903.22 per dwelling (index linked to 2013) for provision and £1004.50 per dwelling for maintenance (equating to £72493.36)

Monies would be intended to contribute to either the memorial park or the skate park. This is to be agreed with Southwell Town council.

#### Community Facilities

The SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1181.25 per dwelling (index linked back to 2013) to be sought. Based on the 38 dwellings, a contribution of £50,809.50 is required. The community facility contribution would be in relation to Southwell Leisure Centre



## Education

Paragraph 72 of the NPPF states that *“the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement...”*

NCC have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the additional 8 primary places arising from the proposed development.

Based on this projection an education contribution of £91,640 (8 x £11,455) is sought to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. Secondary school places would be provided for through CIL.

This offer would be met in full and in this regard the proposal accords with Policy DM3, the SPD and the NPPF subject to securing the funds through a S.106 Agreement.

## *Highways*

The HA considers the requirement to enhance some public transport facilities to be reasonable and necessary to make the development acceptable in planning terms. This would satisfy the County Council’s requirements under the Planning Obligation Strategy (April 2014) (PCS). It would require a financial contribution in the region of £32,000 towards sustainable transport measures in terms of enhancements to the nearby bus stops and the provision of strategic pedestrian refuge crossings points.

## *Education and Libraries*

Where development generates a need for additional library provision (in terms of build costs and/or stock) the SPD sets out that a contribution can be sought. However, Nottinghamshire County Council has confirmed that no contribution would be required in this instance.

## *Health*

The site is below the threshold of 65 dwellings for requiring a contribution towards health as set out in the Developer Contributions and Planning Obligations SPD.

## **Archaeology**

Policy So/Ho/2 states that the development will be subject to ‘the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application. This is reflected in Policy SS2 of the amended SNP.

The comments of NCC Archaeology are noted and I and would concur that taking account of the information deposited with the application and the archaeological sensitivity of Southwell the imposition of a condition, should members be minded to grant permission, which would safeguard a level of archaeological supervision of any ground works which take place and any works scaled back or enhanced accordingly.

## **Other Matters**

### *Land Ownership*

A number of comments have been received with regards to issues of land ownership and the validity of the application in relation to the areas of land shown on the revised plans forming the visibility splay to either side of the access to the proposed residential development and to an area of land to the southern boundary with Springfield House.

It is acknowledged that a revised site plan has been deposited during the lifetime of the application which, having taken account of the Highway Authority comments incorporates within the red line an area of land along the grass verge to the front of no.s 36 and 38 Halloughton Road to provide a visibility splay. It also included a minor revision to the red line along the boundary with Springfield Bungalow.

Comments have been received which state that these revisions to the red line boundary of the site invalidate the application, given that the land shown for the purposes of the visibility splay does not fall within the ownership of the applicant and that requisite notice has not been served on the relevant landowners.

Following lengthy discussions between local representatives, NCC and NSDC legal officers, the highway authority and the agent, no clear evidence has been put forward by either party to identify the owner of this land (including the sub soil). The applicant has consequently and without prejudice served notice on both the occupier of no. 36 and 38 Halloughton Road to regularise this matter. Should the occupiers or the highway authority refuse access then this would be a private legal matter between the interested parties. Access is material to the acceptability of the scheme and so for the avoidance of any doubt a planning condition is recommended requiring that this access and splay is provided prior to the commencement of any residential unit.

I am satisfied that due process and consideration has been undertaken with regards to these matters such that determination can be made.

### *Public Consultation*

The comments received with regards with the level and timing of the consultation process that has been undertaken is acknowledged. Consultation has been undertaken in accordance with legislative requirements. Site notices were, a press notice placed in the local newspaper and adjoining neighbours have been originally notified of the proposal and reconsulted on revisions to the scheme.

### *Accuracy of drawings and ability to view documents*

Having visited the site and assessed the proposal against the submitted plans and details I am satisfied that the documents deposited with the application allow a full consideration of the proposed development and its impacts. Plans and documents deposited with the application are available to view on the Councils website and a copy is held at the District Councils offices

### *Use Class of supported living*

I note the comment received with regards to the use Class of the supported living units. Taking account of the Town and Country Planning (Use Classes Order ) 1987 (as amended) I am satisfied that the supported living units would fall within Use Class C2 – residential accommodation and

care to people in need of care, as a level of care will be provided to the residents of the unit. I do not consider that the unit would fall within use Class C 3 – dwelling house.

#### *Impact on infrastructure*

The comments received with regard to impact on the existing infrastructure of the town are noted. However, such matters would have been considered at the time of the sites allocation for residential purposes. Moreover, the provision of enhancements to existing infrastructure will be secured via the developer contributions. It is therefore considered that the number and types of dwellings proposed would not result in such an increase in the number of residents within the town to justify refusal on these grounds.

#### **Conclusion and Planning Balance**

Following the sites allocation through the Local Development Framework, the principle of residential development is considered acceptable. Furthermore the proposed extension and alteration of Springfield Bungalow to provide supported living units is supported in lieu of affordable housing provision, subject to this being secured via a S106 Agreement. On site affordable housing will also be secured, as will all other developer contributions. There are no unacceptable impacts with respect to flooding, character an appearance of the area, heritage, highway, or other issues assessed above.

#### **RECOMMENDATION**

**That full planning permission be granted subject to:-**

- **the following conditions: and**
- **the signing and sealing of a Section 106 Planning Agreement to secure the provision of Springfield Bungalow being gifted to the Reach Project (including relevant pay back clause(s)), on-site affordable housing (2 no. units), and developer contributions for open space, community facilities, education, and transport enhancements.**

A full list of conditions is to follow

#### **BACKGROUND PAPERS**

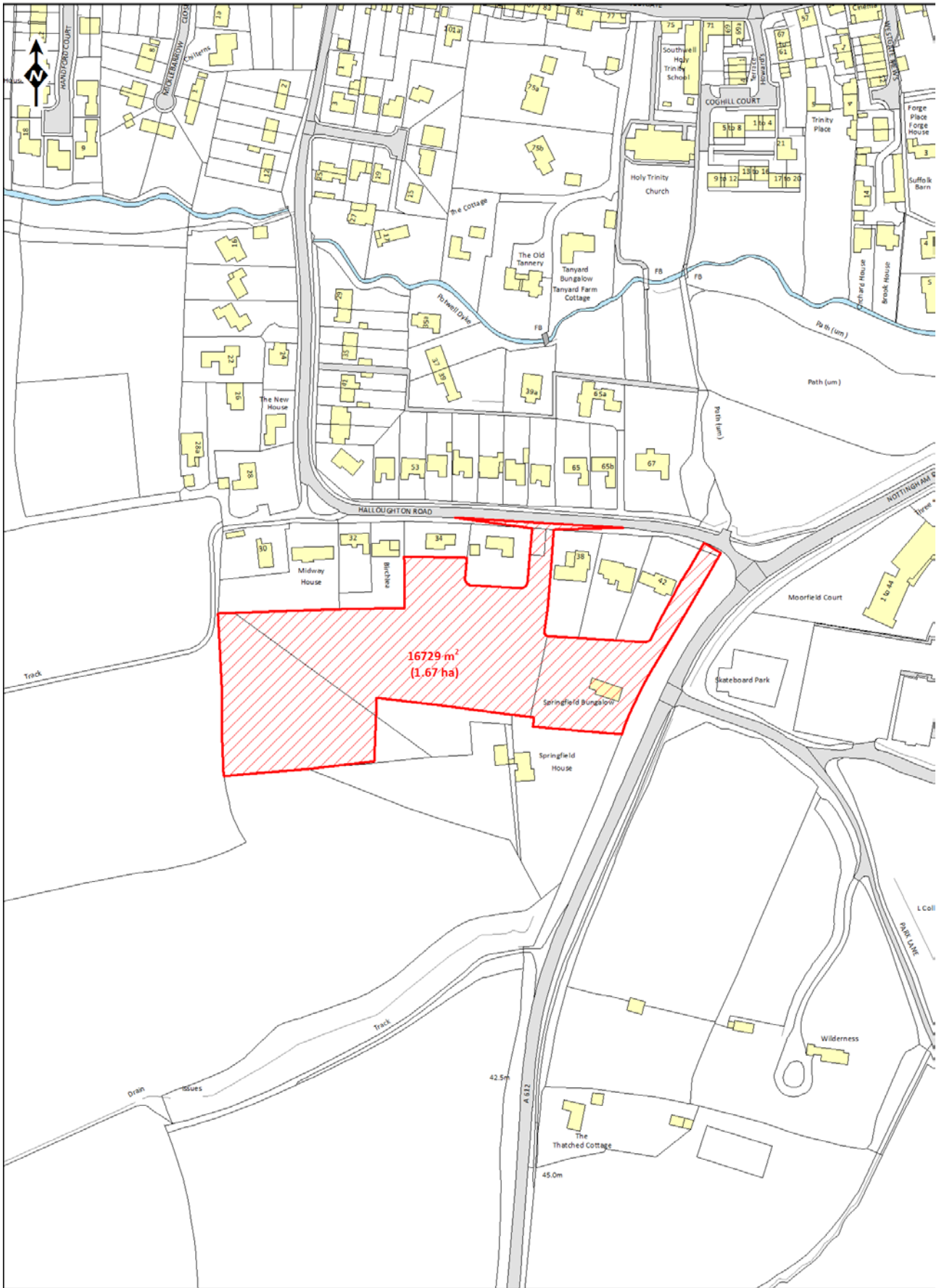
Application case file.

For further information, please contact Bev Pearson on ext 5840.

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

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

Committee Plan - 15/01295/FULM



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**APPEALS A**

**APPEALS LODGED (received between 19/04/16 and 16/05/16)**

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**

That the report be noted.

**BACKGROUND PAPERS**

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant appeal reference.

Matt Lamb  
Business Manager Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3145798	15/01169/FUL	Hearty Goodfellow Public House 81 Church Street Southwell Nottinghamshire NG25 0HQ	Existing store area to be altered into new kitchen with servery, extract (by way of new chimney) and new entrance lobby; new timber pergola structure to existing function room and new external covered seating sheds to end of car park. New bin yard formed to corner of existing garden area.	Written Representation
APP/B3030/W/16/3145809	15/01534/FUL	Land Adjacent To The Croft Great North Road Cromwell Newark On Trent Nottinghamshire NG23 6JE	Detached Dwelling	Written Representation
APP/B3030/C/16/3147921		Field House High Street Holme Newark On Trent Nottinghamshire NG23 7RZ	Appeal against Erection of large scale structure on AGR land play area	Written Representation
APP/B3030/D/16/3148881	16/00184/FUL	Hulleys Close Church Lane Epperstone Nottinghamshire NG14 6RD	Householder application for partial demolition of external wall and removal of chimney stack and proposed single storey rear extension.	Householder Appeal

**APPENDIX B: APPEALS DETERMINED (19/04/16 and 16/05/16)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
15/00975/FUL	9 Deerdale Lane Bilsthorpe Nottinghamshire NG22 8SZ	Siting of Log Cabin for use as Tourist Accommodation	ALLOW	20.04.2016
15/01405/CPRIOR	Fern Hollow Greaves Lane Edingley Nottinghamshire NG22 8BJ	Notification of prior approval for a proposed change of use of existing agricultural building to Class C3 dwellinghouse including creation of a domestic curtilage.	ALLOW	12.05.2016
15/01468/FUL	Land At Quarry Farm Bowbridge Lane Balderton Nottinghamshire	Construction of small industrial units and all associated external works.	ALLOW	06.05.2016
15/01573/FUL	29 Coopers Yard Newark On Trent Nottinghamshire NG24 4UH	Householder Application for replacement windows	DISMISS	19.04.2016

**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](mailto:planning@nsdc.info) quoting the relevant application number.

**Matt Lamb**  
**Business Manager Development**