

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

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 5 April 2016	3 - 11 Exempt 12
5. Minutes of the Special Planning Committee held on 20 April 2016	TO FOLLOW
<u>PART 1 - ITEMS FOR DECISION</u>	
6. 15 and 16 Bramley Close, Southwell (16/00424/FUL) (Site Visit: 9.15am – 9.25am)	13 - 29
7. Land Adjacent 74 Westbrook Drive, Rainworth (16/00240/FUL) (Site Visit: 9.35am – 9.45am)	30 - 39

8.	Yearsley Group, Belle Eau Park, Bilsthorpe (16/00246/FUL) (Site Visit: 9.55am – 10.05am)	40 - 52
9.	Land at Clay Barn, Main Street, Maplebeck (16/00114/FUL) (Site Visit: 10.15am – 10.25am)	53 - 64
10.	Land at Norwell Road, Caunton (16/00382/FUL) (Site Visit: 10.30am – 11.00am)	65 - 81
11.	Southwell Racecourse, Station Road, Rolleston (15/01282/FULM)	82 - 118
12.	The Plough, Main Street, Coddington (15/02253/FUL)	119 - 144
13.	Shannon Falls, Tolney Lane, Newark (15/01770/FUL)	145 - 161

PART 2 – ITEMS FOR INFORMATION

14(a).	Appeals Lodged	162 - 163
14(b).	Appeals Determined	164 - 165

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 F35 at 3.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 5 April 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, , I. Walker, B. Wells Mrs L.M.J. Tift and Mrs Y. Woodhead.

ALSO IN

ATTENDANCE: Councillors: K.F. Girling, T. Roberts, D. Lloyd and J. Lee.

157. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors, Mrs S.E. Saddington and D. Clarke.

158. 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 Councillors	Agenda Item No. 10 – Land at Bowbridge Road, Newark (15/02299/FULM) Personal Interest as the Council owned the proposed development site.
Councillor D.R. Payne and Councillor R. Crowe	Agenda Item No. 7 – 22 The Weavers, Newark (16/00106/FUL) Personal Interest as known to the objector.
Councillor R. Blaney	Agenda Item 11 – Active4Today Ltd, Newark Sports and Fitness Centre, Bowbridge Road Newark (16/00190/ADV)- Disclosable Pecuniary Interest as on the Board of Directors of Active4Today.
Councillor Mrs C. Brooks, Councillor Handley and Councillor Payne.	Agenda Item 10- Bowbridge Road, Newark (15/02299/FULM). Personal Interest as they were on the Board of Newark and Sherwood Homes.
Councillor Mrs M. Dobson, and Councillor Mrs Y Woodhead	Personal Interest- County Council Members.
Councillor D. Payne and	Personal Interest- appointed to Trent

159. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman took the agenda items in the following order- Items 5 to 9, 12, 13, 10, 11, 14, 13a, 14 a & b, 15 and 16.

160. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

161. MINUTES OF THE MEETING HELD ON 1 MARCH 2016

The Committee considered the minutes of the meeting held on 1 March 2016

AGREED that the minutes of the meeting held on 1 March 2016 be approved as a correct record and signed by the Chairman.

162. THE SAWMILL PUBLIC HOUSE, BEACON HILL ROAD, NEWARK ON TRENT (15/01702/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 an existing public house and the erection of two new retail units with associated parking, landscaping and associated works.

A schedule of communication was tabled at the meeting, which included correspondence, received after the agenda was published from applicant outlining the pros and cons of the development.

Councillor T. Roberts and D. Lloyd spoke against the application on behalf of Newark Town Council. It was argued that there were ample retail units in the area and it had not been sufficiently demonstrated that the pub was unviable. It was also noted that extant planning permissions in the area would create a surfit of retail units should the application be approved. The additional traffic movements, and change to traffic patterns would also be detrimental to residents in the area, should the application be approved.

Councillor J. Lee, in accordance with 11.8 of the planning protocol spoke in favour of the application. He argued that there were ample public houses within walking distance from the site, and the area would benefit from retail units with dedicated parking off the main road.

Members considered the application and agreed that the applicant had failed to demonstrate sufficiently that the business was not viable. Members also felt that the design of the proposed retail units was not appropriate for the area.

AGREED (unanimously) that along with Officer recommendation planning permission be refused, for the reasons outlined in the report and the unsuitability of

the design of the proposed retail units in terms of the impact on the visual character and appearance of the area.

163. FIELD REFERENCE 2958, OFF MICKLEDALE LANE, BILSTHORPE (13/00893/FULM)

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 installation of a 3.22MW solar park and associated infrastructure and erection of a 500kw wind turbine measuring 60m to the hub and 87m to the blade tip.

The Business Manager, Development informed Members that the planning application had been presented to the Planning Committee on 7 October 2014 where the National Air Traffic Services (NATS) had issued an objection to the application. Members had resolved that the application be granted, subject to conditions, and NATS continued to formally object on safeguarding grounds. This had resulted in the Secretary of State calling in the application and a public Inquiry is due to be held in May 2016. Since that time, a condition had been negotiated to mitigate harm and it was now the intention for the appellant and NATS to lobby the Secretary of State to withdraw interest in the application. The application was submitted to the Planning Committee for a final resolution and to inform the applicant, NATS and the Secretary of State.

The Committee considered the application expressing their general support. The Local Ward Member did raise concern of the cumulative effect of the number of wind turbines within the area and felt that this should be considered.

AGREED (with 11 votes for , 1 against and 1 abstention) that along with Officer recommendation full planning permission be granted, subject to the conditions within the report which include the Secretary of State rescinding the call in request and referring the matter back to NSDC for a decision.

164. 22 THE WEAVERS , NEWARK ON TRENT (16/00106/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 demolition of an existing single storey side extension and rear conservatory and construction of a two storey extension to side and single storey extension to the front, rear and side, with new French doors to the rear elevation at first floor level. Members noted a previous application which had been granted in 2013 but had now lapsed.

A schedule of communication was tabled at the meeting, which included correspondence, received after the agenda was published from Newark Town Council raising objections to the application on the basis of over intensification and overbearing to neighbouring properties.

Councillor T. Roberts addressed the Committee on behalf of Newark Town Council arguing the application was too large and would nearly double the footprint of the existing property. Councillor K. Girling, Local Ward Member, also addressed the Committee and stated that he felt this application was too different from the previous original application to be approved, and would be represent a significant change for neighbours in the area.

Members considered the application, and noted that in fact much of the proposed work could be undertaken under Permitted Development Rights, and it was argued that by approving planning permission with associated conditions there would be more control for prevent negative impact on neighbours. It was suggested that a condition be included to prevent the use of the garage roof as a balcony area.

AGREED (with 11 votes for and 2 votes against) that along with Officer recommendation, full planning permission be granted with the conditions contained within the report and subject to an additional condition preventing the garage roof space being used for ancillary purposes such as a balcony area.

165. 5 QUEEN STREET, BLADERTON, (16/00178/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 retention of a bungalow and erection of a four bedroom house with attached double garage, the formation of a new vehicular access from Marshall Court and associated parking spaced repair and part demolition of Queen Street boundary wall and erection of railings.

Councillor Mrs L. Hurst of Balderton Parish Council addressed the Committee raising objections on behalf of Balderton Parish Council. Councillor Mrs Hurst also presented Members of the Committee with some photographs of the application site and surrounding areas. She explained that there were no objections to a property on the site as accessed from Queen Street, however, access from Marshal Court was not appropriate and would impact particularly on the resident of no. 7 Marshal Court.

Members were in general agreement that this application with a four bedroom house and access from Marshal Court was not supportable. Members felt that the proposed property was too large for the site and the proposed access from Marshall Court was not suitable and would negatively impact on the property of no.7 Marshall Court. It was therefore proposed and duly seconded to refuse the application against officer recommendation.

AGREED (unanimous) that contrary to officer recommendation, full planning permission be refused for reasons of a compromised access, which would lead to unacceptable conflict with pedestrian movement and the over intensification of the site resulting in a cramped form of development with inadequate amenity area.

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

Councillor	Vote
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	For
D. Clarke	Apology for absence
R.A. Crowe	For
Mrs M. Dobson	For

G.P. Handley	For
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	Apology for absence
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

166. THE OLD VICARAGE, CHURCH LANE, SOUTH SCARLE (15/02125/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for construction of a garage, lean to building and all associated external works.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published including an email Councillor D. Clarke, comments from a resident at a neighbouring property and a letter in objection from a resident.

Prior to the Committee considering the application, the Deputy Chief Executive advised that they should disregard the contents of the email from Councillor Clarke as it could be deemed to constitute lobbying contrary to the provisions of paragraph 7.9 of the protocol for Members on dealing with planning matters.

Mr Severn addressed the Committee representing the views of South Scarle Parish Meeting. He stated that at a meeting where 40-50 residents attended, residents voted against the application as it was considered overbearing to neighbouring properties and too similar to a previous application which had been refused. It would also damage views in the area.

Members considered the application and felt that the proposed development would negatively impact on the amenity of the area, impacting the legible grouping of buildings within the conservation area. Members also queried whether it could be requested that the significant amounts of rubble that had been viewed during the site visit be removed. Members raised concern over the possibility of creeping development on the site and felt that it should be monitored closely. It was proposed and seconded to refuse the application, against officer recommendation.

AGREED (with 12 votes for and 1 abstention) that contrary to officer recommendation, full planning permission be refused on the basis that the building was not significantly different in terms of its impact to the visual and character concerns identified by previous Inspector, in respect of the previous application on the site which had been refused on appeal specifically the prominent, urbanised and cramped form of development within a grouping of well-defined and legible buildings in the Conservation Area.

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

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

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

This item was deferred pending a site visit to the proposed development site.

168. HOLLY FARM SHOP, GREAT NORTH ROAD, CROMWELL (15/01706/FUL)

Councillor R. Blaney left prior to the consideration of this item. Councillor B. Wells left during the consideration of this item.

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for change of use from A1 to C3 dwelling with front extension and rear conservatory and to create new access from the highway.

Mr Swift, Chairman of Cromwell Parish Meeting addressed the Committee in support of the application. He stated that historical use had proved that the building was not viable for use as a shop, particularly given the service station within Cromwell. The site had not flooded recently, and for the building to be in use would be preferable to a derelict building and help prevent fly-tipping within the village.

The Committee considered the application and felt that for the reasons expressed by Mr Swift, that application should be approved contrary to officer recommendation. It was therefore proposed and duly seconded that planning permission be granted.

AGREED (unanimously) that contrary to officer recommendation, full planning permission be approved subject to conditions which shall be delegated to officers and include material, plan reference, and removal of permitted development rights.

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

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

169. LAND AT BOWBRIDGE ROAD, NEWARK ON TRENT, (15/02299/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for an 'extra care' residential development for the elderly consisting of 60 single and two bed apartments and the associated communal spaces.

In considering the application, Members noted the Highways requirements around adopted/un-adopted roads on the site, particularly in relation to any further future development on the site. The Committee welcomed the application.

AGREED (unanimous) that in accordance with Officer recommendation, full planning permission be granted with the conditions contained within the report

170. ACTIVE4TODAY LTD, NEWARK AND SHERWOOD FITNESS CENTRE, BOWBRIDGE ROAD, NEWARK ON TRENT (16/00190/ADV)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the erection of a hoarding sign.

The Committee considered the application, noting the applicant was the District Council. It was suggested that the sign be used for other site developments if appropriate, such as the Extra Care facility.

AGREED (unanimous) that in line with Officer recommendation, Planning Permission be granted with the conditions detailed in the report.

171. RESPONSE TO THE GOVERNMENTS TECHNICAL CONSULTATION ON THE IMPLEMENTATION OF THE HOUSING AND PLANNING BILL

The Committee considered the report of the Deputy Chief Executive seeking comments to include in the Council's responses to the Governments technical consultation on the proposed approach to implementing the planning provisions in the Housing and Planning Bill. The Committee considered the report and made the following comments:

- The Committee raised concern over the lack of time available to make comments on the consultation;
- Local Planning Authorities should be able to increase planning fees in line with inflation if above performance target;
- With regard to fast-track services, the Committee felt that it was not appropriate to 'fast track' a planning judgement. However use of the pre-application process and involvement of Local Ward Members could help speed up the process of planning application;
- The setting of specific deadlines for the neighbourhood planning process was supported; and
- The Committee did not support the proposal to test competition within the planning process as they felt there would be a loss of democratic oversight and the local knowledge provided by officers and members was important. Members also questioned whether a conflict of interest may arise with the approved provider.

The Members agreed that the comments be incorporated into the response prepared by the Deputy Chief Executive and the Business Manager-Development. These would be combined with the responses from the Economic Development Committee who had also considered the report.

AGREED (unanimously) that:

- a) the contents of the report be noted; and
- b) the proposed comments outlined in the report and the comments from the Committee are used as the basis for the District Council's response.

172. APPEALS LODGED

NOTED that the report be noted.

173. APPEALS DETERMINED

NOTED that the report be noted.

174. EXCLUSION OF THE PRESS AND PUBLIC

AGREED (unanimously) that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 and 4 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

175. HIGHFIELDS APPEAL INFORMATION

The Committee considered the exempt report presented by the Deputy Chief Executive in relation to the Highfields Appeal Decision.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972).

176. ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

The Committee considered the report of the Deputy Chief Executive listing the exempt items considered by the Committee for the period 20 May 2015 to date. The Committee agreed that the report considered on 7 July 2015 relating to enforcement action should remain confidential. The Committee felt that the report considered on 2 February 2016 regarding land at Southwell Road, Farnsfield could be released into the public domain.

AGREED that:

- (a) the report considered on 7 July 2015- Enforcement Case No. 12/00400/ENF remain confidential and exempt; and
- (b) the report considered on 2 February 2016- Land at Southwell Road, Farnsfield , be released to the public.

The meeting closed at 7.22pm

Chairman

Application No:	16/00424/FUL	
Proposal:	Demolition of a pair of semi-detached houses and a garage and replacement with three new dwellings and associated access and parking (re-submission of 15/01321/FUL)	
Location:	15 and 16 Bramley Close Southwell Nottinghamshire NG25 0JB	
Applicant:	Mr John Wills	
Registered:	11.03.2016	Target Date: 06.05.2016

This application is presented to the Planning Committee for a decision as the recommendation is contrary to the Town Council’s views and because it has been referred by Cllr B Laughton in light of the TC concerns.

The Site

The application site is a corner plot at the junction of Easthorpe and Bramley Close within the urban boundary of Southwell. The site currently comprises the residential curtilages of two semi-detached properties; 15 and 16 Bramley Close. The surrounding area is predominantly residential in nature albeit Crew Lane industrial estate is relatively nearby to the east and Easthorpe itself includes a variety of uses such as a public house and petrol station. Bramley Close is a cul-de-sac arrangement with semi-detached properties of similar 1970s character to the existing properties within the application site (acknowledging that no. 15 Bramley Close has been previously extended). The existing dwellings are orientated northwest towards Easthorpe (as are no.s 17 and 18) with pedestrian access from a pavement separated from the highway by a belt of planting and grassed area.

Relevant Planning History

The application has been submitted as a re-submission of a previously withdrawn scheme of a similar nature (planning application reference 15/01321/FUL). The scheme was withdrawn to allow for further discussions on the design of the scheme.

The Proposal

The proposal seeks full planning permission to demolish the existing two dwellings within the site and erect three new dwellings with associated access and amenity space. Two of the dwellings would have three bedrooms whilst the other would have two bedrooms. The proposed dwellings

would be laid in a terrace arrangement orientated with their principal elevations towards Easthorpe albeit the most easterly property would have a dual frontage to both Easthorpe and Bramley Close (the previously withdrawn scheme featured the dwellings orientated towards Bramley Close). It is proposed that accommodation is set across three floors with the second floor being served by roof dormers; one on the south east elevation and three on the north east.

The maximum pitch height of the dwellings is approximately 8.2m with eaves height to around 4.8m.

The application has been amended during the life of the application to remove Juliet balconies and provide further detail on proposed boundary treatments as demonstrated on plans received on 14th April 2016. It is on the basis of these plans that the following appraisal is framed.

Departure/Public Advertisement Procedure

Occupiers of ten 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 13: Landscape Character

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 DM3 – Developer Contributions and Planning Obligations

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- 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 TA5 – Parking Strategy
- Policy HE1 – Housing Type and Density

Consultations

Southwell Town Council – Southwell Town Council Planning Committee agreed to object to the above planning application and will ask Cllr B. Laughton to call this into the next NSDC Planning Committee. The Planning Committee object to the application on a number of grounds:

- Lack of privacy – particularly with the dwelling being 3 storeys, this has an impact on the privacy of neighbouring two storey dwellings as the main living space is on the 1st floor. Balconies also impact on the privacy of neighbouring dwellings.
- Parking and car movement will become a major issues in an area where there are already known problems for car access and parking.
- Massing of building, and general over bearing nature of properties. The properties are three storeys and neighbouring properties are all two storey semi-detached. The new proposed dwelling will be out of character to the rest of the streetscape.

Cllr Bruce Laughton has also referred the application to Planning Committee on the basis of the Town Council comments.

NCC Highways Authority – This proposal is to replace the existing two houses with three new dwellings, which includes a new shared access and reinstatement of the existing access onto Bramley Close. The existing upper fencing above the low wall is to be removed for a distance of 2m from the access point to improve visibility.

The layout as shown on drg. no. (20)102 Rev. E is acceptable to the Highway Authority subject to the following conditions being imposed:

1. The shared private driveway shall be laid out to a width of not less than 4.25m for at least 5m back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance with details to be first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the highway

boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development. Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

4. No part of the development hereby permitted shall be brought into use until the improvement to visibility from the proposed access, as shown on drawing (20)102 Rev. E is provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

5. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent and as shown on plan (20)102 Rev. E is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the LPA. Reason: In the interests of highway safety.

Notes to applicant

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

The minor access reinstatement works referred to in Condition 5 above involves work on the highway and as such requires the consent of the County Council. Please contact (0300) 500 8080 to arrange for these works to be carried out.

Environment Agency – According to the EA Flood Zone maps the site lies in Flood Zone 1 but Flood Zone 3 runs down Easthorpe street. The applicant would be advised to carry out local research to establish whether this area and particularly this plot has ever experienced flooding.

NCC Flood – No objection.

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.

Severn Trent – No comments received.

Anglian Water – No comments received.

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

NSDC Environmental Services (Contaminated Land) – The applicant has included a Radon Risk Report with the application documents and this has confirmed that the site is within a radon affected area. Whilst there is no requirement to include radon protection under Building

Regulations, it would be prudent for the applicant to consider incorporation of basic protection measures, such as a radon resistant membrane within the buildings foundation construction.

Nottinghamshire Wildlife Trust – Thank you for consulting Nottinghamshire Wildlife Trust on the above. We note that this is a resubmission of 15/001321/FUL and our comments on the earlier application remain valid and unchanged.

We are pleased to note that a Protected Species Survey has been carried out, with the report submitted for review. We are satisfied with the methodology and conclusions of the report. Provided the following recommendations are followed, ecological impacts are considered unlikely:

- In the extremely unlikely event of a bat(s) being found during this or any other works, the work should stop immediately and the procedure outlined within Appendix 2 followed.
- Vegetation clearance works will be constrained by the bird breeding season i.e. avoiding March to September inclusive
- Nest boxes for common bird species should be installed on the new building and in the retained trees in order to compensate for the loss of bird breeding habitat from any loss of vegetation
- The pond should be hand dismantled by students from Nottingham Trent University and amphibians carefully removed from the area of works. Any common amphibians which are found following this during the times of the works should be carefully removed by hand to areas away from the works, such as under scrub habitat not to be affected by the works. Gloves should be worn to avoid touching amphibians by hand.

Southwell Civic Society – We object to this application.

The development is overscaled and significantly closer to the adjacent property than the existing building. It overlooks the neighbours at Nos 13 and 14 from the first floor living rooms seriously comprising the resident's privacy contrary to NSDC's Local Development Framework, Householder Development Supplementary Planning Document, Clause 7.11

Car movements are a worry in a location that already has parking problems near the junction with Easthorpe.

Finally the flood report, while well intentioned, has several statements, which need to be addressed. It says there is no reported surface water flooding in the vicinity, however the NCC flood report shows there was. The report claims that it is "unlikely the development will *not* cause any significant flooding to neighbouring properties" and in one paragraph it says, "driveway and parking will be impermeable".

Two letters of objection have been received, details of which can be summarised as follows:

- Overbearing Impact
 - The three storey dwelling will be higher than its surrounding dwellings
 - The fact that a 3 storey development has been proposed demonstrates that 3

houses are completely unviable for a plot of that size

- The proposed dwellings have a significantly larger footprint than existing and are close to neighbouring boundaries
- There will be an increase in population, case and associated activities
- Not enough parking provision – parking on the road is already a problem especially when there are events on at Easthorpe Hall
- The turning facilities for the vehicles are inadequate
- Windows will overlook neighbouring properties via windows on the rear and SW elevation
- The plans show living rooms at first floor each with French doors – the view from these doors would look into the rear of neighbouring properties
- Significant excavation could result in subsidence
- Flooding is an issue in the area
- The Surface Water Report overlooks comments regarding Easthorpe being a level 3 flood risk and makes reference to surface water run off going into Easthorpe Road
- The greater footprint of the dwellings will lead to a smaller permeable area
- The design is not in keeping with the surrounding area and the scale and massing does not reflect the surrounding area
- There are no benefits of the proposal to the Town of Southwell

Comments of the Business Manager

Principle of Development

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Southwell as a Service Centre. It is intended that Service Centres will act as a focus for service provision for a large local population and a rural hinterland. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan. Notwithstanding this, I am conscious that the site already accommodates a residential use albeit the current proposal would introduce an extra unit. This additional unit offers the opportunity to contribute the District's Housing supply. Given the current level of uncertainty regarding the Council's five year supply, this is undoubtedly an added benefit of the scheme to which weight should be attached.

Core Policy 3 of the Core Strategy states that development densities should normally be no lower than an average of 30 dwellings per hectare net. Based on the site area of 0.07 hectares the density of dwellings proposed would amount to almost 43 dwellings per hectare. Nevertheless,

whilst the proposal would be numerically compliant with Core Policy 3, the weight that this will hold in terms of the benefit of the scheme will be limited as it is considered more important to ensure that the increased density in comparison to the existing use can be contained within the constraints of the site owing to existing surrounding residential development.

Policy So/HN/1 seeks to ensure that the majority of new housing on windfall sites within Southwell will be one or two bedroom units in line with the identified housing need. Two of the three proposed units would have three bedrooms with the other unit being two bedroom. The additional dwelling in numerical terms therefore complies with the intentions of Policy So/HN/1. I am mindful that this proposal essentially relates to the replacement of two existing residential units, both of which are three bedrooms. The net addition to the housing market would therefore be one additional two bedroom unit. I feel on the basis of the existing site circumstances it would be unreasonable to insist that all of the proposed units were in line with Policy So/HN/1.

Southwell Town Council have submitted to Newark & Sherwood District Council (on the 2nd November 2015) a neighbourhood plan setting out a range of policies and proposals relating to the parish of Southwell. Following appointment of an Independent Examiner in agreement with Southwell Town Council the plan and representations have now been examined by an Independent Examiner. It is understood that at the time of writing that Full Council will shortly be considering a proposal regarding the Independent Examiners Report into the Southwell Neighbourhood Plan. Full Council will be considering whether or not to accept the Independent Examiners modifications and hold a referendum on the amended Plan.

Whilst at the time of writing neither Southwell Town Council nor the District Council have agreed to the Inspector's proposed modifications, the Inspector has concluded that 'I am pleased to recommend that the Southwell Neighbourhood Plan 2015-2016 as modified by my recommendations should proceed to referendum'.

Therefore in determining this application due consideration has been given to the policies of the Southwell Neighbourhood Plan as amended by the Independent Examiner.

Impact on Character

Notwithstanding the existing residential nature of the site, the proposed development would fundamentally alter the character of the site through additional foot print and an increased maximum pitch height. The full two storey bulk of the proposed development would be brought closer to the boundary with Bramley Close with the existing scenario featuring a single storey conservatory. One of the concerns raised during the deliberations of the previously withdrawn application was how the end dwelling addressed the street scene being on a corner. It is my view that the revised plans submitted with the current application have given this careful consideration such that there will be visual interest to the elevations fronting both Bramley Close and Easthorpe. Further details have been requested regarding the boundary treatment against the street scene (particularly with reference to the Bramley Close elevation given the purpose of this area of the site for amenity space). Through a combination of material use including brick piers and timber boarding with trellis fencing, the boundary demonstrates a softened approach which will assimilate well with the street scene.

Bramley Close is fairly uniform in its character (albeit no. 16 has already slightly departed from this character through previous extensions). However, the positioning of the site on a corner plot presents an opportunity to make an honest departure from this conformity introducing a more modern form of development which would be interpreted in the context of the recent development opposite the site along Easthorpe; particularly given the design of the proposal which reflects the opposite modern development in particular in the design of the proposed modestly sized roof dormers. The site is not within the designated conservation area of Southwell nor are there any other designated heritage assets within close proximity which the development would potentially affect. With this in mind, I am satisfied that the site can readily accommodate the design of the dwellings presented.

The existing dwellings within the site have a maximum pitch height of approximately 7.4m whilst the proposed replacement dwellings would be approximately 8.2m in maximum pitch height. This is considered to be a marginal increase which would not readily be perceived due to the design of the dwelling which has incorporated the second floor accommodation within the roof space and is served solely by roof dormers. I note the Town Council comments refer to the development as being three stories in height; however I consider this to be a misrepresentation of the proposal given the second floor rooms are within the roof space.

The Southwell Design Guide within 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.

Impact on Amenity

The impact of development on amenity is a long standing consideration in the planning process and indeed one that is specifically referenced by Policy DM5 of the Allocations and Development Management DPD. I have noted the comments received during the consultation period in respect to amenity concerns. Indeed following an initial site visit, officers raised concerns with the agent acting on behalf of the applicant with regards to amenity impacts. The scheme has been amended during the life of the application in an attempt to address the concerns raised by officers. Specifically the originally proposed Juliet balconies to serve the living rooms at first floor have been removed from the scheme and replaced by single windows. It is acknowledged that the first floor living accommodation may afford a degree of overlooking towards the rear amenity spaces of neighbouring dwellings to the south east. However, given the removal of the balconies I do not consider this to be materially worse than the existing established neighbouring relationships. I appreciate that a living room is likely to be occupied more than a bedroom perhaps but it is my view that it would be very difficult to sustain a reason for refusal purely on this impact. Overlooking would be restricted to rear amenity space with any vantage towards the rear elevations of neighbouring dwellings being at an oblique line of sight.

Comments have been received stating that the proposed units would be too close to the site boundaries which would be overbearing to neighbouring properties. I consider the most sensitive receptor to this impact would be the occupiers of 14 Bramley Close acknowledging the proximity

of the rear elevations to the shared boundary. The closest point of the development would be the corner projection of the most easterly dwelling. However, this would not extend beyond the rear elevation of 14 Bramley Close and therefore its positioning, predominately next to the gable end of the neighbouring property is not considered to amount to an overbearing impact which would warrant resistance of the application on amenity grounds.

The overall increase in units from the existing two to the proposed three dwellings would undoubtedly increase residential activity within the site. However, the site is situated within a sustainable location where residential densities are expected to be high. I do not consider that the addition of a two bedroom unit would lead to a fundamental increase in activity on site the which would lead to an impact on amenity not already experienced. Impact in terms of street parking is discussed below in the highways section of the appraisal.

Plot sizes in the immediate vicinity are by no means uniform, partially due to the cul-de-sac arrangements which lead to variations for corner plots etc. I have carefully considered the amenity provision available to the prospective occupiers noting that this is by no means consistent across the site. I support the approach to allow the smallest private rear amenity space to the smallest two bed dwelling. Whilst in foot print terms it appears that the north easterly three bed dwelling has substantially more private amenity space than the south westerly dwelling, I am conscious that due to the corner arrangement of the plot the quality of this amenity space may not be consistently private. As already discussed however, the applicant has submitted further plans to demonstrate the boundary treatment along Bramley Close and this should assist in the privacy of this area of the garden. Despite the submission of these plans, I still consider it reasonable to attach a condition requesting further details of boundary treatments for the rest of the site. Moreover, through the removal of permitted development rights by condition, any further encroachment into available amenity space could be controlled and more than likely resisted.

Overall, I therefore find that on balance the proposal would be acceptable in terms of residential amenity impacts for both existing and proposed occupiers. The applicant has demonstrated a willingness to strike an appropriate balance through the revised plans submitted. The policy therefore complies with the relevant criteria of Policy DM5.

Impact on Surface Water Flood Risk

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 application has been accompanied by a Surface Water Assessment carried out by Aspect Engineers. In terms of surface water flooding, the report concludes that it is not clear whether soakaways will be a viable option however interest has been shown by the applicant to provide some form of water harvesting for the proposed dwellings which, in addition to permeable block paving and landscaping, will assist in the reduction of the volume of water discharging from the site.

I have noted the comments from the Environment Agency (and indeed referred to during the consultation process) regarding the flood risk levels along Easthorpe. Anecdotal evidence has been provided by the agent to confirm that site has never flooded since he has lived there which has been for many years.

I appreciate that the proposal will lead to an increase in built form within the site with the Surface Water Assessment confirming the permeable and impermeable areas of the site pre and post construction. Table 1 at paragraph 3.6 confirms that the impermeable area within the site will increase from 0.0190 ha to 0.0299 ha. 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. The applicant has shown clear endeavors to consider the impact of surface water run-off and 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.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. The proposal has been assessed by officers at county council highways department and no objection has been raised subject to the imposition of planning conditions. I appreciate that concern has been raised stating that three dwellings would lead to more street parking, however I am mindful that at present, only one of the properties has the ability to park off street. The proposal before Members for consideration demonstrates the ability for each of the proposed dwellings to park off street with a shared driveway. On this basis, I feel it would be unreasonable to refuse the application on this basis of impact on street parking.

At the time of my site visit, there were cars parked on the highway, but in my view this did not result in a detrimental impact on highways safety in any case. The proposal would actually present the opportunity to reduce parking close to the junction through the creation of highways accesses from Bramley Close.

Other Matters

The application has been accompanied by an ecology survey which has reviewed the site in the acknowledgement that the proposal necessitates the demolition of the existing dwellings. Nottinghamshire Wildlife Trust have raised no concerns to the proposal albeit they have suggested a number of precautionary measures outlined in the consultation section above. Given that the site is currently occupied, I consider the potential for an ecological impact to be limited. However a condition has been included to ensure that the applicant adopts the recommendations set out in the ecology report they have submitted in support of the application.

Overall Balancing Act and Conclusion

It is acknowledged that the proposal would intensify the residential use of the site increasing and through its design fundamentally change the character of the site. However, given that the site is within the defined Service Centre where residential development is fully supported, and indeed the scheme contributes positively towards future housing delivery, this in itself is not considered harmful in principle. Through discussions during the life of the application the applicant has amended the submitted plans to address original concerns regarding amenity and visual appearance. It is now considered that, on balance, the revised proposal represents an acceptable scheme for the site and the proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Floor Plans – (20)101 Rev.F
- Ground and First Floor Plans - 20)102 Rev. F

- Second Floor Plan – (20)102 Rev E
- Proposed Site Plan – (20)102 Rev.G
- Proposed Elevations – (20)103 Rev. G
- Street Scenes Proposed Elevations – (20)105 Rev A

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

Reason: So as to define this permission.

03

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

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

04

The shared private driveway shall be laid out to a width of not less than 4.25m for at least 5m back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance with details to be first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: In the interests of highway safety.

05

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

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the highway

boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

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

07

No part of the development hereby permitted shall be brought into use until the improvement to visibility from the proposed access, as shown on drawing (20)102 Rev. G is provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

08

No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent and as shown on plan (20)102 Rev. G is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

09

The development hereby permitted shall not be occupied until the boundary treatments to the road frontages shown on drawing (Street Scenes/Proposed Elevations) reference 20 105 Rev A have been constructed in accordance with the materials to be first agreed in writing by the local planning authority, unless an alternative scheme has been agreed through the approval of a non-material amendment to the permission.

Reason: In the interests of residential and visual amenity.

10

The development hereby permitted shall not be occupied until details of all remaining boundary treatments (not subject to condition 9) have been submitted to and approved in writing by the Local Planning Authority. These details shall include the types, height, design and materials. The approved boundary treatments shall be implemented on site and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

11

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

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

- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of visual amenity and biodiversity.

12

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, 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.

13

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 5 of the Bat Survey undertaken EMEC Ecology dated July 2015 unless otherwise agreed through approval of a non-material amendment to the permission.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

14

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

Class 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

Class G - chimneys, flues etc on a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

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

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

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

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

Reason: In the interests of visual and residential 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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential

annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

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

03

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.

04

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

05

The minor access reinstatement works referred to in Condition 8 above involves work on the highway and as such requires the consent of the County Council. Please contact (0300) 500 8080 to arrange for these works to be carried out.

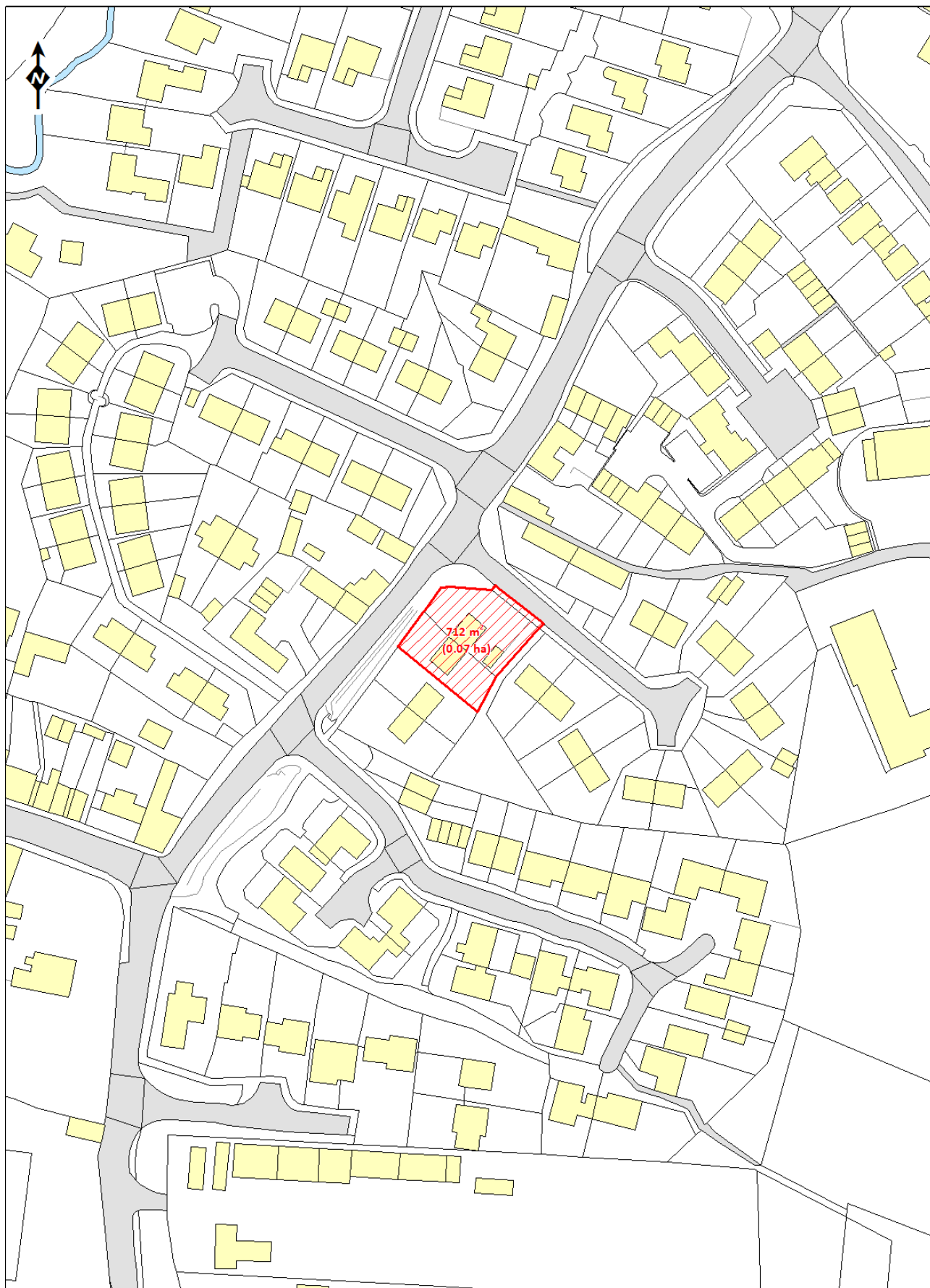
BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	16/00240/FUL		
Proposal:	Proposed detached 2 / 3 bed dwelling		
Location:	Land Adjacent 74 Westbrook Drive Rainworth		
Applicant:	Mr & Mrs Naylor		
Registered:	16.02.2016	Target Date:	12.04.2016
			Ext of Time Agreed: 06.05.2016

This application is being referred to the Planning Committee given that Newark & Sherwood District Council are the land owners.

The Site

The site is situated on a residential housing estate to the east of the centre of the Rainworth, which in accordance with Spatial Policy 1 of the NSDC Core Strategy is defined as a Service Centre. The site represents an area of approximately 220m² of relatively flat grassed land which forms the south eastern part of an area of public open space. The site contains four immature silver birches on the eastern boundary in addition to a Western Power substation enclosed in a pre-fabricated GRP enclosure. To the rear of the site is further grassed area. To the west is a mature lime tree and beyond that a footpath (Rainworth FP1) which provides access from Westbrook Drive through to the Hollies to the north and through Allendale Road to Mansfield Road to the south. Properties within the vicinity are a mix of two storey to the east & west and single storey to the north. All dwellings are predominantly constructed of red brick with concrete roof tiles. The site is situated within Flood Zone 1 in accordance with the Environment Agency Flood Zone map and is not situated within a conservation area.

Relevant Planning History

637922 – Carry out residential development, including shops, layout of roads & footpaths. Approved 1979

The Proposal

Planning permission is sought for the construction of a single storey residential dwelling. The property would have a floor space of approximately 90m² and provide 2/3 bedrooms. The dwelling would feature an open plan lounge/kitchen and a single bathroom. The dwelling has been designed to suit the disabilities of the proposed occupant. The dwelling would have a width of 7.75m, a depth of 13.6m and an overall height of 5.5m. It is proposed that parking be to the front of the dwelling & the applicant has demonstrated that 2 vehicles can be parked off the road. The dwelling is proposed to be constructed from bricks and tiles in keeping with the surrounding area. It is proposed that the property be screened by a 1.8m high close boarded timber fence on the north, eastern & western boundaries. Solar PV modules are proposed to be installed on the

western & eastern roof slopes.

Departure/Public Advertisement Procedure

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

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

Allocations & Development Management DPD

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

Policy DM4 - Renewable & 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

Consultations

Rainworth Parish Council – No objection

NCC Highways Authority – no objection subject to condition

Revised plan SI16/1003/3

The above plan shows visibility splays from a 2.4m set back and demonstrates that the splay to the east is substandard as it does not take into account the obstruction caused by vegetation on adjacent properties. However, it could also be stated that the achievable visibility is very similar to a number of neighbouring dwellings and that of the access to the parking area at the rear of no. 66.

Nottinghamshire Ramblers – Objection

I am responding on behalf of Nottinghamshire Ramblers. I am worried about the lack of detail in this application. Rainworth Footpath 1 must run very close to this proposed development and it is

not clear to me whether the footpath will be affected by the new building. This objection will of course be withdrawn if these fears can be shown to be without foundation.

Western Power – Observations

‘Please see Low Voltage cable in Blue coming out of the Substation and then heading North to the rear. Once planning is approved and the applicant applies to have the cable diverted we will send someone out to trace the exact location of the cable and then provide the applicant with a cost for the diversion.’

Access and Equalities Officer – Observations relating to Building Regulations.

Parks & Amenities Business Manager– Observations

Request Amenity Open Space provision and maintenance contribution for 1 dwelling which is £281.99 for provision and £281.83 for maintenance – a total of £563.82. We would use the funds to improve and maintain open space in the vicinity of the development.

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

- The dwelling will create more traffic issues. There is limited parking in the area & the property would result in more on street parking.
- The dwelling obstructs the walk way to the back of 74 – 66 West Brook Drive
- There is a lime tree adjacent to the plan which I believe is protected. The proposal would weaken the tree and potentially kill it
- The dwelling could result in a loss of light to neighbouring dwellings
- Concerned that the proposal will result in more development on public open space when we currently do not have enough.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the principle of a new dwelling in this location, the loss of public open space, impacts on the character and appearance of the area, residential amenity considerations, highway safety and impact on trees.

Principle of Development

The application site sits within the defined urban limits of the settlement of Rainworth, which represents a Service Centre, as defined by Spatial Policy 1 of the adopted Core Strategy. Spatial Policy 2 outlines the distribution of growth in the District and confirms that the provision of new housing within the main built up areas of the service centres will be supported.

The development is therefore considered to be sustainable, acceptable and in accordance with the Local Development Framework, the NPPF and its Planning Policy Guidance, subject to consideration of the following matters.

Loss of Open Space

The site represents the loss of approximately 220m² of public open space which was provided as part of the development of the surrounding housing in the 1970's/1980's. The site has a role as part of the larger area of 'green space' situated to the south, west and north within an otherwise built up area.

Spatial Policy 8 confirms that the loss of community and leisure facilities "will not be permitted unless it can be clearly demonstrated that:

- Sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better as the facility being lost; and
- There is sufficient provision of such facilities in the area."

The Council's Developer Contributions SPD (October 2008) sets out the thresholds for open space provision. The development proposal is below the threshold, which is set at 10 dwellings and above and therefore this development would not usually trigger an open space contribution. Given the small area of land to be lost the Council's Parks and Amenities Manager has confirmed agreement to a financial contribution to offset fully (in terms of capital costs) the loss of the open space. The Council's Parks & Amenities Manager has calculated a figure of £563 towards maintaining open space in the vicinity of the development. Whilst officers are mindful of the requirement of the applicant to contribute towards the loss of this area of open space consideration must be had to the Section.106 Rule of Five and the potential for such a small contribution to prejudice the ability of the Local Planning Authority to seek other more significant contributions towards open space provision within Rainworth in the future. As such in this instance it is considered that on balance the loss of a modest parcel of public open space which forms part of a larger area to the south and north to be acceptable and in this instance no contribution shall be sought.

Impact on the Character and Appearance of the Area

Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD states that development proposals should achieve a high standard of sustainable design and layout and be of an appropriate form and scale to its context and complement the existing built and landscaped environments.

Properties in the vicinity are in general set back from the roadside with planted areas to the frontage in addition to vehicular and/or pedestrian access to the side/front of the dwelling. The proposed bungalow would approximately follow the building line as defined by properties to the east and would afford a small planted area on the frontage in addition to parking for 2 vehicles.

The design and scale of the proposed building is considered to be acceptable and would be viewed in context with other single storey dwellings situated further to the north of the site. Subject to the use of materials to match those of dwellings in the vicinity it is considered that the property could assimilate into its surroundings.

As such, given the reasoning above it is considered that the proposal would accord with Core Policy 9 of the Core Strategy DPD and Policy DM5 of the Allocations and Development Management DPD.

Impact on Amenity

Consideration has been had for the potential for the proposed dwelling to result in a loss of neighbouring amenity through overlooking, overbearing and loss of light as required by Policy DM5.

The proposed dwelling would be relatively well removed from other neighbouring properties with the exception of No. 74 Westbrook Drive which would be situated approximately 5m to the east. The majority of the built form of the proposed bungalow would be approximately aligned with the two storey gable wall of the neighbouring property. There is a single window contained within this elevation which appears obscure glazed and is therefore assumed to serve either a stairway or a bathroom. Notwithstanding that the use of this window has not been formally established, given the degree of separation and that the proposed bungalow would only have a ridge height of 5m it is not considered to result in a significant loss of light or overbearing to the neighbouring dwelling. Approximately 5m of the bungalow would be situated alongside the garden area of No. 74. However, given the 5m separation and that the roofline along the side of the bungalow would be hipped allowing for an eaves height of 2.5m (approximately 0.5m higher than the existing substation), the proposed dwelling is not considered to result in overbearing of the neighbouring garden area.

The bungalow would be sited to the west of the garden area of No. 74 and as such could result in a small loss of evening sunlight; however again given the separation distance, the design of the bungalow and the presence of the existing substation and 4 silver birches on the boundary the dwelling it is not considered to result in any greater loss of light to the garden area than that which currently exists. All fenestration proposed in the new dwelling would be at single storey level and as such the proposed development is not considered to result in a loss of neighbouring amenity through overlooking.

Policy DM5 also states that new development that cannot be afforded an adequate standard of amenity or creates an unacceptable standard of amenity will be resisted. A relatively modest rear garden is proposed to serve the new dwelling measuring a maximum of 4m in depth and with an approximate area of 65m². I note there are other modest gardens in the vicinity of the site, notably situated to the rear of the bungalows situated to the north of the site in The Hollies. Overall, given the garden would serve a bungalow and provision for off street parking has also been accommodated to the front, it is considered in this instance that an adequate standard of amenity is being provided. Permitted development rights could also be removed as part of any planning permission to ensure a suitable level of amenity is retained.

I therefore conclude that the proposal is unlikely to detrimentally impact upon the amenity of surrounding dwellings and the proposed dwelling would also be afforded an adequate standard of amenity. As such the proposed development is considered to be acceptable in this regard and therefore accords with Policy DM5 of the Allocations and Development Management DPD.

Impact on Highway Safety

Initial concerns were raised by NCC Highways Officer in relation to the provision of suitable visibility splays on the site & the provision of only 1 off road parking space. An additional plan (SI16/1003/3) was submitted by the applicant to address the concerns raised by the Highways Officer. This plan demonstrated the ability to provide parking for 2 vehicles to the front of the dwelling and demonstrated that the splay to the east of the site would be substandard as it did not take account of the obstruction caused by vegetation to the front of neighbouring dwellings, whose height was beyond the control of the applicant. However, on balance the highways officer is satisfied that the achievable visibility is similar that to that of a number of neighbouring dwellings. As such subject to the addition of conditions relating to surfacing and the provision of a dropped kerb no objection is raised to the proposed development.

The proposal is therefore considered to be in accordance with Spatial Policy 7 of the Core Strategy DPD.

Trees

Concern has been raised by a neighbour regarding the potential for the proposed dwelling to cause harm to the existing mature lime tree which is positioned to the west of the building plot. In Accordance with the submitted street scene, the bungalow would be sited approximately 6m to the east of the trunk of the tree and as such beyond the canopy. Typically the root protection zone for a tree extends as far as the canopy. Given that the dwelling would be situated beyond the canopy area for the tree it is not considered that the construction of the dwelling would significantly impact upon the root structure of the tree. A condition shall be added to any future consent requiring that fencing be installed around the tree canopy prior to commencement of works, in the interests of protecting this tree which is considered to positively contribute to the surrounding street scene. Four immature silver birch trees are situated to the rear of the existing substation and would be on the north eastern boundary of the site. Again it is recommended that these be protected during construction to ensure they remain unaffected by the proposed development.

Other Matters

The comments in relation to the proximity of caballing supplying the adjacent substation are noted and this is a matter that will need to be resolved between the applicant and network operator (Western Power). An informative note is recommended to draw the applicant's attention to Western Power's comments.

The comments received from the Ramblers Association are noted; however the proposed dwelling would be situated approximately 11m to the east of the Rainworth Footpath 1 and as such would not result in any loss of accessibility to this route.

The comments from the neighbour regarding the dwelling resulting in a loss of access to the rear of 74-66 Westbrook Drive is noted; however from undertaking the site visit it was not possible to see any access between these properties within the vicinity of the proposed bungalow and it can only be assumed that the location of the proposed dwelling has been misinterpreted.

The comments regarding the proposed dwelling setting a precedent for additional loss of public open space is noted; however it is considered that each application will be viewed on its merits & the current application would not result in a precedent being set.

Conclusion

The proposed dwelling would be located within a service centre where new residential development is accepted in principle. It is considered that the proposed bungalow would not significantly detract from the character of the area, result in a loss of neighbouring amenity nor result in highway safety concerns. Subject to condition the proposed development is considered to be acceptable.

RECOMMENDATION

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

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

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

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

- Proposed Dwelling Drawing Number SI16/1003/1
- Proposed Elevations & Site Plan Drawing Number SI16/1003/2
- Access Assessment Drawing Number SI16/1003/3

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

Reason: So as to define this permission.

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

Reason: In the interests of visual amenity

4. No part of the development hereby permitted shall be brought into use until the drive/parking area is surfaced in hard bound material (not loose gravel). The surfaced drive shall then be maintained in such hard material for the life of the development.

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

5. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway 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.

6. No development shall be commenced until the trees shown on the western & eastern boundaries of the site as demonstrated on the Proposed Elevations & Site Plan Drawing Number SI16/1003/2 have been protected by the following measures:

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

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

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

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

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

Class B: 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: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted

Development) Order 2015 or any amending legislation).

Notes to Applicant

01

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

02

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

The proposed development has been assessed and it is the Council's 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 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).

04

The comments from Western Power Distribution received on 10/03/16 relating to the location of underground cables within proximity to the site should be noted.

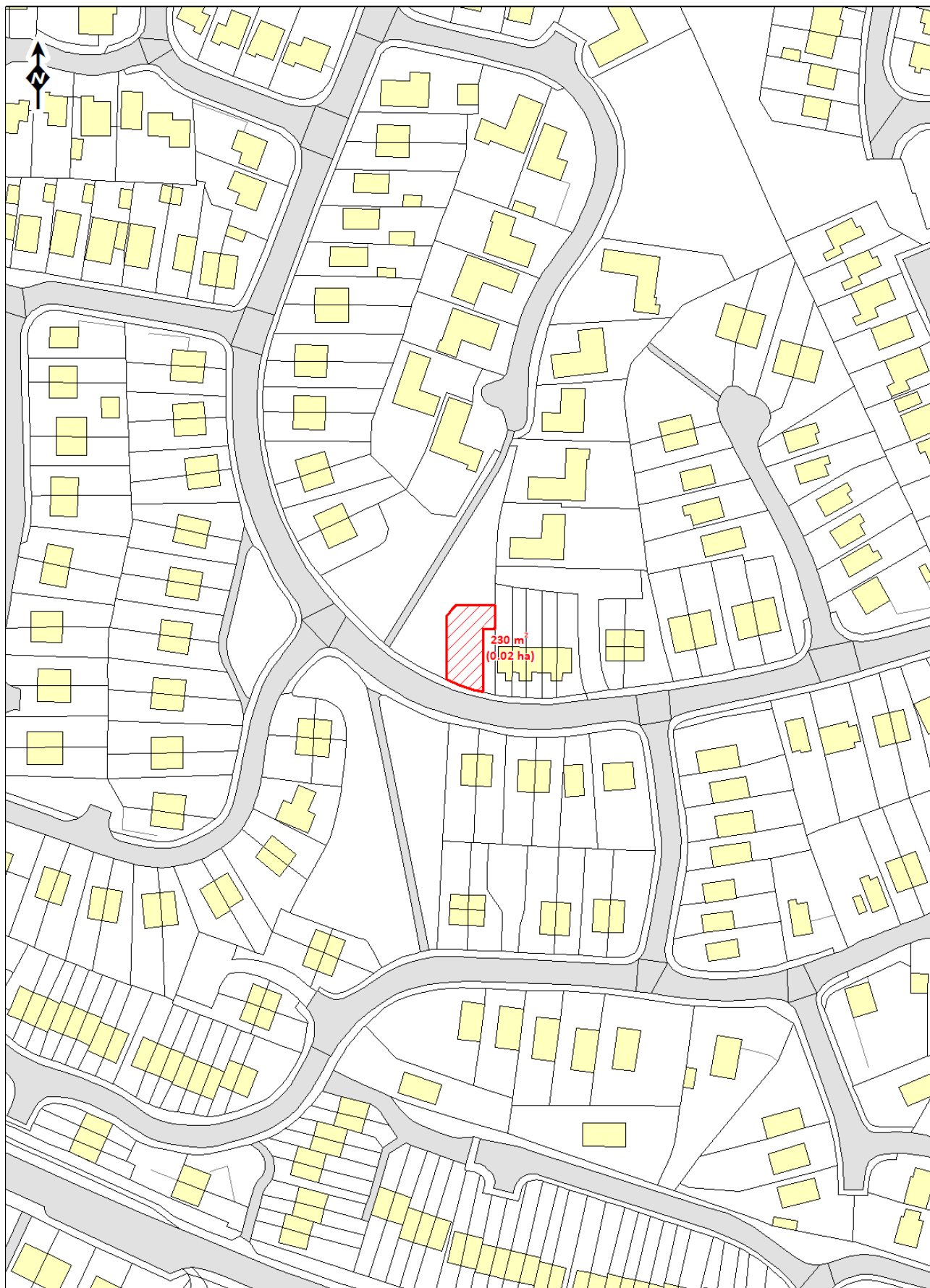
BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	16/00246/FUL	
Proposal:	Erection of external lighting scheme relating to the development recently granted on the application site comprising 41 building mounted lights and 31 column mounted lights (part retrospective)	
Location:	Yearsley Group Belle Eau Park Bilsthorpe Nottinghamshire NG22 8TX	
Applicant:	Yearsley Group	
Registered:	26.02.2016	Target Date: 22.04.2016
	Extension of Time Agreed	

This application is being referred to the Planning Committee for determination by the Business Manager on the basis that the application affects a recent development considered by Members without reference to lighting. It has therefore been deemed under the scheme of delegation that the specifics of the application warrant determination by the Planning Committee.

The Site

The red line site location plan submitted to accompany the proposal is restricted to a modest area on the basis that it has identified the specific location of each of the lights proposed rather than the site as a whole. Nevertheless it is clear that the proposal is submitted in connection with the wider site usage of the Yearsley Group frozen food distribution centre. The site has been subject to recent development including the erection of an additional B8 storage and distribution building and the extension of the facilities which have been operating on the site for a number of years.

The site is located in the open countryside within the Mid Nottinghamshire Farmlands Landscape Character Area. There are trees within and around the perimeter of the site. The site is not within or close to a sensitive area. The Redgate Woods and Mansey Common Site of Special Scientific Interest is the ecological designation in closest proximity to the site and is located 1km north east of the site. The closest heritage assets to the site can be found on the Hexgreave estate which is over 800m south of the application site. The entire site lies within flood zone 1 outside the functional floodplain.

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

Relevant Planning History

15/01135/FULM - Application for the Variation of conditions 2, 4, 6, 16, 17, 18, 19, 23, 24, 25 and 29 attached to planning permission 14/01782/FULM Erection of a total of 26,200sqm floorspace (GIA) for B8 use (storage and distribution) including 1,550sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works. The rationale behind the application is to allow amendments to the solar farm element of the scheme. *Application approved August 2015.*

14/01782/FULM - Erection of a total of 26,520sqm floorspace (GIA) for B8 use (storage and distribution) including 1,750sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works. *Application approved January 2015.*

Other relevant applications include the following:

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

The Proposal

This application is for external lighting relating to the development recently granted on the application site, which is now nearing completion. The lighting will be provided through 31 column mounted LED flood lights plus 41 building mounted LED lights. As indicated by the description of the development the installation of the lighting scheme has already taken place on site.

Departure/Public Advertisement Procedure

Occupiers of 40 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 3: Rural Areas

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Area Policy ShAP1: Sherwood Area and Sherwood Forest Regional Park

Allocations & Development Management DPD

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy 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
- Landscape Character Assessment SPD
- *Institution of Lighting Professionals* - Guidance Notes for the Reductions of Obtrusive Light GN01:2011

Consultations

Bilthorpe Parish Council – ‘Bilthorpe Parish Council objects to the proposal as the amount of lighting is deemed to be excessive and will have an overbearing impact on the area.

The Council also wishes to stress that no work should have commenced without the necessary permissions.’

Kirklington Parish Council – ‘Kirklington Parish Council feels that the light pollution is/will be very intrusive to the area, with the site already highly visible from the main road. Previous levels of lighting had been sufficient. The plans do not clearly state why the additional lighting is required. Although the maps show the siting and types of lighting, there is no further information to explain the reasoning behind the amount and positioning of lighting.

Kirklington Parish Council therefore objects to the proposals and would like it to be noted that there was grave concern about part of the request being retrospective. Work should not have been completed prior to a decision being granted, and is surely outside of process/procedure.’

Additional comments received following review of additional documents submitted during the life of the application:

‘The external lighting report does include some additional information about the need for lighting the approach to the site. Whilst safety reasons are, of course, important, the overall proposals remain intrusive.

Kirklington Parish Council maintains its objection to the proposals as previously stated.’

Nottinghamshire Wildlife Trust – No comments received.

NSDC Access and Equalities Officer – No observations.

NCC Archaeology - No comments received.

NCC Highways Authority – The proposal affects land away from the public highway, so no objections are raised. However, as an advisory note I would recommend that the lighting scheme be designed, installed and retained in accordance with Institution of Lighting Engineers "Guidance Notes for the Reduction of Obtrusive Light"

<https://www.theilp.org.uk/documents/obtrusive-light/>

Environment Agency – Low risk, no comment.

Trent Valley IDB – No comments received.

NSDC Environmental Health – *Original comments sought additional design information which has been received during the life of the application. On the basis of these details the following comments have been received:*

‘The submitted information shows that a detailed assessment of the lighting needs of the site has been carried out whilst full account has been taken of the negative impacts of poorly designed and installed lighting. Mitigation measures have been detailed.

All of my requirements appear to have been addressed and the submitted scheme shows little or no adverse lighting impacts on sensitive receptors.

On that basis assuming the lighting were to be installed and maintained as detailed, I do not think that significant adverse lighting impact would be caused.’

NSDC Environmental Health (contaminated land) – No observations.

NSDC Conservation – ‘Thank you for consulting conservation on this application. We have had previous conservation input into this site for the proposed solar farm and new structures on the site.

Having had a look at the plans I do not think there will be any harm to designated heritage assets.

My previous investigation of this site (please see comments under 14/01782/FULM for a more detailed analysis) suggested that it was barely inter-visible with any designated heritage assets. The site is visible from the edge of the Hexgreave estate. While the setting of Hexgreave Hall and the Dower House are not themselves designated heritage assets, I have considered the importance of their setting to the significance of these designated assets.

In this particular case the proposed lighting columns are clustered around the existing buildings and entrance way of the industrial estate and will be no taller. The effect will not be to create a physically intrusive tall structure/structures but to increase the light pollution and sense of evening presence of the site. Given that the light pollution is not on the Hexgreave estate itself, cannot be seen from the Hall and Dower House, is on a site which already has a night time presence and is separated from the Hexgreave estate by a main road, I believe that any increased

visibility of the industrial estate from the Hexgreave estate will cause only the very slightest of harm to the setting of the heritage assets at Hexgreave park.

The setting of the (non-designated) historic farmhouse within the Belle Eau site has already been radically altered and compromised by the industrial estate around it and I think the addition of further lighting will have only a minimal further negative impact.

Overall the scheme will cause of negligible/ lowest end of less than substantial harm to these heritage assets.'

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

Numerous representations have been received from two neighbours / interested parties which can be summarised as follows:

- Application form is incorrect in stating that work has not started
- Application form is incorrect in stating that the site is within Bilsthorpe
- No justification provided for the lights
- The recent development has changed commercial activity on the site significantly – this application will change the character further and have further impact on residential amenity
- The entire wall of the warehouse would be illuminated – rather than the current building which has been designed to blend with the sky, this would light the night time
- Security could just as easily be achieved by infra-red sources and CCTV
- Temporary lighting by constructors has already had an impact on residential amenity with the assumption that the lighting proposed as this application will be more intense
- The site has been used as a distribution depot for over 20 years with no need for street lighting along the access road – one of the justifications for the previous application was that it would not result in an unacceptable increase in road traffic so cannot see why there is now a need for the lighting
- The columns raise above existing hedges
- Floodlights to light the car parking could be moved further away from residential properties
- Lamps on building exacerbate the impact of the building on the wider surroundings

- Belle Eau Park should not be considered as an industrial estate – there are eight residences sharing a Belle Eau Park address
- There is already too much light pollution in the Belle Eau Park area

Additional comments have been received following re-consultation on the basis of further information submitted during the life of the application:

- The proposed lighting scheme illuminates the exterior of the new building, making it additionally intrusive at night
- The lights shown as only been switched on in emergencies are on all the time
- The lighting impacts upon neighbouring amenity
- A greater number of lower, softer lights should be suggested
- The access road has been used for more than twenty years without mishap regarding health and safety
- The documents are difficult to understand without relevant technical expertise
- The report refers to it being ‘predominantly an industrial site’ – there are neighbouring residential properties
- Reference to artificial lighting already present is unclear as to whether it refers to the lighting installed without planning permission
- Locations of lighting readings should have been agreed with neighbouring properties
- There is no detail as to what an acceptable level of post-curfew building luminance should be
- The baseline conditions were taken on January 27th 2016 when the new lighting was in use
- Although the site has caused sky glow for some time there should be no justification for adding to it
- Lights reflect into neighbouring windows
- Action should be taken against the use of the lights without planning permission

Comments of the Business Manager

Principal of Development

The site is situated within the open countryside as defined by Core Strategy Spatial Policy 3 and Policy DM8 of the A&DMDPD. Policy DM8 confirms that development in the open countryside will

be strictly controlled and limited to certain types of development listed and justified within the policy. The current proposal, for a lighting scheme, does not sit comfortably within any of the types of development outlined. Nevertheless I am mindful of the rationale behind the submission of the current application in terms of the currently ongoing redevelopment of the site as approved by the planning history detailed above. The basis of acceptance for the extant applications was that the development would amount to a proportionate expansion of an existing business contributing to local employment.

Given the association of the lighting with the development approved within the site, I consider it reasonable to accept the development in principle albeit there will be clear implications in terms of landscape and amenity impacts which require further consideration as outlined below.

The NPPF confirms that pollution can arise from a range of emissions including light. Policy DM10 of the A&DMDDPD confirms that development proposals involving the potential for pollution should take account of their potential impacts in terms of the natural environment and general amenity. Furthermore, the Planning Practice Guidance (PPG) provides advice on what factors should be taken account of in assessing whether a development proposal might have implications for light pollution. Should a new development proposal, or a major change to an existing one, have the potential to materially alter light levels outside the development and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces then attention may need to be given to where the light shines, when the light shines and how much light shines. To allow full assessment of the scheme in line with the PPG further details of the proposal have been sought during the life of the application partly on the basis of the original comments from internal colleagues in Environmental Health.

The retrospective nature of the application allows a full assessment of the impacts of the proposal. In regard to this, a site visit has been undertaken in the hours of darkness from the application site, the surrounding area and the residential curtilages of the closest residential neighbours.

The consultation comments received regarding a lack of justification for the proposed lighting are noted. Indeed, given the level of lighting proposed by the application (and the lack of reference to lighting as part of the original proposals to expand the site) this was raised as a legitimate concern with the agent during the life of the application. On this basis, further details have been submitted during the life of the application and have been subject to an additional consultation period. An email was received on 4th April 2016 with an accompanying colour coded plan of the lighting in order to outline the justification for the lights installed. This was then followed by an 'External Lighting Assessment' received on 6th April 2016.

Impact on Countryside

Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by, '*protecting and enhancing valued landscapes*'. In addition to this, paragraph 125 explicitly refers to the potential impacts arising from lighting proposals stating that, '*by encouraging good design, planning policies and decisions should limit the impact of light*

pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

The site is identified within the Landscape Character Assessment as being within the Mid Nottinghamshire Farmlands area. The landscape condition for this area is assessed as being very poor as the 'area has an incoherent pattern of elements composed of arable fields, industrial buildings, busy roads, agricultural buildings, chicken sheds, and caravan sites; there are many detracting features including a section of the A614, scrap yard and recycling area, caravan park, poultry houses, disused coal workings and industrial units. Overall this gives a significantly interrupted area'. Of the recommended landscape actions there is an encouragement for new industrial economy within the area. Nevertheless I am mindful that paragraph 7.55 in the justification to policy DM8 is clear in stating that '*expansion of viable business and recreational uses will be supported subject to site specific assessment. It should be recognised that the expansion of any given site is likely to be limited at some point by its impacts on the countryside*'.

Members will note the comments of NCC Highways Authority which make reference to a document produced by the Institution of Lighting Professionals (ILP). This document is useful in terms of describing the forms of obtrusive lighting which are material to the determination of the current application. In terms of the potential impact on the openness of the countryside, I consider the most relevant of these to be 'sky glow' which is defined as being the brightening of the night sky.

It is my view that the lights most likely to impact upon the countryside in terms of introducing sky glow are those positioned on the building itself, most notably the east and south elevations. Figure 4 of the submitted lighting assessment infers the lighting distribution of the south and west elevation. Figure 11 shows the site viewed from Kirklington Road. The lighting assessment goes on to set out a summary of the likely environmental effects of the proposed development in relation to exterior lighting and their potential significance taking account of the mitigation measures proposed. It states that the luminaries have been carefully selected to minimise any backward light spill onto the surrounding areas. All external lighting is to be controlled with a photocell and time clock such that the lighting will be energized at low ambient lighting and will switch-off during daylight hours. In terms of sky glow, the likely significance is assessed as being minor. This has been accepted by colleagues in Environmental Health utilising necessary expertise in the assessment of the document.

Notwithstanding the technicality of the submitted document, I have taken the opportunity to visit the site in the hours of darkness to assess the impacts of the lighting from a layman's perspective. There is no doubt that the lighting installed is visible on approach to the site from the surrounding highways network. Nevertheless I do not consider visibility in itself to amount to a harmful visual impact to a degree which would be intrusive to the surrounding area. In reaching this view I am mindful that the site has been subject to an industrial use for a number of years. The previous external lighting details have been demonstrated as part of the application submission. Although it is difficult to directly compare with the proposed lighting (notably given a different vantage point and the inability of the proposed scheme to include the original lighting as the recently erected building would block the levels) it is clear to see that the site has not been a wholly dark

environment for a number of years. This is then compounded by the surrounding land uses which include further industrial development immediately to the west of the site.

As part of the assessment, weight has also been attached to the details of justification for the lighting which has been submitted during the life of the application. These relate to the requirements of Building Regulations as well as benefits to Health and Safety and the general operations of the site (for example ensuring that the vehicles are correctly re-fueled during night time hours). I would support the intentions to promote a more sustainable workforce in terms of public transport to the site and the lighting of the access road for pedestrians therefore seems proportionate. I noted during my site visit that the path is marked for pedestrian usage.

On the basis of the above I would concur with the conclusions of the Council's Environmental Health Officer (EHO) with respect to the impact of the lighting on the openness of the countryside.

Impact on Amenity

The site is unusual in that although it occupies a countryside location, there are residential properties in close proximity to the industrial uses which operate within the site. Notably the closest residential dwellings are situated immediately adjacent to the south western boundary of the site. Whilst the potential impacts arising from lighting proposals are not explicitly referred to by Policy DM5, an assessment is implicit through recognition that, *'development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.'*

In the discussion of the design objectives of the lighting along the site access road, the lighting assessment concludes the following:

'By selecting a column mounted street light, mounted at 8m which has very little back spill and is designed specifically to light the road to the front and to the sides. These have been located as such that the luminaire backs onto the residential property to ensure there is no direct light facing the property. The Lighting design shows that at 20m from the road the lux levels generated from the street lights are down to 0.1lux and at 30m from the road they are at 0lux. Thus having no impact on the adjacent property.'

I have taken account of the concerns raised with respect to residential amenity during the life of the application and indeed I have viewed the site from the closest neighbouring property; Belle Eau Farmhouse. Despite the concerns raised, I am not convinced that the authority would have the justification to deviate from the conclusions of the technical assessment in terms of there being a minor significance on light encroachment and trespass (the spilling of light beyond the boundary of the area being lit).

Since 2006 "Artificial Light" has been added to the list of possible Statutory Nuisances in England, Wales and Scotland. The monitoring of such nuisances will be the responsibility of EHOs for which separate guidance is being produced. On the basis that the EHO has assessed the submitted details and found them to be acceptable, I feel it would be very difficult to sustain and defend a reason for refusal against residential amenity impacts. I appreciate that there is potential for a

minor impact on neighbouring properties but I do not consider that the lighting would tip the balance to an unacceptable amenity impact when taken in the context of the recently erected buildings on the site. It is no doubt unfortunate that the original application to extend the operations within the site did not include details of lighting requirements but it is my view that the scheme now presented, as assessed on its own merits, is acceptable.

Other Matters

I am mindful that lighting schemes have the potential to impact other factors such as nearby designated heritage or ecological assets. In terms of the current application I have identified no harmful impacts which would warrant resistance of the proposal on these matters. This is supported by a lack of objection from the relevant consultees listed above.

It is noted that the proposal before Members is retrospective in nature and I concur with the comments of the Parish Councils and neighbouring residents that this is unfortunate. However, Members will be aware that (unless in a Green Belt setting) the retrospective nature of an application is not material to its assessment. Specific comment has been made that enforcement action should have been taken against the lighting of the site for the past 6 weeks or so but this would not have been expedient given that there was a pending application for consideration.

I appreciate the comments received during consultation in terms of the difficulty in assessment of the technical documentation that has been submitted during the life of the application. However, I am content that the authority has the relevant expertise internally to assess these details and reach an appropriate judgement whilst taking neighbouring concerns into due consideration in the overall balance. The EHO officer has responded specifically to the points raised during consultation and confirmed that he is satisfied the points have been addressed satisfactorily in the report.

There appears to have been some confusion in terms of the requirements for emergency lighting with consultation responses inferring that the understanding is for the emergency lights to only be used at times of emergency. Since the submission of the justification document the planning authority have been in discussions with colleagues in Building Control in an attempt to assess the plausibility of the emergency lighting only being switched on at times of emergency. However, it has been confirmed that, to meet the requirements of Building Regulations, emergency lights need to operate when the building is in use. Thus if the building has a 24 hour use then the lights would need to be on all the time (in hours of darkness). The scheme has therefore been assessed on this basis and Members are advised that a condition to control this would be inappropriate.

Neighbouring comments have queried whether the baseline conditions of the lighting assessment were true 'pre new development.' Indeed given the retrospective nature of the application this is a relevant point. It has been confirmed with the agent acting on behalf of the applicant that the baseline conditions used in the assessment did not take account of the proposed lighting. I am therefore content that the assessment of the documentation submitted is representative of the scenario at the site pre the proposed development.

Conclusions and Overall Balance

It is fully appreciated that the retrospective nature of the application is unfortunate given the recent development within the site which would have provided a good opportunity for consideration of lighting impacts as part of the overall expansion of the site. Nevertheless the scheme before Members has been considered on its own merits taking account of additional details submitted during the life of the application. The submitted lighting assessment makes the following summary statement:

'An adequate level of lighting has been provided for site tasks, amenity and security, whilst maintaining a minimal impact on the site surroundings, environment and neighbouring properties'.

Taking account of the above discussion including the comments from relevant consultees, notably the Council's EHO, I am minded to agree with the above statement. The unusual nature of the site in terms of the juxtaposition of residential neighbours is noted but the overall support for the expansion of the site has been accepted by the extant approval and the lighting scheme submitted for consideration is deemed to be proportionate and justified for this use. Without the support of technical expertise I feel it would be very difficult to resist the proposal on the basis of either an amenity impact or an impact on the openness of the surrounding countryside.

RECOMMENDATION

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

Conditions

01

The lighting hereby approved shall be installed and maintained for the lifetime of the development in accordance with the details outlined by the External Lighting Assessment Issued by 24-7 Electrical on 06/04/2016.

Reason: To ensure that the impact of the lighting is emitted as assessed.

02

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

- External Lighting Lux Plot – PN0347-E-96-0M-093 Rev. A
- External Lighting Layout – PN0347-E-96-0M-092 Rev. C
- Operating & Maintenance Manual Volume 2 – Technical Details - External Lighting

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 the permission.

Notes to Applicant

01

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

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

02

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

BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole

Deputy Chief Executive



Application No:	16/00114/FUL
Proposal:	Proposed two-bedroom single-storey dwelling (in replacement of existing independent residential use of building subject of LDC reference 15/00795/LDC)
Location:	Land At Clay Barn Main Street Maplebeck
Applicant:	Mr & Mrs P Andrew
Registered:	25.01.2016 Target Date: 21.03.2016
	Extension of Time Agreed in principle

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

The application was previously reported to Planning Committee on 5th April 2016 but was deferred to allow Members of the Committee to make a site visit. The report has also been updated to include consideration of the Council’s position in terms of 5 year housing land supply.

The Site

The application site forms part of an existing large residential plot on the corner at the junction between Main Street and The Hollows. The site is on the edge of Maplebeck Conservation Area as well as the edge of the built up area of Maplebeck with open countryside to the north and west. There is an existing vehicular access to the dwelling known as Clay Barn at the point of the highway junction between Main Street and The Hollows.

The application site is open in nature and landscaped to a high level, with mature trees running along the boundary with ‘The Hollows’ and the eastern boundary of the site. A public footpath is located approximately 10m to the north of the application site.

Relevant Planning History

04/01800/FUL - Proposed dwelling. Application refused and dismissed at appeal in 2006.

13/00050/FUL - Formation of new vehicular access from 'The Hollows' and closure of existing vehicular access. Application approved.

15/00795/LDC – Lawful Development Certificate for the use of the outbuildings attached to Clay Barn as an independent dwelling (C3 Use). Certificate issued 06.07.15

The Proposal

The proposal seeks 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 would come via a new access track off of the Hollows.

The proposed dwelling would have a single storey L-shape layout spanning 17.7m in maximum width and measuring 12.9m in maximum depth. A raised deck would wrap around the entire dwelling with a glazed balustrade to the east and part of the south elevation and includes steps down to the associated amenity area.

The external finish would be a mixture of timber cladding and facing brickwork on the elevations and traditional clay pantiles on the roof.

The applicant has set out within the submitted Design and Access Statement that the proposed dwelling would, in effect, be a replacement for the independent dwelling within the wider Clay Barn site. This independent dwelling is positioned approximately 60m to the south of the application site and was the subject of the lawful development certificate application Ref. 15/00795/LDC.

The applicant has stipulated that the independent dwelling would not be demolished and removed from the site, but instead the use of the property as an independent dwelling would be relinquished and the property returned to ancillary accommodation associated to Clay Barn. The applicant has suggested that this change could be secured by way of a Unilateral Undertaking and an example of the Unilateral Undertaking has been submitted in support of the application.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

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
- Spatial Policy 3 Guidance note

Consultations

Maplebeck Parish Council – Supports proposal.

NCC Highways Authority – There are no highway objections to this application subject to a condition relating to the surfacing of the driveway being attached to any grant of planning permission.

NSDC Conservation Section – On balance no objection is raised and the following comments have been submitted;

‘The land adjacent to Clay Barn is located within Maplebeck Conservation Area (CA).

Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Such matters are of paramount concern in the planning process. In this context, case-law has established that ‘preservation’ means to cause no harm.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within

the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Assessment of proposal

The proposal seeks to erect a single storey dwelling on land to the north of Clay Barn.

Clay Barn is a historic farm complex originally associated with Watson's Farm, but now converted to residential use. The traditional detailing of the brick structures remains legible, and their group value with the original farmhouse ensures that the former farmstead is a positive building group within the CA. The enclosed land to the north appears to have been historically associated with the farmstead, possibly as orchards and paddocks. As such, the proposal site contributes to the setting and significance of Watson's Farm, and the trees and open aspects of the site contribute to the character and appearance of the CA.

The single storey dwelling proposed is modestly scaled. The form and detailing is simple, and evokes elements of rural vernacular appropriate to the character of the CA being sited away from The Hollows, furthermore, the proposed dwelling is not unduly prominent. The use of simple landscaping, noting the proposed post and rail fencing and hedges, will help to preserve the rural character of the land.

The use of traditional materials such as timber joinery and natural clay pantiles will potentially help integrate the development into the historic and natural environment. The decked area is a slightly alien feature in the context of a rural farmstead, but the low level of the structure and the transparency given in the balcony screen ensures that this addition is not obtrusive.

On balance, Conservation does not object to the proposed dwelling and considers that the scheme will preserve the special interest of the CA in accordance with section 72 of the Act. The proposal is also considered to comply with policy advice contained within DM9 of the Council's LDF DPD and section 12 of the NPPF more generally.

In reaching this view, I have paid special attention to the desirability of preserving the character and appearance of the CA. I have also taken into account the previous appeal decision and the pre-application advice for a modern/contemporary dwelling on the site.

If approved, I would anticipate that full details of all facing materials, joinery, services/accretions and landscaping will be required. Natural clay pantiles of a non-interlocking variety should be used, and natural timber (to be retained) is preferred for all joinery.'

NSDC Access and Equalities Officer – No objections are raised. Recommendations are made relating to the Building Regulations.

Representations have been received from 7 local residents/interested parties which can be summarised as follows:

5 representations write in support the application of the following grounds;

- The proposal would not detract from the visual amenity of the area.
- The development would allow the applicants to stay in the village.
- The proposal would not have any negative impact on neighbouring properties.

- The provision of a two bedroom dwelling would benefit the village.
- The proposal would enhance the viability of the village pub.
- The proposal would allow a new family to move into the existing dwelling, which would support the local primary school, public house and local facilities in surrounding villages.

Two representations make observations on the following grounds;

- Any new build could set a precedent for future of the conservation villages in Newark and Sherwood.
- Draws attention to sections of the Inspectors report for the 2004 application, which describes the site as being located within the Old Orchards of Watsons Farm that contain old varieties of fruit trees as well as being a traditional open space.
- Also highlights paragraph 14 of the Inspectors report which states that personal need cannot weigh heavily in the balance of the public footpath.

Comments of the Business Manager

Principle of development

In regard to sustainable development in rural areas, the NPPF gives guidance on the location of new development and within paragraph 55 states that ‘Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.’ Paragraph 55 goes on to state that such special circumstances would include development of exceptional quality or of an innovative nature.

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages. Other villages, including Maplebeck, are to be assessed against Spatial Policy 3 (SP3) – Rural Areas. This allows limited growth within the smaller rural communities of the District subject to certain criteria.

The first of these criteria relates to the location of new development to be within the main built up areas of villages which have local services and access to other settlements.

The application site is on the north western edge of the village with open countryside to the opposite side of The Hollows. The Core Strategy does not define a settlement limit for Maplebeck and thus the definition of the main built up area falls to be a matter of judgement.

On this point, I note that the discussion of whether the site fell within the main built up area formed much of the debate of the previous appeal decision and the stance taken by the Inspector was that the site did not fall within the main built up area of the village. I concur with the Inspectors opinion on this point and consider the application site to be outside of the main built up area of Maplebeck and as such, the proposal is considered to be contrary to the first criterion of SP3.

Policy SP3 sets out clearly that development away from the main built up areas of the village, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as Agriculture and Forestry. Policy SP3 then goes onto state that the Allocation and Development Management DPD will set out Policies to deal with such applications.

In regard to new and replacement dwellings in the open countryside, Policy DM8 (Development in the Open Countryside) of the Allocation and Development Management DPD states;

‘Planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.’

Planning permission will be granted were it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historical merit. In the interests of minimising visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced.’

The applicant maintains that the proposed development is a replacement dwelling form of development. I note the applicant’s suggestion that the use of the existing independent dwelling could be relinquished and transferred to the proposed dwelling through a unilateral undertaking. However, I am of the opinion that this would be unfeasible and impractical for several reasons that I will now discuss.

Firstly, the change of use of the existing independent dwelling to ancillary accommodation would require planning permission in its own right. Secondly, the existing independent dwelling has not been included in the application site for this application. Therefore there is no provision within this application to change the use of the independent dwelling to ancillary accommodation.

Furthermore the built form of the existing independent dwelling would remain in place and unaltered and the proposed dwelling, which the applicant contends would be a replacement dwelling, would not be sited in a similar position, a requirement outlined in the subtext of Policy DM8. I therefore conclude that the proposed development cannot be considered as a replacement dwelling, but instead must be considered as a new dwelling within an open countryside position.

In assessing the proposal as a new dwelling and having regard to the first criteria of Policy DM8, I am of the opinion that the design of the proposed dwelling is well considered in terms of scale, form and architectural detailing, however it is also my opinion that the proposed dwelling would not meet the high test, of exceptional quality or innovative nature, required by paragraph 55 the NPPF and Policy DM8 for planning permission to be granted for new dwellings within the open countryside.

Given the above, I am of the opinion that there is a fundamental policy objection to the principle of the proposed development at the site.

Landscape Character and Visual Amenity

In regard to the impact on the landscape character, Core Policy 13 is relevant and states;

‘The District Council will expect development proposals to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such developments would contribute towards meeting Landscape Conservation and Enhancement Aims for the area.’

The application site is located within Policy Zone MN PZ 25: Maplebeck Village Farmlands with Ancient Woodlands. This landscape has been identified as having a very good condition and a high level of sensitivity with the Newark and Sherwood Landscape Character Assessment SPD. In terms of the landscape actions for built features, the policy states the first action is to conserve the character by limiting development in this area due to the likelihood of a high impact on the character of the Policy Zone.

I am mindful that the proposed dwelling is set back from the highway and that there are number of mature trees close to the boundary with The Hollows and the northern boundary which would partially screen the proposed development from view. However, as the proposal would result in the addition of residential built form within an open landscaped area, outside of the main built up area of Maplebeck, I am of the opinion that the proposal would not be in keeping with the character of the site or surrounding locality. I therefore consider that the proposal would be contrary to the aims of Core Policy 13 and the Newark and Sherwood Landscape Character Assessment SPD.

Heritage Issues

The site is within the Maplebeck Conservation Area. As such, the impact of the proposal upon the special character and appearance of the Conservation Area must be assessed.

Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD, seek amongst other things, to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

I note the comments from the Conservation team which, having had regard to the scale and design of the proposed dwelling, conclude that, on balance, there is no objection as the scheme has been assessed to preserve the special interest of the CA in accordance with section 72 of the Act.

Given the above, I consider that the proposal would accord with the aims of Core Policy 14 and Policy DM9 and that when assessing the proposed development purely from a conservation perspective, the proposal would be acceptable.

Highway Safety

Spatial Policy 7 states development proposals should provide 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 states provision should be made for safe and inclusive access to new development.

In assessing the impact on Highway safety, I am mindful that the new access drive and new entrance from 'The Hollows', is the same as shown within application 13/00050/FUL, which was granted planning permission March 2013, albeit to serve the existing dwelling at Clay Barn.

I also note that the Highway Authority have not raised any objection to the proposed scheme subject to the attachment of a condition relating to the surfacing of the driveway and I am satisfied that the proposal would allow for sufficient off street parking and turning facilities to serve the proposed dwelling.

As such I consider that the proposal is unlikely to result in any material highway safety issues at the site.

Impact on Amenity

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

In line with the guidance contained within Policy DM8, an assessment of the impact on amenity also needs to be carried out.

In considering the separation distance to the closest neighbouring properties, I am satisfied that the proposed development would not result in any material overbearing or overshadowing impact or result in any material overlooking issues.

I am also satisfied that the proposal would include sufficient private amenity space to serve the new dwelling and that an adequate level of amenity space would be retained to serve the existing dwelling.

The proposal therefore complies with the requirements of Policy DM5 and DM8 in this regard.

Comments from Local Residents

I am mindful that there have been several representations from local residents as well as the Parish Council who write in support of the application on grounds that include the proposal would allow the exiting residents of Clay Barn to remain in the village during the retirement. However, while this may well be the case, I am of the opinion that the personal benefits of the proposal to the applicants do not outweigh the fundamental policy objection of an additional dwelling in the open countryside. Similarly, the potential contribution to local services that would derive from the proposal is not considered to provide adequate justification for the proposed development.

With regards to the comments received with regards to the setting of a precedent should permission be granted, any application received by the District Council will be assessed on its own merits.

With regards to the comments received with regards to the footpath, I am mindful that the footpath is some distance from the proposed building.

Conclusion

While the proposal is acceptable from a conservation perspective and would not result in any material impact on highway safety or neighbouring residential amenity, the proposal is not considered to be a replacement dwelling as defined in Policy DM8 and as such would result in an additional dwelling in the open countryside where dwellings would only usually be accepted where special circumstances exist included where a proposal is of exceptional quality or innovative nature which this is not.

Therefore there is a fundamental policy objection to the principle of the proposed development at the site as the proposal would be contrary to the aims of paragraph 55 of NPPF, Spatial Policy 3, Core Policy 13 of the Core Strategy, Policy DM8 of the Allocations and Development Management DPD and the Newark and Sherwood Landscape Character Assessment.

I am mindful of a recent appeal decision in Farnsfield which suggests the Council is not currently able to demonstrate a five year land supply, based on a conclusion that an Objectively Identified Need (OAN) identified by the Council was insufficient (the OAN suggests a need for 454 dwellings per annum as opposed to an Inspectors suggestion for 550 dwellings per annum) and that there was not a 5 year supply of housing based on this revised housing target position. As a recent appeal decision weight clearly needs to be attached to it.

Whilst we do not agree with the Inspector's conclusions regarding our SHMA it is material that she arrived at them and given that our five year supply is based on figures from April 2015 we cannot be confident at this time that we have a five year housing supply. We are currently collating the monitoring information regarding 2015/16 which will inform a more up-to-date five year supply statement. This is not expected until mid-May 2016. The Council is also currently undertaking a Plan Review, which will provide for a 5 year land supply by bringing forward sites to meet the requirement, including new allocations.

Whilst the Council remains of the opinion that its OAN and ultimately housing target will provide for less than the 550 dpa concluded by the Farnsfield Inspector it does accept that Plan Review is currently not at a stage where a five year supply can be demonstrated and therefore Paragraph 49 of the NPPF is engaged which states if authorities do not have a five year supply for decision making purposes paragraph 14 of the NPPF must be relied upon. This states that in such circumstances the LPA should grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

In other words the presumption in favour of sustainable development means that permission should be granted unless either any consequent adverse impact would significantly and demonstrably outweigh the benefits (assessed against the advice in the Framework as a whole) or specific policies in the Framework indicate that development should be restricted. That does not provide *carte blanche* to necessarily disregard a policy which is deemed to be 'out-of-date'. 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. The task is to set those statutory requirements against the other material considerations that apply in order to arrive at an appropriate balance in favour or against the scheme, always bearing in mind that the advice in the Framework is itself an important material consideration.

In this instance the proposal would result in one new dwelling and therefore a very minimal contribution towards any shortfall in housing land supply. As set out in this report the application site is within open countryside, is not of an exceptional or innovative design. It is therefore considered that in this particular instance the adverse impacts of a new dwelling in an unsustainable open countryside location would demonstrably outweigh the benefits of the provision of a single dwelling where there is a lack of 5 year housing land supply.

RECOMMENDATION

That full planning permission is refused for the following reason:

Reason for Refusal

01

In the opinion of the District Council, the proposed development would result in an additional dwelling within the open countryside outside of the main built up area of Maplebeck. The NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 which strictly controls and limits the types of development in the countryside. The proposed new dwelling would be an inappropriate form of development in the open countryside and the design of the proposal is not of such an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal. ~~There are no other material considerations in this instance that would constitute the special circumstances required to outweigh the presumption against inappropriate development in the open countryside~~ **It is therefore considered that in this particular instance the adverse impacts of a new dwelling in an unsustainable open countryside location would demonstrably outweigh the benefits of the provision of a single dwelling where there is a lack of 5 year housing land supply.** The proposal is therefore contrary to **the sustainability objectives of the NPPF and** Policy DM8 of the Allocations and Development Management DPD (2013) ~~and the sustainability objectives of the NPPF.~~

Notes to Applicant

01

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

02

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

Thus any grant of planning permission or successful appeal against a refusal of planning permission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

Application case file.

For further information, please contact 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.

Kirsty Cole

Deputy Chief Executive



Application No:	16/00382/FUL	
Proposal:	Construction of 6 dwellings and creation of access to new allotments	
Location:	Land at Norwell Road Caunton Nottinghamshire	
Applicant:	Nottinghamshire Community Housing Association (NCHA), Mrs S Michael and Mr J Michael and Ms Lisa Raine	
Registered:	7th March 2016	Target Date: 2nd May 2016
	Extension of Time Agreed in principle	

This application is being referred to the Planning Committee as one of the applicants is a District Councillor.

The Site

This application site relates to circa 0.50 hectares of land forming a larger area of agricultural grazing land located on the southern side of Norwell Road on the eastern edge of the village of Caunton. The site immediately abuts but outside of the Conservation Area boundary.

The site is adjoined to the east by the rear gardens of residential development along Deans Close, comprising of a pair of two storey semi-detached properties at the entrance to the Close with semi-detached bungalows along the boundary. To the west and south the remaining agricultural land levels fall. A development of four detached dwellings lies to the west of the field.

The boundary treatments to the Norwell road boundary consist of hedgerow with several mature trees within the central section of the hedgerow. The boundary with the rear gardens of properties on Deans Close comprises 1.8m high close boarded fencing and hedging.

Relevant Planning History

None

The Proposal

Full planning permission is sought for the construction of 6 no. dwellings and the creation of an access to new allotments. The allotment use is in itself is not subject to this application as it is deemed agricultural use which complies with the existing use of the land.

The proposed dwellings would occupy 0.11 hectares of the site and comprise a staggered terrace of six 2 storey properties with shared accesses from Norwell Road. The development would be served by 11 off street parking spaces with 3 access points from Norwell Road.

To the rear of the dwellings a surface water collection/flow control ditch is proposed.

The proposed allotments would occupy 0.39ha of land to the rear of the proposed dwellings and adjacent to the rear gardens of the bungalows on Dean Close.

A separate access to serve the allotments is proposed between Plot 6 of the development and No. 1 Deans Close.

Revised plans have been deposited on the 14th April 2016 which indicate revisions to the width of the accesses and the relocation of the proposed gates as requested by the Highway Authority.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 2 – Rural Affordable Housing
Core Policy 3 – Housing Mix, Type and Density
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations and Development Plan Development Plan Document (DPD) Adopted July 2013

Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM8 Development in the 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 (NPPF) 2012
Planning Practice Guidance (PPG) 2014
Spatial Policy 3 Guidance Note (September 2013)
NSDC Affordable Housing SPD 2013
NSCD Developer Contributions and Planning Obligations SPD (2013)

Consultations

Caunton Parish Council – The application was considered at the Parish Council meeting last night and agreed, by a majority of 5:1, to support the application, subject to the following:

1. Suitable access/highway provision to take account of the likely number and frequency of entrances and exits to a site where 11 vehicles are in daily use and of the apparent need for at least one vehicle to exit the site in reverse. Norwell Road is a highway along which traffic is known to speed, as recognised by NCC's installation of a speed camera. Visibility on that road is also restricted on the approach to the proposed access.
2. The imposition of measures to prevent parking on Norwell Road for the reasons set out at 1 above.
3. Lighting improvements in the new residential area and its surrounds

NCC Highways Authority – The principle of the development is acceptable, however minor amendments are sought which may be addressed prior to approval or conditioned in accordance with details below.

Following the submission of the revised layout plans no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the 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.

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

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

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No part of the development hereby permitted shall be brought into use until the 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 vehicular crossings 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. 0115 9773496 to arrange for these works to be carried out.

Environment Agency – Low risk for the EA but one that the LLFA may have comments to offer.

NCC Flood Authority – No comments have been received at the time of writing this report. Any comments will be reported to Planning Committee.

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

NSDC Policy – the main Policy considerations are outlined below:-

Core Strategy

Core Policy 2 – Rural Affordable Housing. Facilitates the development of affordable housing on 'exception sites' in specified parts of the district. Requires need to be demonstrated through an appropriately constituted Housing Needs Survey and assessment against the criteria of Spatial Policy 3

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM3 – Developer Contributions and Planning Obligations

ASSESSMENT

The site lies in a defined rural part of the district and is therefore suitable for assessment under Core Policy 2. I understand that the Strategic Housing Team has facilitated a Housing Needs Assessment which supports the number and mix of dwellings proposed. These factors satisfy the principle of Core Policy 2 and therefore it follows to assess the detail of the proposal against the criteria of SP3 which I defer to your consideration. The need and scale criteria are satisfied by the needs survey referred to above.

Whilst the suggestion of allotment provision on adjacent land is laudable, as it does not form part of the proposal and therefore cannot be secured in any way I do not consider that it can carry any weight in determining the application.

CONCLUSION

The proposal satisfies the principle of the Rural Affordable Housing Policy and if it can satisfy the site specific criteria it should be welcomed as an appropriate addition to the rural housing stock. If this is the case any permission will need to be subject to an appropriate legal agreement to ensure the housing remains affordable in perpetuity.

Strategic Housing – A strategic objective of the Council is to increase the amount of affordable housing in the district and the Council's Local Housing Strategy has a strategic aim to:-

'Deliver an increased supply and choice of affordable housing to meet local need and manage the impact of housing growth to ensure there is a positive impact on our urban and rural communities'.

Due to the predominant rural nature of the district, the Council is committed to delivering affordable homes in rural areas for local people who are unable to meet their housing needs on the open market and to promote inclusive and thriving communities. The NPPF indicates that in rural areas, exercising the duty to co-operate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including the use of rural exception sites where appropriate.

MAIN AFFORDABLE HOUSING POLICY CONSIDERATIONS

Core Strategy/Affordable Housing Supplementary Planning Document

Core Policy 2 – Rural Affordable Housing. Core Policy 2 allows for the granting of planning permission for small rural affordable housing schemes as an exception to normal policies. The District Council will pro-actively seek to secure the provision of affordable housing, in defined parts of the district on rural affordable housing 'exception' sites. Such sites should be in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3, Rural areas relating to Scale, Need, Impact and Character of development". Such sites have traditionally been expected to deliver 100% affordable housing, which will be required to remain affordable in perpetuity (schemes involving shared ownership or in a designated protected area will normally have staircasing limits placed at a maximum 80% ownership or make provisions for the registered provider to re-purchase).

EVIDENCE OF HOUSING NEED

For the purposes of the rural exception sites policy, the Council defines local need as identified needs in the individual village, or second, local area it serves (defined as being in the Parish in which it sets). Before the Council will grant planning permission for affordable housing on a rural exception site it must be satisfied that there is an evidenced need for affordable housing in the locality traditionally gained from the completion of a Parish Housing Needs Survey.

To support the delivery of affordable housing in rural locations, the Strategic Housing Business Unit through its enabling role has a long standing partnership with Nottingham Community Housing Association (NCHA), Trent Valley Partnership (TVP) and parish councils to undertake housing needs surveys in the district's rural parishes with a population of less than 3,000. The District Council either approaches or is contacted by a parish council to conduct a survey to ascertain levels of need for affordable housing. After completion of a survey and in response to an identified need, a call for land is instigated with the parish council, and any forthcoming sites are then assessed by the Council's Development Management Business Unit in terms of suitability.

A Parish Housing needs survey was undertaken in Caunton (2009) which indicated a demand for affordable housing. The survey supports 2 shared ownership properties. However in addition to this the Council also uses information from its housing register. The District Council owns 14 properties in Caunton. Of these, 8 are two bedroom bungalows designated as supported accommodation and 6 are let for general needs. There are no registered provider properties available in the village. Since 2010 there have only been 2 three bed homes vacant, which attracted thirty seven bids in total and 2 two bedroom bungalows attracting seventy eight bids in

total reflecting the popularity of these types of property in this location. There are 6 people registered with the Council for affordable housing identifying Caunton as their preferred location, but this may not be representative of total demand as the choice based lettings scheme does not require applicants to register where they would like to live.

CONCLUSION

The proposal is fully supported by the Council's Strategic Housing Business Unit. The development of rural affordable housing schemes meets the Council's strategic housing and planning objectives to increase the supply and delivery of affordable housing. With this in mind, the Council's Policy Committee at its meeting on the 5th December, 2013, approved a grant contribution of £260,000 to support the scheme at Caunton and also a recently completed affordable scheme at Walesby. The scheme, if approved, will be subject to a legal agreement ensuring that the housing remains affordable in perpetuity and prioritises local people in terms of allocation.

NSDC Environmental Health Contaminated Land – No observations are made.

Nottinghamshire Wildlife Trust - recommend that any vegetation clearance is undertaken outside of the bird breeding season and that compensation is provided through new, native planting. The plan seems to indicate that this is proposed – the species list for the Mid Nottinghamshire Farmlands area could help with more native species and can be found at: <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>

Representations have been received from 12 local residents/interested parties (some from the same addresses) which can be summarised as follows:

Need for affordable housing

- Affordable housing and tenure has been discussed at a number of Parish Council meetings which has always raised concern. Discussions have taken place as to how 'need' has continually changed and how it has been determined.. With the current application 'need' has changed yet again which proves that the need for affordable housing has not been properly addressed and has been based on inconsistent, ill-considered and unsubstantiated information;
- The housing would not be affordable;
- The housing survey originally carried out 3-4 years ago is out of date. It is doubtful that the two people identified as requiring accommodation are still in the village

Public Consultation

- Consultation to the proposals for affordable housing has been carried out by the parish council with a majority of votes against such proposal. The PC refused to support or oppose the proposal and referred the matter to the council for them to make the decision. A councilor advised at that time that the matter had been reported to Committee which did not support the proposal as there was no clear mandate for support from the village. It is clear from the above that not only is there "no clear mandate" from the village, the fact is the majority of the residents who voted were against affordable housing.
- The PC commissioned a consultation seeking the views of local residents on the 2015 proposal.

- The majority of residents rejected the proposal.

Sustainability

- Caunton is classified as “unsustainable” due to, amongst other things, no regular bus services (likely to face further cuts), no mains gas or sewage and no shops. Several householders have in the recent past had planning applications refused due to unsustainability. Affordable housing will increase the pressure on those limited services.
- Given the limited bus service the occupiers of these houses would have to be car owners.

Highway Safety

- There have been recent accidents in Norwell Road
- The proposed accesses for the development are unsafe on a steep hill with a blind corner at one end and restricted views.
- Vehicles slowing/stopping before accessing the properties and vehicles exiting the site result in adverse impact on highway safety.
- Visiting cars parking on the main road would create serious visibility risks for other road users.
- There is no street lighting on the hill
- This part of Norwell Road is not wide enough to accommodate the passing of large vehicles without the use of on street parking

Alternative Proposal

- The Council owns other rental properties in this area of the village. It is understood that some of these properties are used to temporarily house tenants on a short term basis while housing in a more suitable area with adequate facilities, such as Newark, is found. It is suggested that NSDC should consider building housing where there is a need is (eg Newark) and provide housing for tenants temporarily housed in Caunton, freeing up the properties in the village to be used for affordable housing.

Character and appearance of the village

- The proposal would adversely impact on the character of the village
- The proposal would adversely impact on the view and landscape of the village
- The proposal would destroy the existing wildlife and ecology of the village
- There is no requirement for allotments in the village – allotments could raise issues with crime
- The village is evolving successfully with young families moving in without the need for shared ownership properties to encourage this
- The proposal would bring down the area and raise social and criminal issues

Amenity

- The proposal would result in loss of privacy and overlooking to neighbouring properties which back onto the field

Other Matters

- The council has previously refused permission for a single dwelling in an existing garden not a field – would this be overturned should permission be granted for this application
- All applications should be treated equally in terms of unsustainable development
- The Parish Council has not taken account of the villagers views

Comments of the Business Manager

Principle of Development

The proposal relates to a residential scheme for a terrace of 6 two storey 2 bedroom dwellings. The proposal has been submitted on the basis that the units will be affordable in an attempt to meet an identified need for affordable housing in the area.

The NPPF, at paragraph 54, states that, 'In rural areas... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.' The stance of this is re-affirmed by Core Policy 2 of the Core Strategy which states that the Council will pro-actively seek to secure the provision of affordable housing on such exception sites. The acceptability of such schemes will be subject to the sites being located in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3 relating to Scale, Need, Impact and Character.

The site is immediately adjacent to the main built up area of Caunton to the north eastern periphery of the village. It is therefore considered that the proposal satisfies the primary (locational) requirement of Core Policy 2. Turning then to the other matters:

Scale

This criterion relates to both the amount of development and its physical characteristics. I am satisfied that 6 additional dwellings within the parish would not be considered as a significant scale in a village the size of Caunton given that the proposal represents an increase of 2.97% to the number of households (Census, plus completions as of 31/03/2015).

The physical characteristics (including scale) of the proposal are discussed in detail within the Impact on Character section below.

Need

As outlined above the application has been submitted in an attempt to meet a need for affordable housing within Caunton, which has been recognised by evidence of a parish housing survey. The supporting documentation submitted with the application details that the survey determined a need for affordable housing in the village (in the form of 2 no. shared ownership homes) which together with data from the District Councils Housing register, demonstrates a demand for the number of dwellings proposed. NCHA, who are joint applicants, are registered social housing providers.

I note the comments from some local residents regarding what they term an inconsistent and unsubstantiated identified need for such housing within the village. However as detailed within

the consultation section of this report, the District Council owns 14 properties in the village and there are no other registered provider properties in the village. NSDC Strategic Housing have confirmed that, taking account of the housing survey carried out by the Parish Council together with the District Councils Housing register which indicates that since 2010 there have been limited vacancies of 2 bedroom properties and that there are currently 6 people registered for affordable housing with Caunton as the preferred location, the proposal they would be fully supported.

On this basis the application is deemed to meet an identified need in the local area in accordance with criterion 3 of Policy SP3.

The 4th and 5th criterion contained within Spatial Policy 3 relating to impact and character are considered separately below.

Design and Impact on Character

Criterion 4 of Policy SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Moreover Policy DM5 of the Allocations & Development Management DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The site is an existing greenfield site currently used for agriculture. Clearly the proposal would alter its specific character. However, the proposal relates to the partial infilling of an existing gap between buildings and the development would continue the linear ribbon of residential development along this side of Norwell Road at the village edge.

With regards to the scale of the development, although the properties along Dean Close are generally single storey, the residential properties along Norwell Road and to the south west of the site are two storey in scale. Moreover, the surrounding dwellings are of varied design and appearances. I therefore consider that the two storey scale of the proposal is acceptable in its context. Furthermore the form and design of the dwellings proposed is such that are considered to be in keeping with the general vernacular of the area. A condition requiring precise details of external materials, surfacing and landscaping will ensure that the final appearance of the buildings does not detract from the character of the area.

The comments received with regards to there being no gas supply within the village are noted. The application proposes energy efficient electric heating systems and photovoltaics to the roofs of the properties. I therefore consider that the proposal has taken account of sustainable design measures.

Taking these factors into account I am of the view that the form, layout, scale, design and appearance of the proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area. The proposal therefore complies with the aims of criterion 4 of Spatial Policy 3, Core Policy 9 and Policy DM5.

Residential Amenity

The impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Criterion 4 of Spatial Policy 3 states that new development should not have a detrimental impact on the amenity of local people nor upon the local infrastructure. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime, anti-social behaviour.

There is a minimum separation distance of some 19m between the proposed dwellings and the nearest residential properties on Dean Close. Numbers 1 and 2 Dean Close are set at an angle to Plot 6 of the proposed development. Furthermore the first floor window to the gable end of Plot 6 facing the properties on Dean Close serves a landing. I am of the view that the orientation of and the relationship between these properties would not result in any direct or undue overlooking impact.

Given the distances and relationship between the proposed dwellings and neighbouring properties I am satisfied that the proposal would not result in any undue impact upon the residential amenity in terms of overbearing or overshadowing impact or loss of privacy.

Each property has been afforded private amenity space within rear gardens which I consider to be commensurate with their context.

Taking the above into account it is considered that the proposal would accord with Policies SP3 and DM5.

Highway Issues

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision whilst SP3 seeks to ensure that the impact on local infrastructure including the highways network is acceptable.

I acknowledge the comments received from local residents/interested parties with regards to the proposed accesses, visibility, highway safety, on street parking and lighting.

Amended plans have been deposited taking account of the initial comments raised by the Highway Authority which show the proposed gates being set back from the highway and the proposed accesses to serve the residential development being 4.25m wide. The Highway Authority has been consulted on the proposal and the amended plans. They raise no objections to the principle of the development subject to some minor revisions which could be secured by condition.

Taking account of the revised plans and the Highway Authority comments I am of the opinion that it would be reasonable to attach the suggested conditions in relation to surfacing, drainage and the provision of dropped vehicular footway crossings should permission be granted.

I therefore consider that the proposed development would not result in any significant parking or traffic problems or highway safety issues to justify refusal on these grounds and would therefore accord with the requirements of policy DM5.

Impact on Ecology

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.

The comments received with regards to the impact of the proposal on the ecology and wildlife of the site are acknowledged.

The Nottinghamshire Wildlife Trust has raised no objections to the proposal but has recommended that any vegetation clearance is undertaken outside of the bird breeding season and that compensation is provided through new, native planting.

It is noted from the Design and Access Statement that it is proposed to enhance the existing hedgerow. It is considered that vegetation clearance and the retention of the hedgerow and mitigation and enhancement measure using appropriate species could be secured by condition should permission be granted.

Drainage/Flood Risk

The site lies in Flood Zone 1, at lowest risk of flooding. Dwellings are appropriate in this location and no objections have been received from statutory consultees on this matter. A condition is suggested to control the surface water run-off and foul sewage disposal.

Other matters

The comments received from local residents with regards to public consultation are acknowledged. However, these comments relate to consultation exercise carried out by the Parish Council, independent of the District Council. The District Council has carried out the statutory consultation with regards to the current application which has included neighbour notification letters, a site notice and consultation with the Parish Council amongst other statutory bodies. Any comments received as a result of this consultation process have been given due consideration within the relevant sections of this report.

Comment is also raised with regards to a previous pre application enquiry. A pre application enquiry is not a formal planning application and purely seeks the informal opinion of the District Council to a potential future proposal.

I note the comments received with regards to suggested alternative proposal and in relation to previous applications in the village for new dwellings which have been refused. Taking into account the alternative proposal which has been put forward where housing is constructed in areas where there is a need such as Newark, the District Council has to assess the application before it. Notwithstanding this, as outlined in the Housing Need section of this report, the Strategic Housing officer has identified that the vacancy rates of the existing Council owned

properties are low and that there remains an identified need for affordable housing in the village of Caunton.

With regards to previous refusals for new dwellings in the village, each application has to be assessed on its own individual merits. The additional Guidance Note published in September 2013 to aid in the interpretation of Spatial Policy 3 concludes that the need necessary to satisfy this policy must be related to the individual settlement with the intention to serve the public interest rather than that of individuals. The policy is not intended to cater for individuals desire to live in particular locations or in particular types of accommodation, for example a desire to downsize. In this instance the proposal relates to the provision of affordable housing to meet a local need.

With regards to comment received relating to the allotments and the potential for opportunistic crime, the allotments would be overlooked by the proposed properties and such these would provide a natural surveillance which would be considered to act as a deterrent.

The proposal would contribute to the housing land supply for the District where an Inspector has recently concluded that the Council does not have the necessary 5 year land supply. Therefore the addition of 6 new dwellings would make a small but none-the-less positive impact to the deficit currently faced.

Conclusion and Planning Balance

Taking account of the above, proper consideration has been given to all the material planning considerations and the appropriate weight attached to each matter. I have attached significant weight to the proposals ability to deliver affordable housing and to meet an identified need.

It is considered that the proposal satisfies the principle of the Rural Affordable Housing Policy as outlined within Core Policy 2 of the Core Strategy site and as such would be an appropriate addition to the rural housing stock.

RECOMMENDATION

That full planning permission is approved:

- **subject to the following conditions; and**
- **the signing and sealing of a Section 106 Planning Agreement to control that all dwellings would be provided and retained as affordable housing on site.**

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 Revised Site Layout - 2286/P102H deposited on the 14th April 2016
- Proposed Street View Plan - 2286/P300A deposited on the 14th April 2016
- Proposed Elevations and Plans - 2286/P200 deposited on the 4th March 2016

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

Reason: So as to define this permission

03

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

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- Measures to enhance the biodiversity benefit to the site (e.g, hedgerow enhancement)

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity

07

No development shall be commenced until precise details of the proposed surface water collection/flow control ditch, which shall include management and maintenance details, have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding.

08

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

09

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the 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. (Note this shall include the access to the allotments)

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

010

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

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

011

No part of the development hereby permitted shall be brought into use until the 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.

012

Prior to the occupation of any dwelling the proposed boundary treatments as shown on the approved layout plans (drawing number 2286/P102H) shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

013

Clearance of vegetation shall be undertaken between September to February inclusive, outside of the bird-breeding season. If it is not possible to carry out works during this time, then a suitably qualified ecologist will need to be on site to survey for nesting birds, with a copy of the survey undertaken at the site to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development at the site.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy 2011

014

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse..

Or Schedule 2, Part 2:

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

Class B: Means of access

Class C: The painting of the exterior of any building

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Councils website.

02

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

03

The development makes it necessary to construct vehicular crossings 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. 0115 9773496 to arrange for these works to be carried out.

04

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

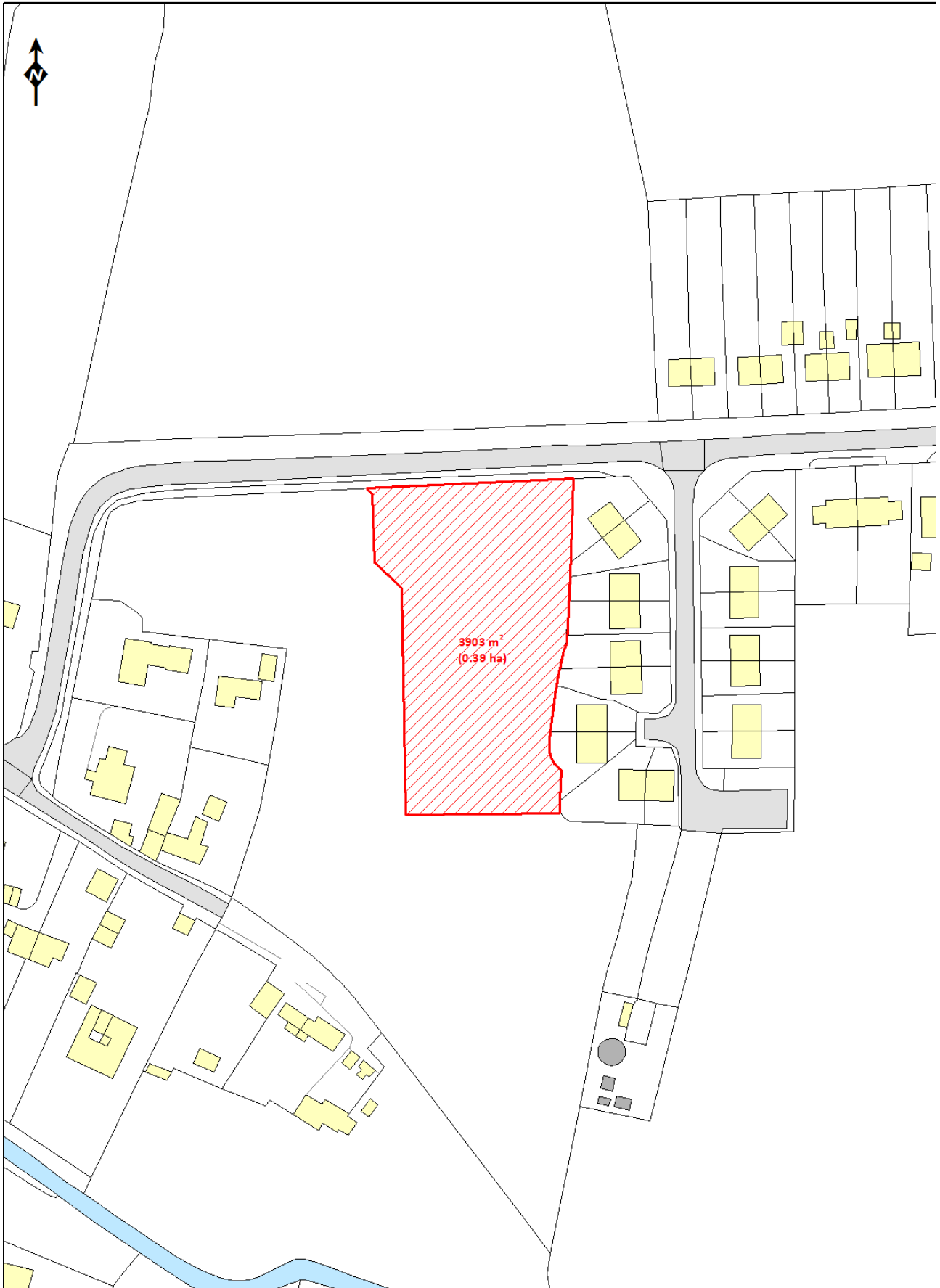
BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext 5840

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

Kirsty Cole
Deputy Chief Executive



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	

This application is referred to the Planning Committee for determination because the Officer's recommendation is contrary to the recommendation of the local parish councils.

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); Reinstate 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;

It is understood that at the time of writing that Full Council will shortly be considering a proposal regarding the Independent Examiners Report into the Southwell Neighbourhood Plan. Full Council will be considering whether or not to accept the Independent Examiners modifications and hold a referendum on the amended Plan.

Whilst at the time of writing neither Southwell Town Council nor the District Council have agreed to the Inspector's proposed modifications, the Inspector has concluded that 'I am pleased to recommend that the Southwell Neighbourhood Plan 2015-2016 as modified by my recommendations should proceed to referendum'.

Therefore in determining this application due consideration has been given to the policies of the Southwell Neighbourhood Plan as amended by the Independent Examiner.

Consultations

Rolleston Parish Council – *Following a site meeting with David Woolley (EA) on Tues. 3rd 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 Swallow 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 – *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 – *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 – *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 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 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

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 of 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 object 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 Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "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 europea)

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
Y01 6JT
Email: assetprotectionlneem@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 30th 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 22nd 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 13th 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 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:

- R990/100 Rev.A – Site Boundary and Location Plan (received 20th July 2015)
- R990/101 Rev.C – Pre-Flood Alleviation Works Site Layout (received 18th April 2016)
- R990/102 Rev.A – Current Alleviation Scheme Site Layout (received 20th July 2015)
- R990/103 Rev.D – Proposed Flood Alleviation Scheme Site Layout (received 18th April 2016)
- R990/104 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 1 of 5) (received 18th April 2016)
- R990/105 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 2 of 5) (received 18th April 2016)
- R990/106 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 3 of 5) (received 18th April 2016)
- R990/107 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 4 of 5) (received 18th April 2016)
- R990/108 Rev.C – Proposed Flood Alleviation Scheme Details (Sheet 5 of 5) (received 18th April 2016)
- R990/109 Rev.C – Proposed Bund Layout and Sections (received 18th April 2016)
- R990/110 Rev.B – Proposed Vehicular Access Details (received 18th April 2016)
- R990/111 Rev.C – Proposed Earthworks Strategy (received 18th April 2016)
- R990/112 Rev.B – Proposed Construction Details (received 18th April 2016)
- DFCC/1320/L01 Rev.A – Detail Planting Plan (received 9th September 2015)
- DFCC/1320/D01 – Double Staked and Tied Tree Pit Details (received 20th July 2015)
- DFCC/1320/L02 – Planting Pallett (received 20th July 2015)
- Site Location Plan (received 20th July 2015)

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

Reason: So as to define this permission.

03

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 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 23rd September 2015, the Addendum Technical Notes of 22nd January 2016 and 8th 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.

05

The development hereby permitted shall not be commenced until such time as a scheme to provide a review process of the flood defence structures and infrastructure has been 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.

06

The development hereby permitted shall not be commenced until such time as a scheme to provide detailed management plan for the flood defence infrastructure has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure appropriate management is afforded during the lifetime of the development.

07

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.

08

No development shall be commenced until 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.

09

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 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.

010

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 11th 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.

011

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 19th 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.

012

No development shall commence until adequate on site compensation has been 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.

013

No development shall be commenced until an Ecological Management Plan and timetable has been 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.

014

Notwithstanding the details submitted, no development shall be commenced until full details (in the form of scaled drawings) detailing of the works required to public footpath no.3 and public footpath no.8 to allow a continued and accessible right of way shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on site prior to any works to the respective bunds taking place.

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.

015

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

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

Reason: In the interests of visual amenity and biodiversity.

016

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.

017

Prior to the commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence, including a Method Statement, should 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 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

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

02

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.

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

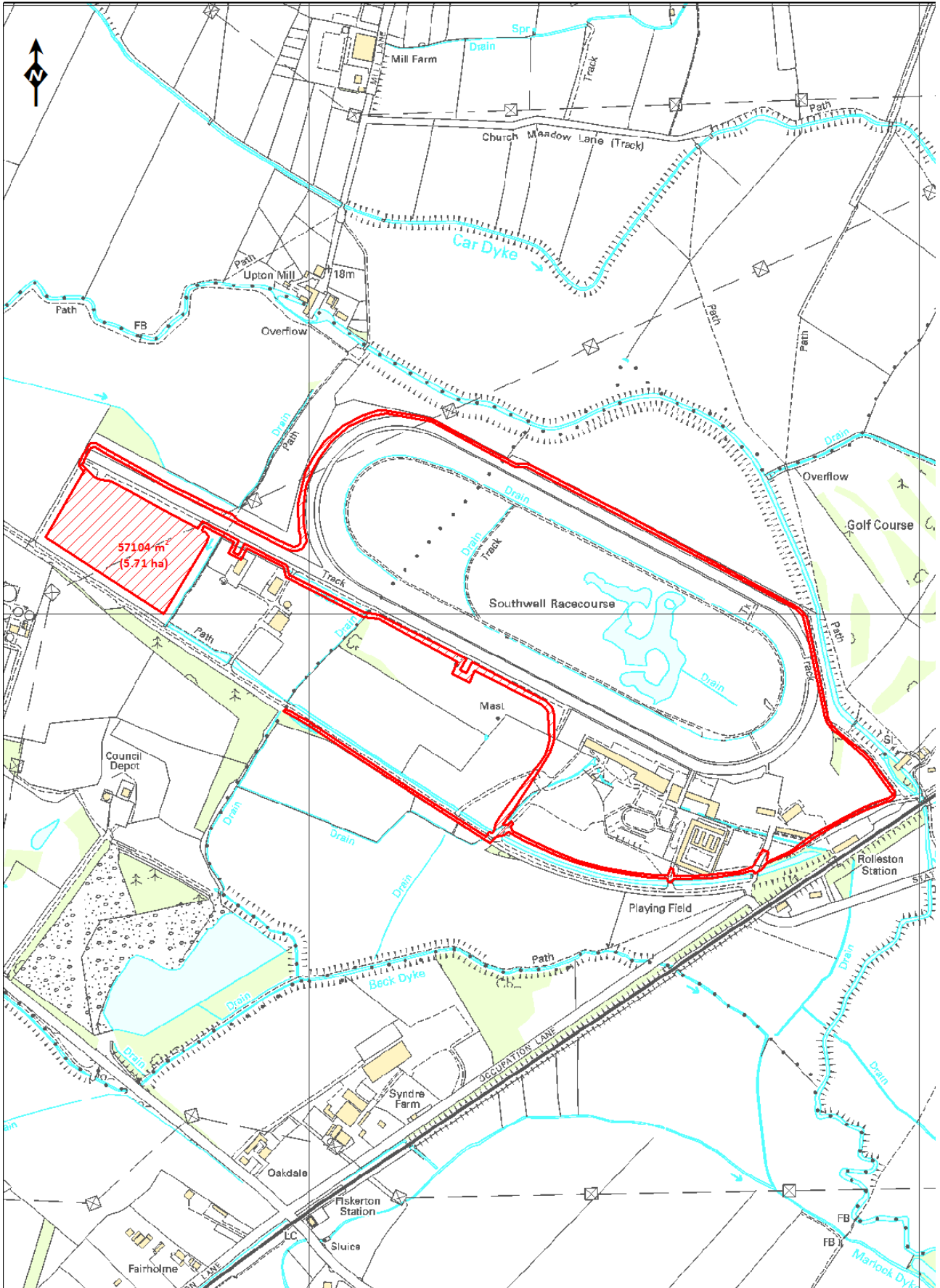
Application case file.

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/01282/FULM



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

Application No:	15/02253/FUL	
Proposal:	Alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings	
Location:	The Plough, Main Street, Coddington, NG24 2PN	
Applicant:	Mr & Mrs D. Burke	
Registered:	21/12/2016	Target Date: 15/02/2016
	Extension of time agreed until 04/05/2016	

This application has been referred to the Planning Committee by Cllr J Lee. Furthermore whilst the recommendation is the same as the views of the Parish Council the proposed reason for refusal differs from the reasons that the PC object and in the interests of transparency it was considered appropriate for Members to consider the scheme.

The Site

The site comprises two distinct parcels of land on opposite sides of Beckingham Road located within the Coddington Conservation Area.

The land to the south of the road contains the public house ‘The Plough’ which fronts onto Main Street. The public house is currently vacant. The building comprises a two-storey painted brick building with a pantiled roof with a parapetted gable to its southern end and a hipped form at its northern end. An attached, elongated two-storey rear return, with a slated roof is set to the rear, and this faces towards Beckingham Road. The public house is located at ground floor, and on the first floor are two self-contained apartments and an office.

To the rear of the main building is a narrow parcel of land defined by a row of conifers (on adjacent land) set behind a fence which then opens out onto a wider area of overgrown grass land enclosed by a hedgerow to the north with a mixture of close boarded fencing, hedgerow and brick wall on all other sides. This area of grass is defined as a Main Open Area with the Allocations and Development Management Development Plan Document (DPD). All Saints Church is Grade II* listed and located to the south of the site. Residential properties and their respective garden areas border the south, east and west of the site.

To the north side of Beckingham Road is the public house car park laid with bound hard standing (albeit not formerly marked with white lines) that serves the pub and an area of open space (grassed) located between the car park and two storey dwellings at Hall Farm. The west side of the car park contains approximately six Newark and Sherwood District Council recycling banks which are understood to be located there on the good will of the landowner. A number of trees/hedgerow define the boundary between the existing car park and grassed area and are afforded protection by virtue of their position within the Conservation Area. A tree protected by a

Tree Preservation Order is located within the rear garden area of 3 Hall Farm, immediately adjacent to the site.

Relevant Planning History

There is no relevant planning history, albeit a tree works application to 'reduce tips back to suitable junction of lower branches to 1No. Ash tree to provide clearance over footpath and road (severe Ivy); and reduce height of hedgerow adjacent Beckingham Road back to 5ft and rebalance (including a number of Holly, Hawthorn and self-set Ash)' was permitted in February 2016 (16/00283/TWCA).

The Proposal

The proposal seeks full planning permission for:

- Alterations to the public house building to form three apartments and an office at first floor level (in lieu of two existing apartments). The ground floor public house use would remain;
- Three new dwellings are proposed on the existing pub car park; one 4-bed detached with attached double garage (measuring 13.5 metres by 8.7 metres and 9.4 metres to the ridge) and two semi-detached units 1 x 4-bed and 1x 3-bed (together measuring 12.6 metres by 8.7 metres and 8.7 metres to the ridge). Vehicle access would utilise the existing pub car park access points;
- Relocation of the public house car parking to the open area on the south side of Beckingham Road. The proposed access would utilise an existing field access. A seating area and paved path providing direct access to the public house is proposed. The car parking would be formed with a grass-crete or grass grid product. Five car parking spaces would be provided to serve the proposed apartments within the public house building with a further 16 spaces proposed to serve the public house.

The application also originally proposed the relocated of the recycling banks. However these banks have subsequently been removed from the application in light of objections received through the submission of a revised Site Plan on 01.03.16. It is however understood that the Applicant would be willing to reinstate the banks to form part of the application should Members be minded to approve the application.

A combined Design and Access, Planning and Heritage Statement and Viability Appraisal have been submitted with the planning application.

Public Advertisement Procedure

14 neighbours have been notified individually by letter. The application has been advertised in the local press and a site notice has been displayed at the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy

- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment

Allocations and Development Plan Development Plan Document (DPD) Adopted July 2013

- Policy NA/MOA Newark Area – Main Open Areas
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2012
- Planning Practice Guidance (PPG) 2014
- Spatial Policy 3 Guidance Note (September 2013)
- DCA Housing Needs Survey (2014)
- Draft Conservation Area Appraisal for Coddington 2002

Consultations

Coddington Parish Council –

Comments received 09.02.2016:

In light of new information, Coddington Parish Council wishes to make the following additional comments on the proposal to relocate the car park of The Plough, and build three houses on the site of the existing car park.

1. The Parish Council has been informed that the District Council has requested a financial statement from the applicant to provide evidence of why the housing development is necessary in order to finance the scheme, and that if the financial statement was accepted, it could over-ride criteria laid down in SP3 of the Development Plan. Can you confirm whether this information is accurate? Surely financial considerations cannot be allowed to invalidate innumerable planning policies set out in the Statutory Development Plan e.g. those relating to housing development, development in the countryside and adverse impact on residential amenities. In any case, there would be no guarantee if The Plough became unsustainable as a business, that financial support from the housing scheme would continue to be forthcoming.

2. NCC Highways has objected to the proposed new car park because of unsafe access, having a restricted line of sight to the west. We understand that an amended plan has been submitted to address this issue, which could mean complete removal of the hedge along the C208. It is

suggested that the Conservation Officer might wish to reconsider his acceptance of the proposals in the light of this new requirement. Removal of the hedge would result in the view and setting of All Saints' Church, a Grade 1 Listed building, being across a car park and a recycling facility. The visual quality of the Conservation Area along this part of the C208 would also be severely diminished by the loss of the hedge which is an important landscape feature. It is also questioned whether removal of the hedge would actually result in a safe level of visibility bearing in mind the bend in the road to the west of the application site.

Comments received 13.01.2016:

The Parish Council strongly objects to the proposals for the reasons set out below:

1. Renovation of The Plough Public House

The Parish Council would welcome this element of the application, on the basis that a very modest increase in residential accommodation is justified to secure the future of the public house.

On a matter of clarification, it is not clear from the application plan whether the line of conifer trees along the northern boundary of the public house curtilage are proposed for retention. These trees make a major contribution to the character of the Conservation Area (CA), particularly when progressing eastwards along the C208 and they should be retained.

2. Proposed Car Park, Sitting-out Area and Recycling Facility on the Paddock to the West of the Public House.

In the ADM, this part of the application site is annotated as a Main Open Area (MOA). Such areas are defined as being '*areas of predominantly open land within settlements that play an important role in defining their form and structure*'.

In the Conservation Area Character Appraisal prepared and adopted by the District Council in 2002, this paddock is identified as an Important Open Area within the Conservation Area. This area's importance in the character and appearance of the CA has been fully recognised.

The fourth criterion of Policy SP3 requires that new development should not have a detrimental impact on the amenity of local people. The use of this area for 16 customers' car parking, three residents' car parking spaces, a sitting-out area for customers and a recycling facility would generate a considerable amount of movement, noise and loss of privacy to the severe detriment of the inhabitants of the two dwellings which immediately abut the paddock, Chapel House and The Cottage. The noise and disturbance from traffic movements, including service vehicles delivering and collecting the recycling bins would be particularly pronounced in respect of the recycling facility which at present comprises 8 well-used bins. Furthermore, there is only one point of entry and exit to the proposed site. This would require all vehicles, including the larger service vehicles, having to turn around within the site before rejoining the C.208, thereby adding to the noise element. Privacy would be threatened and noise and disturbance created by people parking their cars, sitting outside or using the recycling facility.

The fifth criterion of Policy SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. Bearing in mind the designations given to this area, see 2.1 and 2.2 above, and its location within the Conservation Area, the uses proposed could be seen to severely conflict with this criterion.

Core Policy 14 seeks to preserve and enhance the character, appearance and setting of the District's heritage assets and historic environment. It also aims to preserve the special character of Conservation Areas, including such character identified in Conservation Character Appraisals, and to protect important open spaces identified in such Appraisals. The paddock has received such recognition, as set out in 2.1 and 2.2 above. The proposed use of this part of the application site, which lies at the heart of the oldest part of the Conservation Area, would be completely at odds with the Council's designations and would do nothing to preserve or enhance the character of the Conservation Area. Finally, it would severely detract from the setting of a listed building, All Saints' Church, a view of which is obtained across the paddock. A sea of cars and a recycling facility hardly provide a fitting setting for this heritage asset.

Criteria 3 and 4 of POLICY DM5: The proposed uses of the paddock are in clear conflict with Criterion 3 in respect of the adverse effect on the amenities of the occupants of Chapel House and The Cottage as set out in paragraph 2.3 above. They also adversely affect the local distinctiveness and character of the area as set out at 2.4 above, and are therefore at odds with Criterion 4.

Policy DM9 reiterates the requirements of Core Policy 14 (paragraph 2.5 above).

3. Erection of Two Semi-detached Dwellings and One Detached Dwelling on Land to the Northern Side of the C208:

All of the application site lies within the Coddington Conservation Area as adopted on 11 September 2006.

Criterion 1, SP3 requires that new development should be within the built-up areas of villages. The applicants maintain that this part of the application site lies within the built-up area of Coddington, but this is clearly not the case. The existing public house car park and the fields to its north form part of the open setting of the village, creating its form and structure. There is no frontage development on the northern side of the C208 from the crossing of the A1 in the west to the junction with Main Street in the east and therefore no intrusion into this rural setting. The role of this part of the application site was originally recognised on the adopted Local Plan of 1999, where the application land lies outside of the village envelope and is defined as 'Open Countryside'. There have been several approaches over subsequent years with regard to developing the land in question, and all have been rejected on the basis of its countryside designation. The District Council will have records of these approaches and applications.

Criterion 3 of Policy SP3 requires that new housing should only be permitted where it helps to meet identified proven local need. The applicant makes lengthy submissions on this matter, very similar to those made in support of a recent application (15/01038/FUL) which was determined in the Autumn of 2015. As far as the Parish Council is aware, circumstances in relation to local housing need have not changed since that date when the District Council concluded that no robust evidence was provided of local need and that there was a requirement for a housing need survey specific to Coddington. No such survey has been produced by the applicant to support these proposals and therefore this application must fail to meet this specific criterion. There is no substantive evidence of a proven local need to justify the permitting of this proposed housing.

Criterion 5 of Policy SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. The erection of three houses, extending outwards from beyond the clearly defined edge of the built-up area, and totally unrelated to it in form or character, would be incongruous and a damaging visual intrusion into the open setting of

the village. Such development would in effect constitute 'ribbon development', a feature completely out of character with this part of the village. In this context, it is relevant to note that the land immediately to the west of this part of the application site is owned by the applicants. Whilst every application must be treated on its merits, approval of this application could make it difficult for the LPA to resist further development of the adjoining open land.

Paragraph 4.28 which follows Policy SP3, defines the main built-up area of the village as being where most of the housing and community facilities are focussed. This part of the application site is totally divorced from the main housing and community elements of the village. There is therefore total consistency on the part of the District Council in identifying this part of the application site as lying within the open countryside.

Core Policy 14 requires the continued preservation and enhancement of the special character, appearance and setting of the District's Conservation Areas. This inappropriate extension of what are, in effect, three suburban-type properties into the open countryside setting of the village, contrary to the established form of the village, would do immeasurable damage to the character, appearance and setting of the Coddington Conservation Area.

The applicants argue that the existing car park is not an attractive feature in the Conservation Area and that it would be improved by the proposed development. The surface and usage of the car park does not diminish its contribution to the open setting of the village. The recycling facility is well managed by the District Council and any debris and rubbish around the perimeter is largely due to lack of maintenance. The car park is no different from a farm yard facility which lies in the open countryside but which does not justify development. Furthermore, this part of the application site also includes the open fields to the north of the car park thus increasing and exacerbating the adverse impact the development would have on the open countryside setting of the village.

Policy DM5, Criterion 4: This Policy relates to the design of proposed developments. However well designed the development might be, and the design of these dwellings is at best inoffensive, their location is unacceptable and their provision in terms of need unnecessary.

Policy DM9 reiterates the requirements of Core Policy 14.

4. Observations on the Planning Application:

National Planning Policy Guidance (NPPG): The applicants refer to the presumption in favour of sustainable development contained in the NPPG and maintain that the Development Plans predate and are overridden by this Guidance, particularly in relation to housing development. This is not the case as Policy DM12 of the Allocations and Development Management DPD (ADMDPD) clearly states the presumption in favour of sustainable development. What is of equal importance is that the NPPG emphasises the importance of good design which is particularly relevant in relation to this application.

The Historic Environment Planning Practice Guide is addressed by the applicants at pages 45 and 46 of the DAS. The Parish Council does not accept their assertion that the proposed development would not adversely affect the character and setting of the Conservation Area. Whilst welcoming the restoration of the public house, the Parish Council disagrees with the applicants' comments in relation to heritage benefits, and their comments relating to the proposed design.

5. Conclusions:

There is no identified proven local need for new housing development in Coddington. The Parish Council accepts, as an exception to this criterion, the modest additional housing provision within the Public House is justified to secure the renovation of that property.

The application is therefore contrary to Policy SP3.

The provision of car parking, sitting-out areas and a recycling facility on the paddock to the west of the Public House would cause severe harm in terms of noise, disturbance and loss of privacy to the amenities of nearby residents.

The application is therefore contrary to Policies SP3 and DM5.

The provision of car parking, sitting-out areas and a recycling facility would adversely affect the character and form of the Conservation Area, result in the loss of an 'Important Open Area' and a 'Main Open Area' as defined in the Council's own Documents and would adversely affect the setting of a listed building, the Church.

The application is therefore contrary to Policies SP3, Core Policy 14 and DM9.

As well as being contrary to Policy SP3 in terms of housing need, the erection of three dwellings on the northern side of the C208 would do demonstrable harm to the character and setting of the Conservation Area and the structure and form of the village, contrary to the requirements of the Civic Amenities Act and the provision of the Development Plans.

The application is therefore contrary to Policies SP3, Core Policy 14, DM5 and DM9.

Coddington Parish Council fully supports all the objections which have been submitted by local residents, including additional points raised concerning loss of privacy for residents of Hall Farm and unsafe access to the proposed car park on a bend in the road. The Parish Council cannot overstate its concerns about highway safety and access to the proposed car park. On the C208 there is persistent flouting of both the 40 mph speed limit and the 7.5 tonne weight restriction. The latest Notts CC tube-count figures (westbound) show 20% of vehicles exceeding the speed limit by at least 10% at 1800 hrs, rising steadily to 40% of vehicles by 2300 hrs. Overweight vehicles use the C208 day and night, and especially during the hours of darkness, with a notable spike during evenings all year round.

The Parish Council is keen to see The Plough Public House renovated. However, the level of development proposed, its conflict with the adopted policies of the Development Plan and its harmful effects on the amenities of nearby residents and on the character of the Conservation Area, render this application unacceptable and too high a price to pay to achieve that objective. The Parish Council therefore urges refusal of the application. In the event of a refusal, the Parish Council would welcome the opportunity to meet with the applicants and other interested parties to attempt to find a more compatible solution to the future of The Plough.

Nottinghamshire Wildlife Trust –

We note that no ecological information has been submitted and have the following comments.

Works to the public house could impact on bats if they are using the building. However, from the submitted plans it appears that works to the roof and associated structures may not be required. Provided this is the case, impact on bats is considered unlikely. We would be grateful if you could remind the applicant of their legal obligation regarding bats. Should any bat/s be found under any aperture, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to

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

From a review of available streetview imagery, the area where the new dwellings are proposed appears to contain a number of trees with areas of rough grassland behind and the new carpark area appears to consist of rough grassland. If the development would require removal of the trees or other vegetation, this should be undertaken outside of the bird breeding season (i.e. avoiding March to August inclusive). Replacement planting should consist of native, locally appropriate species.

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, we would welcome plans for biodiversity enhancements on and around the development site. These could include enhancing existing habitats, for example gapping up and strengthening hedgerows, as well as creating new habitats, such as installing bat and bird boxes.

English Heritage – The Church of All Saints, Coddington, is listed Grade II* in light of its special national historic and architectural character and interest, placing it within the top 8% of listed buildings in England. It dates from the C12 and C12 with restoration and enlargements by F R Kempson in 1865-6.

The proposal includes alterations to the Plough Public House, the relocation of the car park and the erection of three dwellings. As the proposal affects the setting of a grade II* listed building and a conservation area, the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (sections 66(1) of the Planning (Listed Building and Conservation Area) Act, 1990) and to pay special attention to the desirability of preserving and enhancing the character and appearance of the consideration area (s.72, Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision.

We advise that the impact of the proposed development should be assessed in relation to both the character and appearance of Coddington conservation area and the setting of the Grade II* listed Church of All Saints – Chapel House and the Plough Inn (non-designated assets). In this respect, we refer you to the national policy guidance documents and relevant guidance contained within Historic Environment Good Practice Advice in Planning Note 2 (March 2015).

We recommend that the County Archaeological Advisor should be contacted for advice in relation to the potential impacts of this scheme on undesignated heritage assets and archaeological remains.

We would urge you to address the above issued, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your

specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Nottinghamshire County Council Highways Authority –

Comments received 19.04.2016:

The agent has carried out and submitted a traffic speed survey, which demonstrates an 85th percentile wet weather vehicle speed of 38mph in a westbound direction and 43mph in an eastbound direction. The Agent's calculations for the required visibility splays as a result of these speeds are based on Manual for Streets principles and are submitted as 2.4m x 54.8m to the east of the access and 2.4m x 66.70 to the west.

It is considered that the application of *Manual for Streets* standards is not appropriate in this location i.e. Paragraph 1.3.5 of Manual for Streets 2 refers to SSD (Stopping Sight Distance) research being limited to locations with traffic speeds of less than 40mph and there is concern that driver behaviour may change above this level as the character of the highway changes. As stated above, the survey has produced an 85th percentile speed of 43mph in the eastbound direction.

Paragraph 1.3.5 refers to 40mph speed limits in built up areas covering a wide range of contexts. Similarly, Table 1.1 (Application of key areas of MfS advice) within Manual for Streets 2 indicates that SSD at 40mph is subject to local context. As this road is not considered to be 'built up'; does not have on street parking and is not considered a residential street or high street, DMRB (Design Manual for Roads and Bridges) parameters for SSD are recommended.

Paragraph 1.3.6 of Manual for Streets 2 also recommends the application of the more stringent DMRB standards where actual speeds are above 40mph for significant periods of the day.

As such, the visibility for this proposal is dependent on the adjacent land owner to the west of access suitably maintaining the hedge along his site frontage for adequate visibility to the west for vehicles emerging from the proposed access. Therefore, my previous comments dated 16 February 2016 are still appropriate.

Comments received 16.03.2016:

Following A site meeting, I am still of the mind that whilst the hedges have been cut back at present, this cannot be conditioned due to the adjacent hedge being within third party land. I am concerned that should this adjacent hedge be allowed to grow, this would result in the substandard visibility referred to in my previous comments. Whilst it is understood that it is an existing access, it has clearly not been used for some considerable time and so, this proposal would be a significant intensification of use. A possible option would be to have a speed survey carried out to assess whether a lesser splay would be required as a result.

Comments received 17.02.2016:

The agent has submitted the Highways Plan DB401-A108 demonstrating visibility splays of 2.4m x 120m. However, on site the available visibility to the west is less than this due to the hedgeline, much of which is within third party land, and the rising slope of the grass verge between the footway and the hedge.

On site, 99m in this direction can be satisfactorily achieved. Whilst it is appreciated that the access point which will serve the public house car park is an existing field access, it has clearly not been in use for some time and it is considered that the proposed use will obviously lead to an intensification of use of an access with substandard visibility.

In view of this, as stated in my previous comments, the Highway Authority would wish to raise objection to this proposal for the following reason:

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing field access which affords restricted visibility for drivers emerging from the access.

Comments received 27.01.2015:

This proposal is for the alteration of the first floor of the public house to form 3 apartments, with additional car park, and the erection of 3 dwellings (2 x 4 bed dwellings and 1 x 3 bed dwelling) within the existing car park opposite. It should be noted that the parking bays should have a minimum width of 2.4m.

The proposed car park for the public house provides parking for 18 vehicles (including 1 disabled space). One parking bay per apartment is also provided within this car park. There are 1 full time and 3 part time employees proposed for the public house.

The concern with this proposal is that the site plan, drawing no. DB401-A102 Rev. P1, demonstrates 2.5m x 75m visibility splays which are insufficient. The application site is located on the C208 road with a 40mph speed restriction. For this type of road, visibility splays of 2.4m x 120m are required. The existing field access shown, which is to be used to serve the public house car park, has clearly not been used for some considerable time and the splay of 2.4m x 120m, particularly to the west, must be shown to be achievable from this access. It would appear that this distance cannot be achieved.

In view of this, unless speed readings can be provided to accurately demonstrate the visibility splays required, the Highway Authority would wish to raise objection to this proposal for the following reason:

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing field access which affords restricted visibility for drivers emerging from the access.

NSDC Conservation Officer –

Preliminary - The Old Plough and associated land is situated within Coddington Conservation Area (CA). The Old Plough is a historic building that is prominent within the street. As such, the building contributes positively to the significance of the CA.

The important landmark Church of All Saints, which is Grade II* listed, is located to the southwest. Impact on the setting and significance of this parish landmark is an important consideration.

Legal and policy considerations - Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the

desirability of preserving listed buildings, including their setting. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

The Council's draft CA Appraisal for Coddington provides a useful assessment of the character and appearance of the CA. The land to the west of the Plough is identified as an important open space due to the views it offers of the church.

Assessment of proposals - The proposal seeks to carry out minor alterations to The Plough Public House (including conversion of the upper floor to form 3 apartments and an office), as well as the relocation of the car parking area onto land adjacent to the pub. The ground floor of the pub use will remain, but three new dwellings will be constructed on the hardstanding opposite (one detached and two semi-detached units).

Retention of the public house as a pub is welcomed and clearly compatible with the historic fabric of the building. The service wing to Beckingham Road has a domestic character and adapts easily to the additional degree of residential use. The replacement of any existing UPVC windows with appropriate timber windows would be an improvement in conservation terms.

The formation of a car park to the west of the Plough (south side of Beckingham Road) has an impact on the open field character of the site. Historically, this field appears to have been glebe land that was truncated during the 20th century to form the bypass. Views of the Grade II* church across the site, as well as the locally significant non-conformist chapel, are an important element of interest within the CA (as described in the draft Appraisal). This land contributes positively to

the character and appearance of the CA, despite the intrusion of the modern bypass, and therefore its loss could be construed as harmful to the CA. However, it is acknowledged from the applicant's submission that re-siting the car park onto this side of the road has potential benefits in terms of safety (insofar as there is currently no formal pedestrian crossing point), and this could be perceived as a clear and convincing justification in terms of paragraph 132 of the NPPF. It is also acknowledged that the proposed car park has been designed so as to reduce and mitigate impact, noting that reinforced grass will help to retain a sense of the open green space. Preservation of a good proportion of the green verge and hedge to Beckingham Road is also beneficial in reducing visual impact. It is probable that views of the church will be relatively unhindered in this context. The recycling area and additional clutter in terms of benches is moderately adverse, but it is felt that that overall impact will be limited.

The hardstanding on the north side of the road (currently car park to the pub) has a neutral impact on the street. The proposed layout of the new residential development references historic buildings elsewhere within the CA, and the scale, form and design of the buildings is compatible with the historic environment in this context. Attention has been paid to joinery and materials, and this element of the scheme is otherwise considered to compliment the character and appearance of the CA. If approved, conditions should require more detailed specifications for all timber joinery (to be retained), chimneys (to be retained), facing materials and detailing (brick bonding, dentil courses, verges etc).

Overall, Conservation has no substantive objection to the proposed development, and subject to appropriate conditions, is confident that the development will not otherwise harm the character and appearance of the CA or setting of the Church of All Saints. It is acknowledged that the change of use of the former glebe land to form a car park could be moderately adverse, but given that no intrinsic special interest is evident in the land in its own right, that views of the Church will remain, as well as the mitigation in screening and surfacing offered, it is felt that on balance, this aspect of the proposal will not be unduly adverse.

NSDC Environmental Health Officer - the public house activity is to continue at ground floor in the current public house. At first floor residential accommodation is proposed as part of the alterations. This would appear to be incompatible with the public house activity below and could give rise to complaint from late night noise etc.

NSDC Housing Officer – The District Council undertakes parish housing needs surveys throughout the district to identify housing need for affordable homes and to provide information regarding local people's preferences/demand for market housing. There is no current parish housing needs survey for Coddington. The Council has engaged with the Parish Council regarding commissioning a survey, however the Parish Council have felt at this time they do not require a survey but will give further consideration at a later date.

The DCA Housing Needs Survey (2014) provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. The village of Coddington is part of the Newark and Rural South sub-area. For this area, there is a small preference for 1 bedroom property (79 homes) in the market sector, however the majority of preference is for 2 and 3 bedroom homes (722 combined).

In the absence of a survey it is difficult to estimate the preference for market housing at a local level and I would recommend that a survey be undertaken to provide evidence of local people in need of both affordable and market housing.

NSDC Environmental Health (Contaminated Land) – No observations.

NSDC Access and Equalities Officer – a building regulations application is required.

NSDC Waste, Litter and Recycling –

Comments received 11.02.2016:

I have spoken with the applicant's representative and visited the site. The public house car park has traditionally housed a set of recycling banks that is well used and supports the needs of the local area well. I can confirm that there is no legally binding written agreement about the siting of the banks and there is no legal obligation on any land owner to site such infrastructure. As a local authority and a waste and litter collection authority we rely heavily on the good will of landowners to allow us to site such equipment that serves the local population. It would appear from my conversations that the applicant is nervous that the siting of recycling banks may adversely affect the planning application and as such is seriously considering asking for them to be removed altogether, which is a shame. However I can see no issues with waste collection from any of the new properties or the public house that is remaining in situ.

Comments received 31.12.2015:

In order for me to support this application from a waste management perspective I need further information on the new waste storage area mentioned in the main application form and further information on container sizes and storage.

NSDC Independent Viability Advice –

The applicant has sought to justify the development of three new build houses within the curtilage of the existing public house by submitting a viability appraisal which demonstrates that the profit subsidy is required from new build development to make up for the deficit incurred as a result of the refurbishment costs associated with refurbishing and retaining the public house at ground floor level and altering the first floor into three apartments.

An independent viability assessment has been commissioned to determine whether the applicant's submission is justifiable and, if it is, the minimum level of new build development which would be required to make the refurbishment of the existing buildings economically viable. Separate viability appraisals of the residential and commercial elements of the scheme have been undertaken to determine the overall viability position.

The main premise of the independent viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

In this case two viability appraisals have been undertaken. The first appraisal assesses the viability of converting the existing public house into three dwellings. The second appraisal assesses the viability of developing the three detached houses proposed in the grounds.

Assumptions Comments:

The viability methodology adopted by NSDC firstly calculates a benchmark land value allowance for the purpose of the viability appraisal. This is based on a 50% uplift in the value with alternative planning permission being added to the deemed existing use value. For the residential element of the scheme this generated a land value allowance of £106,118. The Public House development generated a negligible residual land value so a nominal allowance of £50,000 has been made.

The assumptions are based on a mixture of information supplied by the applicant and the standard allowances adopted by NSDC. The independent appraiser has advised that the applicants' sales values per sqm for the residential units seemed low and has adopted higher sales values. The applicant's allowance for new build residential construction was adopted but higher rates for the public house residential and commercial refurbishment reflecting BCIS rates have been adopted. The applicant's allowance of £56,000 for the setting out of the new car park was agreed.

Viability Results & Conclusions:

The public house refurbishment appraisal concludes that the conversion would create a negative deficit of -£40,000 (having allowed for a reasonable return for land and the developers profit). The refurbishment of the first floor of the public house (with a zero allowance for land value and developer profit) demonstrated negative viability of -£26,000.

The overall negative viability of the scheme with no 'enabling' new build housing was assessed at therefore approximately -£66,000 even with no profit allowance on the residential element.

The re-appraisal of the residential element including the three new build houses demonstrated a developer profit of £193,000 but overall negative viability of -£26,000 largely as a result of the CIL charge.

It is therefore considered that in order to obtain a reasonable return on retaining and refurbishing the public house the 'enabling' development of three houses is justified on viability grounds.

Neighbours/Interested Parties -

14 letters of representation received (7 from 2 neighbours). Main issues raised include:

Highways:

- The proposed access and egress would be too narrow in comparison to the access and egress at the existing car park creating a hazard along Beckingham Road;
- Insufficient visibility splays;
- The proposed car park would conflict with the proposed seating area with children playing in an area where motor vehicles are manoeuvring;
- The road is already very busy and dangerous with a steep bend which limits visibility/cars driving too fast;
- The Applicant does not take into account of the hedge/boundary wall on neighbouring land which falls within the required 120m visibility splay, the Applicants do not own this land;
- Eight wheeled recycling collection vehicle would be too large to get into and out of the paddock area.

Residential Amenity:

- The proposed car park and seating area would subject properties on Chapel Lane to noise nuisance (doors slamming, engine noise, bottles/smashing glass in recycling area, reversing vehicles, people talking/shouting, children playing) particularly late at night;
- Parked cars should be confined to the northern side of the paddock away from houses;
- The proposed dwellings would have very small shadowed rear gardens;
- Adverse impact on the amenity of existing dwellings due higher land levels (on application site), overshadowing and loss of privacy;
- A children's play area in the paddock would be inappropriate and disruptive as there are already two children's' play areas within the village;
- Light pollution from vehicles;
- Impact on health, fumes and smells from cars, people smoking and recycling area;
- The existing car park is a nuisance (albeit not when the pub was occupied);
- the proposed layout of the parking and seating area fails to consider the impacts on the amenity of adjacent dwellings;
- screening of the proposed car park could make fly-tipping and antisocial behaviour problems worse;
- users of the proposed car park/seating area would be able to look directly into the windows of Chapel House (11 Chapel Lane) which immediately abut the boundary;
- planting of trees may overshadow adjacent gardens and cause root issues;
- Noise and dust nuisance during construction;
- Security issues associated with car park being too far away from the pub itself generating anti-social behaviour. It would not be possible to secure the car park if in continual use by the public and for residents of the apartments;
- The recycling bins would be less disruptive and better accessed by all residents if it were in the community centre car park.

Visual Amenity:

- The erection of three new dwellings would destroy the rural character of the village;
- The change to the paddock would be contrary to the principles of conservation;
- The layout of the proposed car park is overly extensive in relation to the nature and needs of the public house;
- The hawthorn hedge to the south of the paddock should be strengthened;
- The 3 proposed dwellings would intrude into the countryside and be an example of ribbon development;
- The proposed housing style does not fit in with the area;
- Development of the paddock which is defined as a Main Open Area is contrary to policy NA/MOA;
- The Conservation Area Character Appraisal (2002) identifies the paddock as an Important Open Area which would be significantly eroded by the proposed change of use to a pub car park, seating area and recycling facility;
- Development would adversely affect the Conservation Area.

Other:

- There is no need for the proposed car park or houses;
- There is no need for the public house (as Coddington has alternative public house provision);
- There is no guarantee that the public house would stay open as a result of the development;

- The parking area would not be needed if the pub business proves unsuccessful;
- Impact on wildlife;
- Development is not justified on the basis of the car parks classification as a brownfield site. The car park and fields to the north have been historically excluded from the main built-up part of the village;
- Water run-off towards houses at lower land level adjacent to the existing car park;
- there is a right of access to the east aspect of Chapel House for the purpose of maintenance;
- a large proportion of mortgage lenders will not lend on properties within close proximity to a public house which will be more problematic with the closer siting of the beer garden and car park;
- impact on property values;
- We should not be encouraging drinking and driving by providing car parking at public houses;
- even if the car park was relocated, people would not use it because it is remote from the pub entrance;
- the application is an attempt to build houses on the existing car park for a quick and substantial profit. The developer may then attempt to sell the pub/covert the ground floor to residential use.
- No consideration has been given to raising of finance through alternative means instead of the new build dwellings i.e. by selling some of the assets of the Plough including land beyond the red line boundary of the application site. Offers to purchase this land have been refused by the applicant.

Comments of the Business Manager

Principle of Development

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

The application site is located within the village of Coddington which is defined as an 'other village' in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Therefore development within Coddington should be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. Policy SP3 states that new development will be considered against five criteria including Location, Scale, Need, Impact and Character which are discussed below.

Location

In relation to 'location', SP3 provides that new development should be within the main built up area of the village. In this case, built development envelopes the site on all sides except to the west of the parcel of land to the north of the road. Approximately half of this parcel of land also forms paddock land albeit this land is sandwiched between houses located along Hall Farm and

the car park which forms the remaining half of the site. The application site does not extend any further east towards the open countryside than the existing car park or built development to the north. Given these characteristics, I do not consider that the site is within the open countryside, neither is it away from the main built up area of the village. As such, I consider the site is located within the main built-up area of the village as required by SP3.

Impact

In relation to 'impact', Coddington contains some community facilities such as a primary school, community hall, a second public house and access to public transport. There are regular bus routes to Newark which provide access to local services further afield. As such, the occupants of the proposed dwellings would not necessarily have to rely on the use of a private car for day to day living due to the local bus services available. The highway impacts of the proposal are further considered in the 'Impact on Highway Safety' section below.

Scale

In relation to 'scale', Coddington had 715 dwellings at the time of the 2011 Census. The proposed development therefore represents less than a 1% increase in the overall housing stock in Coddington which is considered to be small in scale and appropriate to the location.

Character

The criteria in relation to 'Character' is considered in detail in the '*Impact on Visual Amenity including the Character and Appearance of the Conservation Area, the setting of the Listed Church and the Impact on the Main Open Area*' section below.

Need

In order to accord with SP3, new housing must meet an identified proven local need.

The submitted Design and Access statement states that '*the National Planning Practice Guidance advocates that all villages are capable of accommodating some growth, and this alone provides clear policy support for these proposals. The NPPG does not reference local needs housing, and we consider that policies which restrict village development to local needs housing (such as SP3) are at odds with the more permissive regime set out with the NPPF. Given that the Core Strategy predates the NPPF, the national planning guidance must prevail in this instance and the presumption in favour of development engaged*'. The NPPG states that '*assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*'. I therefore still consider it relevant to assess the proposed development against the local need criteria set out in SP3 and do not consider this to represent a blanket policy to restrict housing development in Coddington.

Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where

the needs relate to a particular population group. There is no current parish housing needs survey for Coddington. The onus is on the Applicant to demonstrate a local need.

The DCA Housing Needs Survey (2014) commissioned by the Council provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. The village of Coddington is part of the Newark and Rural South sub-area. For this wider sub-area, there is a small preference for 1 bedroom properties (79 homes) in the market sector, however the majority of preference is for 2 and 3 bedroom homes (722 combined). However in the absence of a parish housing needs survey it is difficult to estimate the preference for market housing at a local level, i.e. within Coddington itself. Given that the proposed new build dwellings comprise one 3-bed dwelling and two 4-bed dwellings, whilst this may partially meet the need identified for 3-bed dwellings, due to the lack of detailed local evidence, I am not convinced that the proposed new build dwellings would meet an identified local need and does not therefore fully comply with the criteria set out in Policy SP3.

In relation to the conversion of the upper floors of the existing public house building, I attach weight to the retention of the building as a non-designated heritage asset. As such, if a residential use secures a viable and sustainable future for the building then this would outweigh the need to demonstrate an identified proven local need in this instance. In addition, SP3 also states that within built-up areas of villages, consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm building or the removal of a business where the operation gives rise to amenity issues. Whilst not a farmyard/farm building, the public house building is a business which in its current vacant state has the potential to give rise to (visual) amenity issues. The principle of the conversion of the upper floors of the public house building to create an additional dwelling is considered to be acceptable in principle.

Housing Land Supply

The Council has, as required by the NPPF and in accordance with the Duty to Cooperate, produced an Objectively Assessed Need (OAN) figure via a joint Strategic Housing Market Assessment (SHMA) with Mansfield and Ashfield. This figure has been recently challenged at a planning appeal in Farnsfield with the appointed Inspector concluding that a higher figure than the OAN for the purposes of a 5 year land supply should be used. On the basis of this appeal decision it is acknowledged that the Council cannot be confident that it has a 5 year land supply at this time. We are currently collating the monitoring information regarding 2015/16 which will inform a more up-to-date five year supply statement. This has an impact as to whether paragraph 12 of the NPPG is engaged and equally whether the LPA has a 5 year land supply. I am aware that the weight attached to SP3 is reduced in terms of the housing need element in the absence of a 5 year land supply. This matter is weighed in the balance at the end of this report.

Viability/Retention of the public house

It is the Applicant's intention that the proposal would bring the public house, which has been vacant for over two years, back into use. The facilities within the public house would be improved through refurbishment and enhanced outdoor facilities including more conveniently located car parking would also be provided. This would be compatible with the aims of Spatial Policy 8 which seeks to protect against the loss of existing community facilities which includes public houses.

As a result of the advice that the proposed new dwellings would not meet an identified local need, the applicant has sought to justify the development of three new build houses within the curtilage of the existing public house by submitting a viability appraisal which demonstrates that the profit subsidy is required from new build development to make up for the deficit incurred as a result of the refurbishment costs associated with refurbishing the public house. The results of the Council's independent viability assessment of this appraisal are set out in the 'Consultations' section above.

The public house refurbishment assessment concludes that the conversion would create a negative deficit of -£66,000. The appraisal of the three new build detached houses demonstrated a developer's profit of £193,000 but an overall negative viability of -£26,000. This is calculated having established all values of the development and by deducting all reasonable costs including CIL, a reasonable return to the landowner (£106,000) and a standard profit allowance (20%) to the developer.

The independent viability assessment therefore concludes that in order to obtain a reasonable return on retaining and refurbishing the public house the 'enabling' development of three houses is justified on viability grounds. *[NB since undertaking this appraisal, it is noted that CIL is approximately £6,000 more than calculated in the appraisal however this does not affect the overall conclusion as an even greater shortfall would be incurred].*

In summary the evidence provided in the viability appraisal confirms that if the three new dwellings are not constructed, the refurbishment and conversion of the pub building (a non-designated heritage asset) would not be viable.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area, the setting of the Listed Church and the Impact on the Main Open Area

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy CP14 of the Core Strategy and DM9 of the DPD require continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving the heritage significance of a listed building including that derived from its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. The important landmark Church of All Saints, which is Grade II* listed, is located to the southwest. Impact on the setting and significance of this parish landmark is an important consideration.

As a building of local interest, the public house building is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 137/138 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

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

The Conservation Officer raises no objection to the proposal (their full comments are set out in the Consultations section above). The retention and renovation of the public house building is

welcomed with the proposed replacement of any existing UPVC windows with appropriate timber windows would be an improvement in conservation terms.

The area to the west of the public house is designated as a Main Open Area (MOA) by Policy NA/MOA of the DPD. This area plays an important part in defining Coddington's form and structure. The policy states that in MOAs, planning permission will not normally be granted for built development.

Whilst there is no intrinsic special interest evident in the land in its own right, the open nature of the MOA is considered to contribute positively to the character and appearance of the Conservation Area due to the views towards it offers towards the listed church. The proposed relocated recycling bins are now removed from the proposal and it is also acknowledged that the proposed car park has been designed so as to reduce and mitigate impact, noting that reinforced grass will help to retain a sense of the open green space and the positioning of cars on this land would be transient in nature. Preservation of a good proportion of the green verge and hedge to Beckingham Road is also beneficial in reducing visual impact. It is probable that views of the church would be relatively unhindered in this context. The land already forms part of the curtilage of the public house and planning permission for use of this land as a beer garden including the temporary positioning of benches is unlikely to be required. Overall, whilst the appearance of this land would be changed, it is considered that the impact on its openness and character would be limited and would amount to less than substantial harm to the significance of a designated heritage asset. In accordance with the NPPF, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use, which is considered in the Planning Balance section below.

The proposed scale, form, density and design of the new build dwellings are considered to be compatible with the historic environment in this context. Subject to conditions relating to materials, joinery and other details, it is not considered that they would harm the character and appearance of the Conservation Area or the setting of the Church of All Saints.

Overall, the proposed development would enable the refurbishment and bringing back into use a vacant site/non-designated heritage asset and community facility which has the potential to detract from the visual quality of the area and the character and appearance of the Conservation Area. The proposed new build dwellings would preserve the character and appearance of the Conservation Area in accordance with the NPPF, Core Policies 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management Development Plan Document (DPD).

Impact on Residential Amenity

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

The rear of 39, 41 and 43 Main Street back onto the site of the proposed new build dwellings. The side elevation of Plot 3 would face towards the rear of the dwellings on Main Street. A separation gap of just over 12 metres is proposed between the side elevation of Plot 3 and No. 41 which is considered acceptable. A first floor window serving an en-suite shower room would also be located in the side elevation of Plot 3. Provided that a condition requiring this window is obscure

glazed and non-opening below a height of 1.7 metres above internal floor level, it is not considered that any overbearing or loss of privacy impacts would occur.

The rear of 1, 3 and 5 Hall Farm also back onto the site of the proposed new build dwellings. Four first floor bedrooms are proposed within the rear of the proposed dwellings which would face towards these dwellings. I note the concerns raised by neighbours in relation to land levels. Land levels are indicated on the Proposed Site Plan. However, the rear of the proposed dwellings would be located approximately 10 metres away from the nearest rear garden area with the rear wall of the existing dwellings located over 25 metres away. This separation gap is considered sufficient so as not to create any material adverse overbearing or loss of privacy impacts even when taking into account the difference in land levels. It is also noted that the rear of these dwellings are already overlooked to a certain degree by existing dwellings. The proposed garden sizes for the new dwellings are considered acceptable.

No.s 11 and 15 Chapel Lane are the dwellings most closely located to the proposed parking area. Part of the side wall of No. 11 abuts the application site and contains a ground and first floor window. Whilst it is accepted that users of the land could potentially peer towards these windows, the land already forms part of the curtilage of the public house and planning permission for use of this land as a beer garden including the temporary positioning of benches is unlikely to be required. As such, I do not consider the use of the land proposed by this permission to be materially worse than the potential use of the land for purposes ancillary to the public house building which could occur without planning permission. I acknowledge that use of the land as car parking could potentially cause noise and disturbance issues. However, the Environmental Health Officer has raised no objection to the application in this regard, and it is not considered that the level of usage of the car park would generate noise levels that would cause nuisance significantly beyond existing background noise levels given the relatively built up nature of the area and the noise levels likely to be generated from vehicles travelling along Beckingham Road in particular. The proposed recycling bins have been removed from the proposal.

No alterations to the existing window and door positions are proposed as part of the pub renovation works. As such, it is not considered that the occupiers of any neighbouring dwellings would be affected by the proposed development. The concerns of the Environmental Health Officer in relation to the compatibility of the proposed upper floor residential units and public house use are noted. However, there are already two existing dwellings within the public house building with no restrictions on occupancy and it is not considered that the introduction of a third would be materially alter the existing relationship. Future occupiers would be aware of the public house use below and for this reason, it is not considered that a refusal on these grounds would be justified in this instance.

Given the scale, nature and layout of the proposed development and separation distances, it is not considered that the residential amenity of the occupiers of nearby occupiers or future occupiers of the proposed dwellings would be adversely affected by the proposed development by virtue of any overbearing, overshadowing, noise or loss of privacy impacts in accordance with Policy DM5 of the DPD.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. In accordance with the aims of CP12, Policy DM5 of

the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

No ecological information has been submitted with the application however Nottinghamshire Wildlife Trust raise no objection to the application subject to the Applicant being aware of their legal obligations regarding bats.

Four trees located around the rear of the existing pub car park would be removed as part of the proposed development. The Agent has confirmed that *'both Cherry trees are in poor condition with large limbs broken, drowned in ivy, and are not aesthetically pleasing at all. As for the Pine trees, both again over run with ivy, one having a heavy back lean with a lot of top weight and in poor condition. The other Pine is all weighted towards the highway with large broken limbs hanging within the canopy. All trees have also been affected by root compaction with having the pub car park in such close vicinity'*. I agree that these trees are not considered to be of high amenity value and I have no objection to their removal subject to replacement tree planting. It is recommended that the requirement for a landscape scheme to include replacement tree planting be imposed by planning condition.

Overall, it is not considered that the proposed development would result in the loss of natural features of importance or have an adverse impact upon ecology in accordance with the aims of Core Policy 12 and Policy DM5.

Highways and parking

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

Whilst the Highways Officer raises no concern in relation to the proposed new build dwellings, concern has been expressed throughout the application process in relation to the visibility splays required to serve the proposed access to the relocated car park area on the south side of Beckingham Road. The required visibility splays cannot be achieved without encroaching onto third party land. Despite a speed survey being undertaken by the Applicant to assess whether a lesser splay would be required as a result, the Highways Officer objects to the development on the grounds that the traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing field access which affords restricted visibility for drivers emerging from the access.

The agent has responded to the Highway Authority (HA) comments but has not been able to add anything further that persuades the HA to remove their objection on highway safety grounds. Based on the advice of the Highways Authority the proposal is therefore contrary to the aims of Spatial Policy 7 and Policy DM5 of the DPD.

Drainage

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. The application form states that surface water would be disposed of via a

soakaway. Overall, the development accords with Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seeks to secure the provision of 30% on site affordable housing on sites of 0.2 Ha or more. In this case, the overall site area exceeds this site area however, the area of the new build dwellings falls below this threshold. Given this and the viability issues associated with the proposed development, an affordable housing contribution has not been requested in this instance.

Planning Balance and Conclusions

Residential development in Coddington is acceptable subject to assessment against the 5 criteria in SP3. In this regard the proposal meets 4 of the 5 criteria but in my view does not wholly comply with the criteria relating to housing need, in that the applicant has not properly demonstrated a local housing need for the new build dwellings.

I am satisfied that the applicant has shown that without the 3 new dwellings the refurbishment/conversion of the Plough pub building would be unlikely to happen (due it is being unviable). The lack of local need in this instance is outweighed by the fact that the redevelopment of the site would offer an opportunity to secure environmental enhancements of a vacant non-designated heritage asset to the benefit of the character and appearance of the Conservation Area and the community in accordance with the requirements of SP3 and SP8. This is a similar approach taken in the consideration of a planning application to convert and provide new build dwellings in the car park of former Coach and Horses Public House in Thurgarton which was approved in October 2014 (14/01262/FUL). In addition, I consider that the *need* for housing carries a far reduced weight in any event given the position that the Council now faces, in that it cannot be confident that it currently has a 5 year land supply. The addition of 4 new dwellings would make a small but non-the-less positive impact on the housing land supply deficit we currently face.

In addition, it is concluded that on balance, the proposed development would not have any adverse impact upon the character and appearance of the Conservation Area, flood risk or adversely affect ecology or any important trees. Nor is it considered that the proposal would result in any adverse impact upon residential amenity that would warrant refusal of the scheme.

As set out in the 'Principle of Development' section above, the relocation of the car park is required to enable the construction of three new build dwelling to fund the conversion and refurbishment works to the public house building. The car park relocation is a benefit of the scheme in that being on the same side of the road as the pub is likely to improve legibility and pedestrian safety for users. There are no alternative locations for the car park identified. It is acknowledged that its relocation to the open area close to the church could cause some limited harm (less than substantial harm) but this is considered to be minor.

However, it has not been possible for the Applicant to overcome the concerns raised by the Highways Officer in relation to highway safety grounds. Put simply the visibility splays required to make access and egress safe for users is not achievable thus endangering users of the highway. This technical/professional objection from the Highways Authority should carry significant weight in my view. Even when taking into account all impacts of the scheme including the matter of

housing land supply, it is not considered that these factors outweigh the harm identified and it is therefore recommended that planning permission be refused on highway safety grounds.

RECOMMENDATION

That full planning permission is refused subject to the following reason:

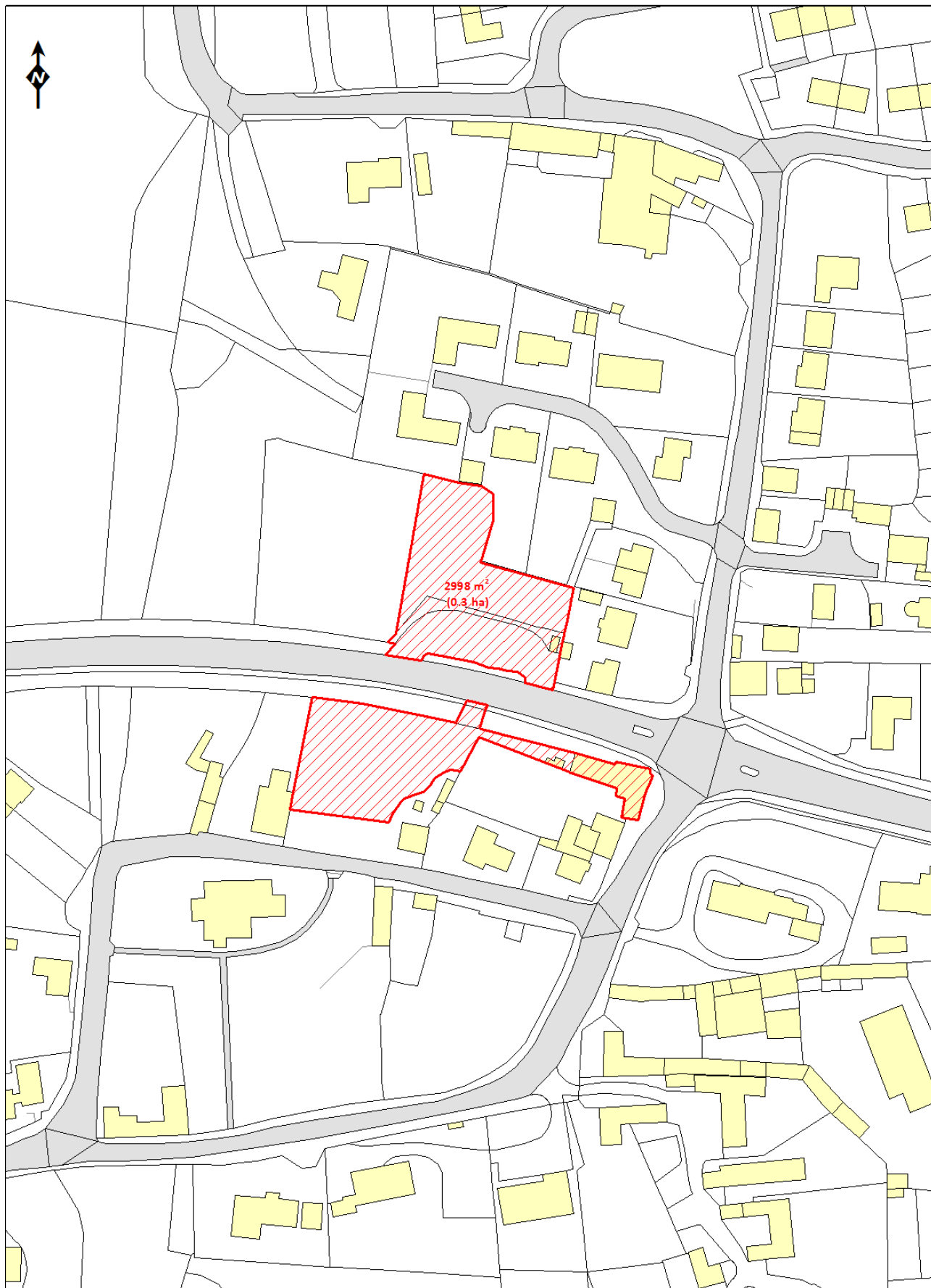
The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing field access which affords restricted visibility for drivers emerging from the access. As a result, the proposed development would have an adverse impact on highway safety, contrary to Section 4 of the NPPF, Spatial Policies 3 and 7 of the Core Strategy (Adopted 2011) and Policy DM5 of the Newark and Sherwood Development Management and Allocations DPD (Adopted 2013).

Background Papers

Application case file.

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

K Cole
Deputy Chief Executive



Application No:	15/01770/FUL	
Proposal:	Change of Use of Land to a Private Gypsy and Traveller Caravan Site, consisting of One Mobile Home, Two Touring Caravans and One Amenity Building	
Location:	Shannon Falls, Tolney Lane, Newark	
Applicant:	Mrs Katrina Webster	
Registered:	11 February 2016	Target Date: 7 April 2016

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Core Strategy and within the countryside. The site sits on the north side of Tolney Lane which leads to a dead end and runs in a south-westerly direction from the Great North Road. The majority of the section of Tolney Lane that runs between the application site and the Great North Road is located within Flood Zone 3. Half way down Tolney Lane, it forks into two and the northern arm runs towards the railway line. The application site lies adjacent to the railway line boundary and forms the north-western corner of a larger site known locally as Shannon Falls which is located between the larger gypsy and traveller sites known as Church View to the east and Hoes Farm to the west. The site is also located adjacent to two brick built residential properties known as Mill Cottage and Mill House, which are to the west of the application site.

The vacant site measures 0.1 hectare in area and is roughly rectangular in shape. It measures approx 55 metres wide by approx 35 metres deep. The application form describes the site as vacant and the last use of the land as unknown. It is located within Flood Zone 2 of the Environment Agency's Flood Map/Strategic Flood Risk Assessment, but only as a result of unauthorised material being tipped onto the land to raise ground levels which occurred roughly in 2001. With the removal of the tipped material, the site would be situated within Flood Zone 3. There are some remains of close boarded timber fencing along the site's south-west boundary, but this boundary is predominantly bounded by mounds of earth and large blocks of masonry. The existing boundary treatment to the northern boundary with the railway line is a 2m high steel palisade fence and some sporadic tree planting. The south eastern boundary appears to be defined by posts with no fencing between, beyond which is the remainder of the larger Shannon Fall site vacant but part of it is currently being used for the disposal of unwanted domestic waste, the larger items being fridge freezers.

Tolney Lane accommodates a large Gypsy and Traveller community providing in excess of 200 pitches.

Relevant Planning History

E/1/1129 - Use of the land as a site for caravans, refused in 1959;

E/1/2531- Construct a residential caravan site, refused in 1970;

02/02009/FUL - Use of land as residential caravan site (21 plots) and retention of unauthorised tipping on the land which raised land levels, refused on flooding grounds.

Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5 AOD. The applicant appealed to the Planning Inspectorate but on 25 May 2006, the appeals were dismissed and the enforcement notices upheld on the land and still stand.

Whilst the site has ceased being used as a caravan site, the unauthorised tipping remains on the land, artificially raising ground levels.

Including the adjacent larger site:

12/01088/FUL - Change of Use of scrub land for the siting of 8 static mobile homes for gypsy travellers (and 8 associated amenity blocks). Planning permission was refused by Planning Committee in July 2013 for the following reason:

“The proposed development represents highly vulnerable development that would be located within Flood Zone 3 and therefore should not be permitted in accordance with the National Planning Policy framework and its Technical Guidance. Whilst the Sequential and Exception Tests do not fall to be applied in this case, even if they were applicable (which they are not), whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites for this use, the proposal fails the Exception Test. The submitted Flood Risk Assessment does not comply with the requirements sets out in paragraph 9 of the Technical Guidance to the NPPF and therefore fails to adequately demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.

In the opinion of the Local Planning Authority, the proposal would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary to the National Planning Policy Framework and its Technical Guidance, Core Policies 5 and 10 of the Newark and Sherwood Core Strategy and saved Policy PU1 of the Newark and Sherwood Local Plan.”

The Proposal

Full planning permission is sought 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. The mobile home measures approx. 11m by 5m and the proposed amenity building measures 6m by 3.1m, 2.4m to the eaves and 4.3m to the ridge. The amenity building accommodates a kitchen dining area and separate bathroom facilities and would be constructed of blockwork, rendered externally and slate roof. The site is proposed to dispose of its sewerage by a septic tank.

The mobile home and amenity building is situated adjacent to the northern boundary of the site

with the two touring caravans located adjacent to the western boundary and from which a vehicular access is proposed. The application form states 4 parking spaces would be provided on the site. The central area of the plot would be surfaced in a permeable material with grassed areas either side. Hedging is proposed to be planted along the south-eastern and south-western boundaries.

Accompanying the application is a Flood Risk Assessment which states that ground levels across the site fall in a general southerly direction from approx. 12.5m to 11.8m Above Ordnance Datum (AOD). The Assessment identifies the Old Trent Dyke located to the north of the site beyond the railway line, flowing in an easterly direction and the River Trent some 150m to the south of the site means that the site may be at risk from fluvial flooding. The FRA states that the site lies within Flood Zone 2, based on current data and states that as there are no reasonably available sites in areas with a lower risk of flooding, the Sequential Test has been passed. The Assessment also states that the Exception Test is passed, although no demonstration of the wider sustainability benefits to the community that outweigh the flood risk is presented to comply with the first part of the exception test. In relation to the second part of the Exception Test, the report states that the finished floor level of the static mobile home would be 0.75m above ground level and would therefore provide a safe place of refuge for residents. The report also recommends that the residents of the proposed development subscribe to the 'Floodline' flood warning service of the Environment Agency that aims to provide a minimum 2 hour warning of an impending flood. In relation to access and egress, the FRA refers to the NSDC Tolney Lane Flooding Action Plan which identifies a reception facility at the Lorry Car Park, adjacent to the Newark Cattle Market is provided for evacuees. The FRA therefore claims that there is therefore adequate warning available for residents of Tolney Lane to be safely evacuated to a safe refuge despite the risk of flooding to the only egress route. The Assessment states that the proposed development would not result in an obstruction to flood flows or reduce flood storage volume and therefore no impact on flood risk elsewhere. In terms of surface water run-off, areas of hardstanding will be formed using a permeable stone and from the roof of the static mobile home, shed directly to ground, and therefore the development will not increase its impact above the existing surface water run-off situation.

Departure/Public Advertisement Procedure

Occupiers of 71 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3 : Rural Areas

Spatial Policy 7 : Sustainable Transport

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

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

Core Policy 9 : Sustainable Design

Core Policy 10 : Climate Change

Core Policy 13 : Landscape Character

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

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
- Planning policy for Traveller sites – August 2015

When determining planning applications for traveller sites, this policy states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and this document (Planning policy for traveler sites).

This document states that the following issues should be considered, amongst other relevant matters:

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

The document goes on to state that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and sites in rural areas should respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure.

- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (December 2012)

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

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

Consultations

Newark Town Council – Object on the grounds that:

- i) The site is located in a flood plain and will exacerbate the potential impact of flooding in the surrounding area; and
- ii) It is inappropriate to permit the development on land whose height has unlawfully been raised. This would result in a profit being achieved through an illegal act.

The Town Clerk was also asked to raise with the District Council, concerns that no action has been taken to rectify the situation of illegal dumping on the site and ask what action the District Council intends taking to deal with this issue.

NCC Highways Authority – This application, for one mobile home and two touring caravans, is not expected to have significant impact on the existing vehicular movements along Tolney Lane. Therefore, there are no highway objections to this proposal.

Environment Agency – on 8 March 2016 stated:

“It is our understanding that this plot of land may be subject to lengthy legal procedures, and that there is a requirement that the land is lowered to original ground levels, in order that flood risk is reduced back to previous scales. We are not aware whether this work to reduce ground levels has been carried out, but until such time as this work has been confirmed by the LPA to whether this has been carried out, we do not feel that it is appropriate to give consideration to a planning application on the land in question.

We would be grateful if you could inform us of the current status of the land, and whether you consider that it is appropriate to accept a planning application on land which has not been reinstated.

If this is not the case and the current land levels are permitted, then please confirm this to the Agency and we will provide detailed comments on the application.”

On 23 March 2016 stated:

“As stated in the response to 12/01088/FUL:

‘... the site lies on ground that has been raised without permission and there are legal requirements to have the land lowered to original ground levels. As far as I am aware there have been no efforts to rectify the situation and currently this area of land represent a loss of flood storage from the River Trent floodplain.

The Agency disputes that changing artificially raised made ground that has become scrub land to a community is a change of use within the sentiment of the NPPF and the generally accepted guidance that more vulnerable development should be directed to areas of lower flood risk.

Therefore:

Environment Agency position

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

This area has previously been classified as Flood Zone 3b and this may still be the case even after the results of recent remodelling of the River Trent but with access to the original ground levels now unavailable it may be risky to make such a defined judgment based on old levels but I can confirm that the 100yr flood level for the Trent at this location is above the previous land levels. Therefore, if the ground levels were reinstated then the area would be FZ3a.

Reason

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

Environment Agency Position

We **OBJECT** to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.

Reason

Technical Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone.

Without the tipped material the application site lies in Flood Zone 3a, defined by the Technical Guide to the NPPF as having a high probability of flooding.

The development type in the proposed application is classified as highly vulnerable in accordance with table 2 of the Technical Guide to the NPPF. Tables 1 and 3 of the Technical Guide to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

It is acknowledged that a flood risk assessment has been submitted in support of the application. However it is currently unacceptable and we **OBJECT** to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular:

- a) There is incorrect interpretation of the NPPF requirements, particularly with regard to the appropriateness of the proposed development in an area of FZ3 high risk.
- b) There is no reference to the recent history of the site, and the land raising which has already taken place.
- c) The proposals included for significant ground raising, however no floodplain compensation is proposed, thereby increasing flood risk to others.
- d) The FRA identifies that there is no safe access and egress to the site and an Evacuation Plan for the Tolney Lane area has been provided. The FRA does not address issues of the impact of the additional residents attempting to egress the site along an already heavily used egress route.

You may be able to overcome this objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection. Production of an FRA will not in itself result in the removal of an objection.”

Internal Drainage Board - The Board advise that this area has been subject to flooding emanating from the River Trent. The Board maintained watercourse, Old Trent Dyke, is in close proximity to the site. However, a railway line separates the watercourse from the proposed application site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

NSDC, Emergency Planner – Object. At this time I feel as though I have no option but to object to this proposal. The reasons being, that after referring to the National Planning Policy Framework (NPPF), there are several elements of the proposition that go against the principals within.

- This development is in a Floodzone (FZ) 3 area, previously stated as a FZ3b. This is an area that is likely to flood in the event of a fluvial flooding incident.
- There is the contentious issue surrounding the ground having been raised by unconventional means and in doing so makes it difficult to predict the flooding for the site; although unless the site has been raised using approved methods it is almost certain that this will not be sufficient to prevent a flooding incident.
- The site has been identified as vulnerable previously by NSDC to the point that an emergency evacuation plan has been written. There is a current emergency evacuation plan, however this requires revision in the near future due to development in Newark.
- The evacuation and relocation of the residents at the nearby site is already resource intensive and requires management. The homes themselves would be classed as highly vulnerable due to their semi-permanent nature and so would place an undue pressure on emergency services in the event of a fluvial flooding incident. Increasing the residents, vehicles and semi-permanent structures that would have to be relocated and facilities required would also place undue pressure on the community and responders.
- There is no dry access and egress to the site in the event of flooding, this raises the risk to residents and emergency services that may need to effect evacuation and increases the risk of secondary injuries. The nature of the semi-permanent buildings & structures

raises the risk of contaminants being released into the water and causing illness or injury.

NSDC, Strategic Housing - In terms of the application to allow change of use of land (for either temporary use or permanent permission) to a caravan site, I refer to the Newark and Sherwood Gypsy and Traveller Accommodation Needs Assessment (2013 - 2028) which provides an evidence base to support this application in terms of evidenced need. The assessment identified a requirement for a minimum of 21 pitches in the period up to 2018. Given this outstanding need, any provision that contributes towards meeting the identified need is welcomed and in this respect Strategic Housing supports the application. Any approval for such an application should be clear with a condition that the site is for 'Gypsy and Traveller Use', with the appropriate licences in place.

NSDC, Environmental Health – No observations from a contaminated land perspective.

NSDC, Access and Equalities Officer – General comments on the need for inclusive access to and use of the proposals, with particular reference for disabled people and Approved Document M of the Building Regulations.

One representation has been received from a local resident/interested party which states that the person who owns the land will, once they get permission for caravans will sell it onto someone who will split it up to more plots above what is approved. So instead of 3 caravans there will probably be 23 as it will be split up for smaller plots as it is to make money not for them to live there.

Comments of the Business Manager

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

The Need for Gypsy and Traveller Pitches

The NPPF and the Government's 'Planning policy for traveller sites' requires that Local Planning Authorities maintain a rolling five year supply of specific deliverable Gypsy & Traveller sites together with broad locations for growth within 6-10 years and where possible 11-15 years. Government policy states that a lack of a five year supply should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

Core Policy 4 (CP4) set a district wide target of 84 pitches to be provided up to 2012. 93 pitches were provided over this period and since that time work has been progressing on a new assessment of need and approach to meeting this. The Council initially intended to produce a separate Gypsy and Traveller DPD but now propose to include this within the review of the Development Plan. Public consultation on the Plan Review Issues Paper took place between 5th October and 16th November 2015.

The Issues Paper identifies a requirement for 25 permanent pitches in the period 2013-2018. Four pitches have been delivered through the grant of permanent planning permission which leaves a requirement for 21 pitches, as concurred by the comments of the District's Strategic Housing

Service. There are currently no other sites with planning permission, no allocated sites and consequently the Council does not have a five year supply of sites.

Whilst the Plan Review may ultimately yield a new approach to the provision and distribution of Gypsy and Traveller sites, in determining this application now appropriate weight needs to be given to the lack of other available sites and suitability of this site by reference to the criteria of Core Policy 5. As identified referenced above, the lack of other available sites and a shortfall of 21 pitches are material considerations that need to be given significant weight in the determination of this application.

Planning History

This Council has already considered the principle of a residential caravan use on this site in 2002. The application was refused on the following grounds:

“The site lies within the defined washlands of the River Trent a high risk zone according to paragraph 30(3) of Planning Policy Guidance Note 25 and is subject to known periodic flooding. In the opinion of the Local Planning Authority, any development of the site that includes the raising of ground levels, or the placing of fixed structures would aggravate the existing problem of flood defence/land drainage in this locality. As a consequence, the loss of this washland storage area would lead to additional properties in the locality having a greater probability and risk of flooding, which would not be in the interest of proper planning. This proposal is therefore considered to be contrary to policy PU1 of the Newark and Sherwood Local Plan and the advice contained in Planning Policy Guidance Note 25 'Development and Flood Risk' July 2002, specifically paragraph 70.”

Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5 AOD. The applicant appealed to the Planning Inspectorate and the appeals were dismissed. The Inspector concluded:

“I fully understand that the occupants of the site would make sure they were well aware of any imminent flooding and, because of their experience of travelling, they could vacate the site quickly, if necessary. However, this does not address the concerns about the continuing availability of functional flood plain, and the consequences of development for flood control over a wider area.”

The proper consideration of such a use in this location has already been considered and found to be unacceptable on flooding grounds both by this Council and the Planning Inspectorate in the past.

The planning history section at the beginning of this report also refers to an application considered in 2012 for a Gypsy and Traveller residential caravan site on the adjoining site to the south-east of this site (also on the higher land levels due to the unauthorised increase of land levels) which was refused on flooding grounds.

The submitted FRA states that the application site is within Flood Zone 2 (at medium risk of flooding) and this is correct on the basis of the current land levels. However, this is the case because of the artificial raising of ground levels that occurred in 2001 without any planning approval, as set out in the planning history section above. The material remains on the land today, and therefore has represented unauthorised development since the appeal decision (ie for the last 10 years). If the material was removed, land levels would reduce and the site would be defined as being within Flood Zone 3a, at high risk of flooding.

The retention of this material on this site, results in the loss of flood storage capacity within the flooding catchment area of the River Trent and therefore in a flood event, rather than allowing the site to flood, it disperses flood water away and results in increased flood impacts to other land elsewhere. Whilst this is a matter of fact, because of the width and size of the flood plain along this section of the River Trent, it is likely that this impact would not be substantial in itself, however, it would prove very difficult to model in order to quantify this increased impact or try to identify the position of the exacerbated flood impact elsewhere. Soon after the Enforcement Notice was upheld, the local planning authority investigated the cost of removing the material from the land. A cost-benefit analysis concluded that the benefit of securing the removal of the material in flood risk terms was not outweighed by the level of cost required. It was therefore considered that it was not in the interests of the public purse to pursue the removal works. It is not considered that this lack of expediency for default action should represent a material planning consideration in the determination of this application at this time, as the test of proportionality to pursue enforcement action is an entirely different and separate consideration.

Flooding

The final criterion of Core Policy 5 states that ‘in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within PPS 25: Development and Flood Risk and the findings of the Newark and Sherwood Strategic Flood Risk Assessment. Where flooding is found to be an issue, the District Council will require the completion of a site specific Flood Risk Assessment’. The NPPF states that local planning authorities should minimise risk by directing such development away from high risk areas to those with the lowest probability of flooding. Policy DM5 also states that the Council will aim to steer new development away from areas at highest risk of flooding.

The Flood Risk Zone of the application site is in question. The submitted FRA states that the application site is within Flood Zone 2 (at medium risk of flooding) and this is correct on the basis of the current land levels. However, this is the case because of an artificial raising of ground levels that occurred in 2001 without any planning approval, as set out in the planning history section above.

Table 2 (in paragraph 66) of the Planning Practice Guidance (PPG) states that caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” uses. Table 3 (in paragraph 67) of the PPG states that within Flood Zone 3a, highly vulnerable classification development should not be permitted, but that within Flood Zone 2, it may be permitted subject to the Exception Test being passed.

The NPPF states that local planning authorities should minimise risk by directing inappropriate development away from high risk areas to those with the lowest probability of flooding. However, given that this represents vulnerable development that should not be permitted in the first instance in Flood Zone 3a, the Sequential and Exception Tests do not fall to be applied to this type of proposal. Even if the Sequential and Exception Tests were applicable (if the view was that the site should be considered as being within Flood Zone 2) whilst the Sequential Test may be considered passed on the basis that there are no reasonably available alternative sites for this use at lower risk, the proposal fails the Exception Test. There are two parts of the Exception Test set out in the NPPF:

- It must be demonstrated that the development provides for wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

Firstly, no information has been submitted with the application which demonstrates that the development would provide wider sustainability benefits to the community.

Secondly, the Environment Agency has confirmed that the flood risk assessment submitted with the application is wholly inadequate and does not comply with the requirements set out in the PPG by not providing a suitable basis for assessment to be made of the flood risks arising from the development. The NPPF states that it must be *“demonstrated that the development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning...”* Full details of the EA comments are outlined within the consultation section of this report.

The EA objects on three grounds:

1. No information on the passing of the Sequential Test;
2. The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The EA recommend that the application should be refused planning permission on this basis; and
3. The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework and is therefore inadequate.

As already set out, it is considered that the Sequential Test is passed on the basis of the lack of reasonably available alternative sites for this use at lower risk of flooding (if it were being considered as being within Flood Zone 2). The second reason for objection identifies that the EA consider that the development should be considered as if it is in Flood Zone 3a and should therefore be rejected as being inappropriate development and the third reason for objection identifies that, even if it is considered that the site is within Flood Zone 2, the Exception Test fails because the FRA is inadequate.

The EA has stated that the submitted FRA is inadequate because:

- it makes an incorrect interpretation of the NPPF requirements, particularly with regard to the appropriateness of the proposed development in an area of FZ3 high risk;
- there is no reference to the recent history of the site, and the land raising which has already taken place;
- the proposals included for significant ground raising, however no floodplain compensation is proposed, thereby increasing flood risk to others;

- the FRA identifies that there is no safe access and egress to the site and an Evacuation Plan for the Tolney Lane area has been provided and the FRA does not address issues of the impact of the additional residents attempting to egress the site along an already heavily used egress route.

Members may be aware of the evacuation procedures that have been put in place for existing occupiers of Tolney Lane where residents are allowed to assemble on the lorry park during a flood event. However, this evacuation plan is not ideal and was introduced to try to provide a solution to occupants that already existed on Tolney Lane after the year 2000 flood and it should not be seen as an appropriate mitigation strategy when considering new pitches along the Lane.

Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum referred to in the other material considerations section above, represents standing advice, material to the consideration of this application and it raises significant concerns in relation to any new development that would increase the burden on emergency services as it is likely that even with an evacuation plan in place, emergency services would still have to go along Tolney Lane to ensure total evacuation had occurred and granting planning permission for additional pitches will exacerbate the need for this checking procedure and therefore increase the danger of the situation for all.

Whilst Members have accepted evacuation procedures are sufficient to allow proposals to go ahead on other Tolney Lane sites in the past, it remains the view of officers that the principle of locating this highly vulnerable use in an area at high risk from flooding is not appropriate and should not be permitted and practical experiences of the difficulties in managing evacuation and risk were realized in the 2012 flood event. The unauthorised material that currently remains on the site continues to result in a loss of flood storage and therefore continues to exacerbate flooding risk elsewhere.

The Inspector who considered the Green Park Public Inquiry in 2014 for 10 pitches for the same use (where the site was within Flood Zone 3a and 3b) concluded that that *“development was clearly contrary to local and national policy concerning flood risk. It may be possible to manage that risk through conditions securing a site specific evaluation plan requiring evacuation on a Flood Alert, without placing significant additional burdens on existing evacuation arrangements. However, given the strong policy objection to this development, whether that would be reasonable or appropriate, on a permanent or temporary basis, will depend on the overall balance of other considerations. The evidence indicates that the development could increase the risk of flooding elsewhere, but that could be addressed by conditions requiring the removal of solid walls and a reduction in the levels on Pitch 8.”*

In the absence of a 5 year supply of deliverable sites for gypsies and travellers, together with their personal circumstances and with gypsy and traveller status adequately proven, together with the realistic prospect of sites being allocated through the development plan process and delivered with planning permission in the next 5 years, the Inspector concluded that the flood risks could be effectively managed and minimized over a finite and temporary period. The material considerations weighing in favour of the development cumulatively allowed the Inspector to conclude that a temporary permission should be granted in the particular circumstances of that case.

The view of officers, as well as the Environment Agency, is that as the site is only within Flood Zone 2 due to unauthorised material being deposited on the land, and therefore for the basis of the consideration of this application, the site should be considered as being within Flood Zone 3a

and the development therefore represents inappropriate development in this high risk flood location. The proposal is considered to be contrary to Development Plan policies as well as the NPPF and the PPG and this weighs heavily against the proposal in the planning balance. However, Members will also have to take into consideration the conclusions reached by the Inspector for Green Park and the continued absence of a 5 year supply of gypsy and traveller sites.

Impact on the countryside and character of the area

The first of the criteria under Core Policy 5 states that ‘the site would not lead to the loss, or adverse impact on, important heritage assets, nature conservation or biodiversity sites’.

Criterion 5 of Core Policy 5 states that the site should be ‘capable of being designed to ensure that appropriate landscaping and planting would provide and maintain visual amenity’.

The aim of conserving the natural environment, protecting valued landscapes, minimising impacts on biodiversity and pollution is also reflected in the NPPF. Whilst development exists along the majority of the Lane, only the eastern third sits within the defined Newark Urban Area. The application site is located between the sites known locally as Church View to the east and Hoes Farm to the east. Church View benefits from an authorised use for 35 residential caravans and Hoes Farm has planning permission for 25 pitches. Whilst the site is located within the countryside, it is sandwiched between these two sites which are authorised for caravan use. The proposed development is for the creation of 1 pitch (1 mobile home, 2 touring caravans and a utility block) that would be enclosed by additional hedge planting. Taking all these matters into consideration, the proposal is unlikely to represent a significant visual intrusion that would have such a harmful impact on the appearance of the countryside in this location, to warrant refusal of planning permission in this case. It is also acknowledged that the site has no special landscape designation and is unlikely to lead to any significant adverse impact on nature conservation or biodiversity. Although the Newark Conservation Area boundary runs along the south-eastern side of Tolney Lane, it is approx. 100m from the boundary and as such, it is not considered that the proposal would be harmful to the setting of the Conservation Area.

The proposal is considered to broadly accord with Local Plan and National Framework Policies in this regard.

Highway Issues

Criterion 3 under Core Policy 5 requires the site has safe and convenient access to the highway network.

Spatial Policy 7 states that development proposals provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use. Proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems.

The Highway Authority has raised no objection to this application and it is considered that the proposal would not result in any significant highway implications and the proposal accords with the Local Plan and National Framework Policies in this respect.

Access to and impact on Local Services

The second of the criteria under Core Policy 5 is that ‘the site is reasonably situated with access to essential services of mains water, electricity supply, drainage and sanitation and to a range of basic and everyday community services and facilities – including education, health, shopping and transport facilities’.

Whilst the site lies within the countryside, it is acknowledged that it is in relative close proximity to the edge of existing development. Occupiers would have good access to existing Tolney Lane development and to existing services and facilities provided by the Newark Urban Area. The site is ideally located between two established Gypsy and Traveller sites and therefore access to long established community and social facilities associated with the historic use of Tolney Lane would be readily available for occupiers.

Taking the above factors into consideration, the application site is reasonably located in terms of access to the range of amenities and services and as such would be relatively sustainable.

Residential Amenity

Criterion 4 of Core Policy 5 states ‘the site would offer a suitable level of residential amenity to any proposed occupiers and have no adverse impact on the amenity of nearby residents’.

Policy DM5 requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

It is considered that with the proposed hedge boundary planting that the site would offer a suitable level of protection to current residential amenities of existing occupiers nearby as well as a suitable level of amenity to any proposed occupiers of the site.

The proposals therefore meet the requirements of Criterion 4 of Core Policy 5 and Policy DM5.

Personal Circumstances

The Government's new ‘Planning Policy for Traveller sites’ (August 2015) introduced following the submission of this application requires a revised assessment of Gypsy and Traveller status. Annex 1 of the document sets out the definition of gypsy and traveller for the purposes of the policy as follows:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.’

The guidance states that in determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

In order for appropriate weight to be given to the unmet need for Gypsy and Traveller pitches in the consideration of these proposals, the onus is on the applicant to prove that the applicant along with any other occupier of the site, have Gypsy and Traveller status in accordance with the definition set out in the Planning Policy for Travellers Sites.

No information has been submitted in this regard to date, although it has been requested. As such, this recommendation to Committee is based on that fact that their status is not proven, however, this may alter in the submission of any additional information and any update will be reported at Planning Committee.

Conclusions and Balancing Exercise

The NPPF and the PPG is an up to date policy that clearly and explicitly states that this highly vulnerable use should not be permitted within Flood Zone 3a (which is its status without the existing unauthorised fill) and under these circumstances the Sequential and Exception Test would not be applicable.

If Members take a more pragmatic view on the unauthorised fill, decide that it is unlikely that the material would be removed and consequently accept its impact in marginally increasing flood risk elsewhere through loss of flood storage, and assess the application on the basis that the site is within Flood Zone 2, the Sequential and Exception Tests would apply. Whilst it is accepted that the Sequential Test is passed, on the basis of the inadequate FRA, it fails the Exception Test in any event.

Since the up-holding of the Enforcement Notices in 2005, it is clear that whilst flood risk has remained of paramount importance as a material consideration, unmet need and the lack of reasonable deliverable alternative sites and a 5 year supply has significantly increased significance as a material consideration more recently. This is borne out in the Green Park appeal decision, where a temporary permission was approved notwithstanding the flood risk.

At present there is an unmet need for Gypsy and Traveller pitches within the District. National policy and guidance dictates that such an unmet need, lack of a 5 year supply and deliverable alternative sites carries significant weight in favour of the proposal. However, other than the description of development on the application form, no further supporting information has been provided on the gypsy and traveller status of the applicant or proposed occupiers of the site. In the absence of this demonstration, the onus of which is on the applicant to provide, it is considered that positive weight cannot be afforded to this material consideration, in contrast to the Green Park application. As such it is not considered that a permanent or temporary permission would be deemed acceptable in this particular case.

Whilst the remaining material planning considerations (impact on the countryside and character of the area, residential amenity, highway considerations and access to services) assessed in this report appear to represent positive weight to this proposal, in the professional view of officers, the harm caused by retaining existing land levels on the site and locating this development within an area at high risk of flooding does not and cannot be outweighed in the overall planning balance. Even if Gypsy and Traveller status is demonstrated, the provision of 1 further pitch to meet unmet need is not considered to be a positively determinative factor in this case. It is therefore recommended that the application be refused on flooding grounds.

In response to the concern raised by the Town Council on how the unauthorised material is to be dealt with moving forward, the District Council should re-visit it's consideration of this matter and

carefully undertake an expediency test and cost-benefit analysis in order to make a decision on whether to take any direct action in the wider public interest.

RECOMMENDATION ONE

That planning permission is refused for the following reason:

01

The proposed development represents highly vulnerable development that would be located within Flood Zone 3 and therefore should not be permitted in accordance with the National Planning Policy Framework and the PPG. Whilst the Sequential and Exception Tests do not fall to be applied in this case, even if they were applicable, whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites for this use, the proposal fails the Exception Test. The submitted Flood Risk Assessment does not comply with the requirements set out in the Site Specific Flood Risk Assessment Checklist (paragraph 68) of the Flood Risk and Coastal Change Section of the Planning Practice Guidance and therefore fails to adequately demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.

In the opinion of the Local Planning Authority, the proposal would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary to the National Planning Policy Framework and the Planning Practice Guidance, Core Policies 5 and 10 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

RECOMMENDATION TWO

That further consideration be given to dealing with the unauthorised material on this and the wider site and a report taken to Full Council for a decision.

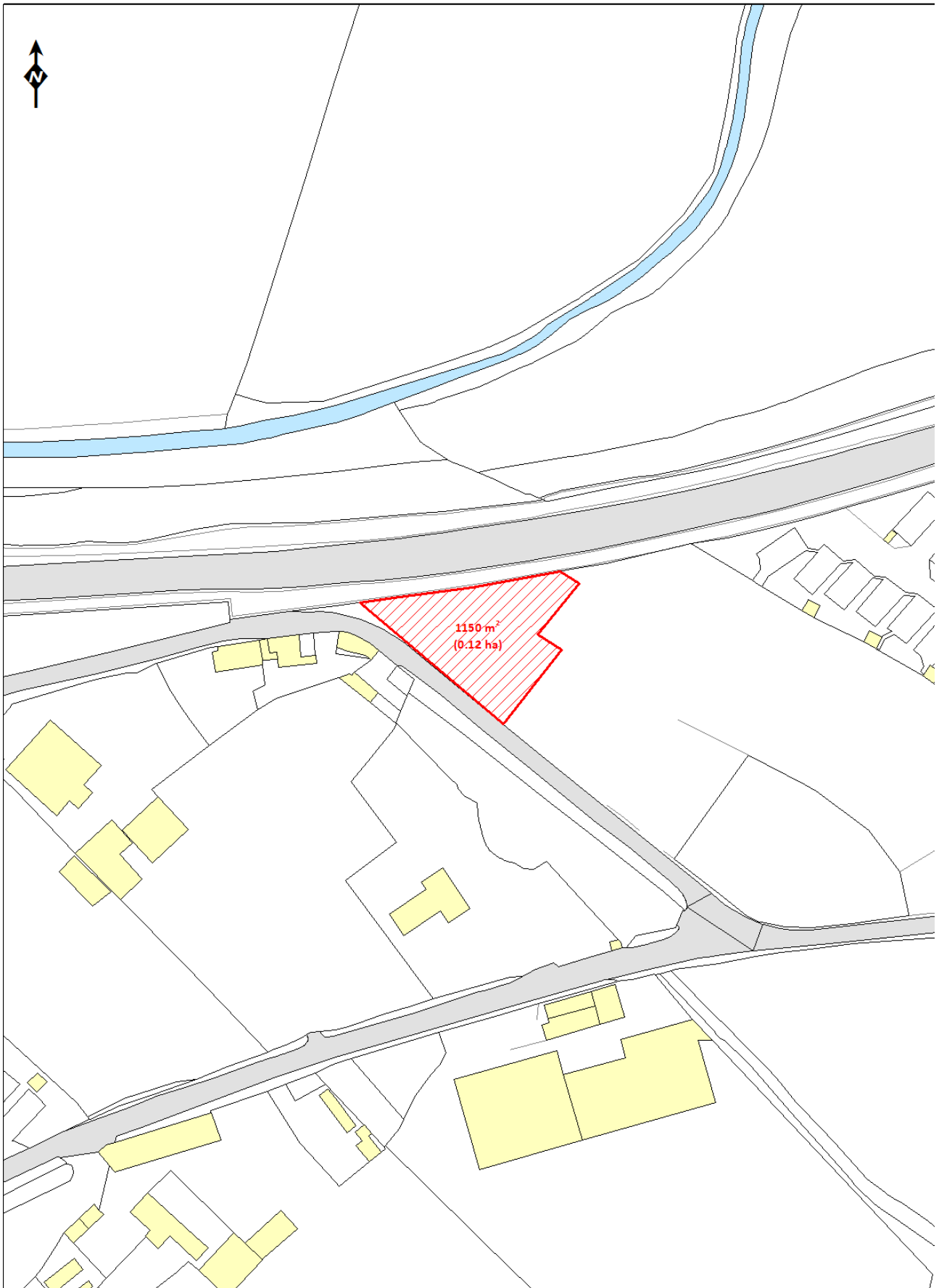
BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



APPEALS A

APPEALS LODGED (received between 16 March 2016 and 20 April 2016)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**
That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3146578	15/01858/OUTM	Land Off North Gate Newark On Trent Nottinghamshire NG24 1HD	Application to vary condition 25 of planning permission 13/00997/OUTM for Proposed Erection of Retail Development Bulky Goods/ Open A1/ Open A1 Convenience uses and provision of car parking to serve same. Proposal submitted to allow the use of Unit B as A1 (non-food).	Written Representation
APP/B3030/C/16/3147921	16/00011/ENFNOT	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

APPENDIX B: APPEALS DETERMINED (between 16 March 2016 and 20 April 2016)

App No.	Address	Proposal	Decision	Decision date
13/00893/FULM	Field Reference 2958 Off Mickledale Lane Bilsthorpe Nottinghamshire	Installation of 3.22MW solar park and associated infrastructure and erection of 1 No. 500kW wind turbine measuring 60m to the hub and 87m to the blade tip	RESCINDED	12.04.2016
14/01055/FUL	The Grange Gainsborough Road Langford Newark NG23 7RP	Erection of a single wind turbine (60m to hub; 86.5m to tip) plus ancillary development.	DISMISS	31.03.2016
15/01259/FUL	Land Adjacent Churchside Cottages Fishpool Road Blidworth Nottinghamshire	Detached three bed cottage with accomodation over two storeys (Resubmission of 14/00930/FUL)	DISMISS	15.04.2016
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 quoting the relevant application number.

Matt Lamb
Business Manager Development