

Dear Sir/Madam,

**PLANNING COMMITTEE**

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Civic Suite, Castle House, Great North Road, Newark on **Tuesday, 7 November 2017 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 19 October 2017	3 - 8
<b><u>PART 1 - ITEMS FOR DECISION</u></b>	
5. Cornerways, Beck Lane, Blidworth, Notts (17/01692/RMA) (Site Visit: 9.20am – 9.30am)	9 - 22
6. Woodlands Cottage, Station Lane, Farnsfield, Notts (17/01210/FUL) (Site Visit: 9.45am – 9.55am)	23 - 35
7. Holly Cottage, Fiskerton Road, Brinkley, Notts (17/01443/FUL) (Site Visit: 10.05am – 10.15am)	36 - 47

8.	Southwell Racecourse, Station Road, Rolleston, Notts (17/01268/FULM) (MAJOR) <b>(Site Visit: 10.25am – 10.35am)</b>	48 - 60
9.	Ashleigh, Great North Road, South Muskham, Notts (16/01761/OUT) <b>(Site Visit: 11.00am – 11.10am)</b>	61 -87
10.	Field Reference Number 0790, Top Street, Rainworth, Notts (17/00865/FULM) (MAJOR)	88 - 131
11.	The Old Barn , Church Lane, Besthorpe (17/01216/FUL)	132 - 145
12.	The Sawmill, Beacon Hill Road, Newark On Trent, Notts (17/01431/FUL)	146 - 167
13.	Robin Hood View Caravan Park Middle Plantation, Belle Eau Park, Bilsthorpe (17/01451/FUL)	168 - 178
14.	Rear Of Chapel Farm Newark Road Wellow (16/01638/FUL)	179 - 218
15.	Little Hollies, The Close, Averham (17/01193/FUL)	219 - 236

**PART 2 – ITEMS FOR INFORMATION**

16(i)	Appeals Lodged	237 - 238
16(ii)	Appeals Determined	239

**PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS**

None

**PART 4 - EXEMPT AND CONFIDENTIAL ITEMS**

The following item contains 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 S1, Castle House at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, 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 Civic Suite, Castle House, Newark on Thursday, 19 October 2017 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)  
Councillor G.P. Handley (Vice-Chairman)

Councillors: Mrs K. Arnold, R.V. Blaney, Mrs A.C. Brooks, R.A. Crowe,  
Mrs M. Dobson, J.D. Lee, Mrs P.J. Rainbow,  
Mrs S.E. Saddington, Mrs L.M.J. Tift, I. Walker, B. Wells and  
Mrs Y. Woodhead.

ALSO IN

ATTENDANCE: Councillor: P. Peacock

112. APOLOGIES FOR ABSENCE

An apology was submitted on behalf of Councillor N.B. Mison.

113. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Member/Officer

Agenda Item

Councillor I. Walker

Agenda Item 8- Land off Elston Lane, Elston, Nottinghamshire (17/01351/FULM)- Disclosable pecuniary interest as he lived opposite the site.

Councillors D.R. Payne, P. Handley and Mrs A.C. Brooks

Agenda Item 8- Land off Elston Lane, Elston, Nottinghamshire (17/01351/FULM). The three Members were directors of Newark and Sherwood Homes and declared their interests on the grounds of potential bias. They left the meeting and took no part in the discussion or voting.

114. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

115. MINUTES OF THE MEETING HELD ON 3 OCTOBER 2017

The Committee agreed an amendment to Minute 92 from the meeting on 14 September 2017 as follows:

The Business Manager Growth & Regeneration informed the Committee that there was an error within the Committee report in respect of the affordable housing split which was published on page 266 of the Planning Committee agenda. It was confirmed that the application would provide for 11.5% affordable housing on a 52% (affordable rent)

48% (intermediate, split of which 25% shared ownership and 75% discounted open market units).

AGREED that subject to the above amendment the minutes of the meeting held on 3 October 2017 be approved as a correct record and signed by the Chairman.

116. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business to the following – Agenda Item 5, 6, 9, 7, 8, 10 and 11.

117. FORMER THORESBY COLLIERY OLLERTON ROAD EDWINSTOWE (16/02173/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought outline planning permission with access to be considered (and all other matters reserved for subsequent approval) for a residential development of up to 800 mixed dwellings, a strategic employment site, a new Country Park, a local centre, containing a mix of leisure, commercial, employment, community, retail, health, and residential uses, a primary school site comprising circa 1.3 hectares located towards the southwestern boundary of the site, open space and green infrastructure, and associated access works including the details of the primary access junctions into the site from Ollerton Road. Members' attention was drawn to the Schedule of communication distributed at the meeting, which included the proposed conditions.

Councillor P. Peacock, Joint Local Ward Member addressed the Committee welcoming the proposed development which he felt would bring many positive benefits to the community. He emphasised the need for as much affordable housing as possible in the area, and community facilities in the area, including healthcare services and improving Ollerton Roundabout. He questioned the need for a proposed third school in the area as part of the development.

Councillor Mrs Brooks, Joint Local Ward Member agreed with the points raised by Councillor Peacock, but did welcome the provision of a new school and school places. She did feel that it was important to incorporate the proposed development into the village and not just for it to be next to the village.

Members considered the application and in discussion agreed that the development was attractive and could bring many positive benefits to the community. Members felt it was important to ensure sufficient links between the proposed development and the existing village and that scenario 2- affordable housing of 7.5% would be preferred to provide affordable housing for the area, but also to balance the provision across the District.

AGREED (unanimously) that planning permission be granted subject to the conditions detailed in the Schedule of Communications distributed at the meeting and the rewording of any conditions to be delegated to Business Manager Growth and Regeneration.

118. FIELD REFERENCE NUMBER 0790, TOP STREET, RAINWORTH, NOTTINGHAMSHIRE 17/00865/FULM (MAJOR)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for 56 dwellings and associated open space and other infrastructure.

Councillor Mrs L. Tift proposed to refuse planning permission on the basis of the design of the development. This was duly seconded. The issue lay with the parking, which was spread across the proposed site and not associated with each property. Members were in general agreement that this would cause parking issues as people preferred to park outside their house and would do so even in the absence of an allocated space. However, it was further proposed to defer the application, on the grounds of layout, to enable negotiation with the developer. This was duly seconded and Councillor Mrs Tift was in support of this motion. Members were in general agreement in their support of the principle of development on the site, but the layout, particularly in relation to siting and provision of parking areas, was not appropriate at that time.

AGREED (unanimously) that the application be deferred pending further negotiation with the developer in relation to the layout.

119. 110A HAWTON ROAD, NEWARK ON TRENT, NOTTINGHAMSHIRE 17/01490/FUL

The Committee considered the report of the Deputy Chief Executive, which sought Householder permission to demolish the existing conservatory and construct a single storey extension across the full width of the rear of the existing house. This item was being presented to the Planning Committee in accordance with the scheme of delegation as one of the applicants was a member of planning staff at the Council.

The Committee considered the application and agreed that it was acceptable in all aspects.

AGREED (unanimously) that planning permission be granted subject to the conditions detailed in the report.

120. LAND OFF MAIN STREET, BALDERTON 17/00643/FUL

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission to construct a two storey building adjacent to Main Street, set back from Hollowdyke Lane to accommodate 6 one-bedroom apartments. There would be communal landscaped areas around the building with parking and turning areas concentrated around the vehicular access from Hollowdyke Lane.

A correct site plan was tabled at the meeting as the one contained within the agenda was incorrect.

Members considered the application, discussing the following issues: the difficulty of cars accessing Main Street from Hollowdyke; the layout of the site and the noise levels that would affect the properties; and the orientation of the parking and buildings on

the proposed site. It was proposed and duly seconded to refuse planning permission against officer recommendation.

AGREED (13 For and 1 Against) that Planning Permission be refused for the following reason:

The application site is constrained by topography and proximity to the railway and A1, constraints which need to be mitigated as part of any development proposals. In the opinion of the Local Planning Authority the amount of development, and the layout required will result in a compromised and confused proposal that is detrimental to the character and appearance of the area and represents poor overall design. This is reflected in the poor legibility of the scheme relative to site frontages and the entrances to the individual units and the proposed parking areas. The proposal is therefore contrary to Policy CP9 of the Core Strategy and DM5 of the Allocations and Development Management DPD together with the National Planning Policy Framework (March 2012). There are no other material planning considerations that would outweigh the identified harm.

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

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

Councillor Walker left the meeting at this point.

Councillors D. Payne, C. Brooks and P. Handley left the room for the duration of this item and took no part in the discussion or vote. Councillor Blaney took the Chair.

**121. LAND OFF ELSTON LANE, ELSTON, NOTTINGHAMSHIRE 17/01351/FULM (MAJOR)**

The Committee considered the report of the Deputy Chief Executive, which sought 10 affordable dwellings to be sited around a new cul-de-sac arrangement. The Business Manager Growth & Regeneration explained that the application before Members was identical to one which the Planning Committee had previously refused and not yet

successfully challenged. In considering an application the planning history was a material consideration and given previous committee resolution therefore, the officer recommendation was to refuse planning permission. He also noted that there were alternative sites available within the village boundary, one of which was under Newark and Sherwood Homes ownership. The presence of a potential alternative site was also capable of being material when considering a planning application.

The Committee considered the application and were in general agreement that the application would be more appropriate on a site within the village settlement.

AGREED (with 9 votes for and 1 vote against) that planning permission be refused for the reasons contained within the report.

Councillors D. Payne, C. Brooks and P. Handley re-joined the meeting and Councillor D. Payne resumed Chairman.

Councillor B. Crowe left during the consideration of the following item.

122. KELHAM HALL, MAIN ROAD, KELHAM, NG23 5QX 17/01021/FULM (MAJOR) and 17/01022/LBC

The Committee considered the report of the Deputy Chief Executive which sought planning permission and listed building consent for the conversion of Kelham Hall into Hotel and spa, extensions to the Hall to provide a hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool, associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.

Councillor Blaney, Local Ward Member, addressed the Committee in support of the application. He noted that most of the Parish Council objections related to the holiday lets which had been removed from the application. Some Members felt that the proposed works had potential to cause harm to the building, however in considering the application Members noted the need for more hotels in the area, the continued use of the building and potential tourist attraction the development could create in the District. Two Members questioned whether it was an appropriate time to consider the application, however, the Chair, on seeking legal advice confirmed that this would not be sufficient grounds to defer the application.

AGREED (with 8 votes for, 2 votes against and 2 abstentions) that Listed Building Consent be granted subject to the conditions detailed in the report.

(with 9 votes for, 2 votes against and 1 abstention) that Planning Permission be granted subject to the conditions detailed in the report.

123. RULE NO.30 – DURATION OF MEETINGS

During the minute below and in accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting by one hour.

AGREED (unanimously) that the meeting continue for a further one hour.

124. HOLLY FARMHOUSE, PROCTERS DRIVE, GIRTON, NG23 7JA 17/01005/FUL

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the conversion of the existing barns to a single residential dwelling.

Members noted that the area was subject to flooding, however, the proposed conditions sought to mitigate the impact of flooding.

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

125. APPEALS LODGED

AGREED that the report be noted.

126. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 7.06pm



<b>Application No:</b>	<b>17/01692/RMA</b>	
<b>Proposal:</b>	<b>Reserved Matters Application For 4 Detached Dwellings (Access, Appearance, Landscaping, Layout And Scale) Including Access Drive And Off Street Parking</b>	
<b>Location:</b>	<b>Cornerways, Beck Lane, Blidworth, Nottinghamshire, NG21 0QA</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Ken Wragg</b>	
<b>Registered:</b>	<b>21.09.2017</b>	<b>Target Date: 16.11.2017</b>

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

The Site

The application site is a plot of approximately 0.2 hectares in size on the southern edge of the village envelope of Blidworth. A significant proportion of the site is outside of the village envelope and within the Nottingham Derby Green Belt. There is an existing detached two storey dwelling at the northern end of the site with a detached garage set to the south east of the dwelling. The dwelling is set back from the highway by approximately 15m accessed via a pathway which rises from the highway following the undulating gradient of the site whereby the southern portion of the site slopes southwards towards the surrounding open landscape. The site is well screened from Beck Lane by mature hedging and tree planting along the boundary.

The site is close to, but outside of the designated Conservation Area of Blidworth. Adjacent land uses include neighbouring residential curtilages to the north west and north east with the site being otherwise surrounded by the open landscape of the designated Green Belt. There is a public right of way which begins on Beck Lane in front of the site and follows a south east direction from the site.

Relevant Planning History

**13/01813/OUT** - Demolition of existing dwelling and erect 4 No. dwellings with all matters reserved.

*Officers delegated a refusal of the application in March 2014 on the basis that the proposal represented inappropriate development within the Green Belt. However the application was subsequently **allowed at appeal** by decision dated 1<sup>st</sup> October 2014. Conditions imposed as follows:*

## APPENDIX: Schedule of Conditions

- 1) *Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.*
- 2) *Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.*
- 3) *The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.*
- 4) *Development shall not begin until details of the existing and proposed ground levels of the site and finished floor levels of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.*
- 5) *Development shall not begin until details of the parking and turning facilities, access widths, gradients, surfacing and visibility splays have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until these works have been constructed in accordance with the approved details.*
- 6) *Development shall not begin until details of the means for the disposal of foul drainage and surface water drainage have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the approved works have been provided.*
- 7) *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development other than that specifically permitted by this decision or by the approval of the matters reserved for subsequent approval, shall take place on land shown as Green Belt on submitted Plan number2.*

**13/00824/LDC** - Lawful Development Certificate For An Existing Use As A Residential Garden.

*Certificate Issued September 2013.*

### The Proposal

The current application seeks to secure the reserved matters in relation to the above outline consent in order to deliver four detached residential properties on the site with a single access from Beck Lane.

The development would be comprised of 2 no. four bedroom bungalows (Units 1 and 2); 1 no. five bedroom dwelling (Unit 3) and 1 no. four bedroom dwelling (Unit 4). The properties would be positioned towards the northern portion of the site (where the existing dwelling currently sits). Ridge heights of the bungalows would be approximately 5.9m; Unit 3 would have an approximate ridge height of 7.3m and Unit 4 would be around 7.4m. Materials proposed are predominantly red brick with grey tiled roofs.

## Departure/Public Advertisement Procedure

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

## Planning Policy Framework

### The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 – Spatial Distribution of Growth  
Spatial Policy 4B – Green Belt Development  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 – Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 – Sustainable Design  
Core Policy 14 – Historic Environment  
MFAP 1 – Mansfield Fringe Area

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

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM3 – Developer Contributions and Planning Obligations  
Policy DM5 – Design  
Policy DM9 – Protecting and Enhancing the Historic Environment

### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### Consultations

**Blidworth Parish Council** - Blidworth Parish Council would like to Object to this Application on the grounds of:

- *Greenbelt* – This development is on land that is classified as Greenbelt

**NCC Highways Authority** – This is a reserved matters application for the construction of 4 dwellings following demolition of the existing dwelling.

The proposed layout plan, no. CORN/RESMAT/2, shows a shared access for the 4 dwellings with a width of 4.1m. In accordance with the current Highway Design Guide (6C's) this is required to be a minimum of 4.25m. As Beck Lane is a 'By Way open to all Traffic' it is recommended that 2m x 2m pedestrian visibility splays are provided at the access point. As it is a Public Right of Way, it is recommended that consultation is carried out with the NCC Countryside Access Team for advice/approval.

With regard to the internal layout of the site, Unit 3 is shown to have 5 bedrooms, however, there is the concern that insufficient parking is provided for this unit. It is reasonable to expect that 3 parking spaces be provided for 4 and 5 bedroom units, however, should a vehicle be parked in front of the garage for Unit 3, it would obstruct the access for Unit 1 and would have difficulty manoeuvring to exit the site.

Therefore, could the layout be amended to address the above issues.

*Additional comments received 25<sup>th</sup> October 2017 in respect to the submission of a revised plan:*

Amended layout plan CORN/RESMAT/2 Rev. A

The amended plan now provides pedestrian visibility splays from the access which is now shown to have a width of 4.25m and demonstrates suitable parking for Unit 3. Therefore, there are no highway objections subject to the following:

1. The pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority's specification. **Reason:** In the interests of highway safety.
3. The access shall be constructed and surfaced in a bound material in accordance with plan CORN/RESMAT/2 Rev. A and no other part of the development shall be commenced until the access has been completed in accordance with that plan. **Reason:** In the interests of highway safety.
4. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.
5. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the

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

6. 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 is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.
7. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles. **Reason:** To ensure that adequate parking facilities are provided for the site.

#### Notes to applicant

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

The minor access reinstatement works referred to in Condition 6 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.

**NCC Rights of Way** – No comments received

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

**No letters of representation have been received.**

#### Comments of the Business Manager

##### *Principle of Development*

The application is for reserved matters in relation to an extant outline application which allows for the demolition of the existing dwelling and the provision of four residential dwellings. As such the principle of residential development within the site has been accepted. Nevertheless given that this decision was contrary to the conclusions of the LPA, and indeed noting that matters of principle remain a concern of the Parish Council, it is considered relevant to refer to the rationale of the Inspector in allowing the original outline permission.

The site crosses the boundary of the defined village envelope of Blidworth thus partially falling within the village and partially falling with the Green Belt. The emerging Core Strategy retains Blidworth as a principle village to which new residential development would be supported in principle. Members will note from the site history discussion that officers resisted the original

outline application on the basis of Green Belt impacts. The Inspector dealt with this matter as follows:

*'The second part of the appeal site falls away in a southerly direction towards other land owned by the appellants, and beyond that towards open farmland. It is located within the Nottingham Derby Green Belt, the boundaries of which, I am told, have been reviewed in the adopted Allocations and Development Management Development Plan Document, July 2013. It has the benefit of a Certificate of Lawful Use for an Existing Use as a Residential Garden (the LUC), as does other land owned by the appellants but which is excluded from the application/appeal site. Notwithstanding that the subdivision of the Green Belt land into more than one garden curtilage would represent an intensification of its use, no physical development is proposed on the second part of the site and no material change of use arises. Therefore the proposals would not amount to inappropriate development in the Green Belt...'*

*'...The illustrative layout plan shows that the built form of the proposed dwellings would be on the first part of the appeal site, inside the Village Envelope. To that extent the proposed development would not affect the openness of the Green Belt.'*

The plans accompanying the current reserved matters application continues to restrict the delivery of built form to the area of the site within the village envelope and therefore it would be inappropriate for officers to resist the current application on matters of Green Belt principle.

#### *Housing Mix*

The reserved matters application has followed the same mix which was initially presented at outline stage. This was assessed by officers at the time of determination with no dispute from the Inspector in their final decision:

*'Although outline with all matters reserved, the proposal indicates that the development will consist of two four bedroom bungalows, one four bedroom house and one five bedroom house. The proposed development could therefore potentially provide an appropriate mix of dwellings on site and would deliver a proportion of family housing and single storey accommodation which would be suitable for the elderly or disabled population. I therefore consider that the proposal could achieve an appropriate housing mix and type.'*

I have identified no material change in circumstance which would lead to a different conclusion in respect of the housing mix presented.

#### *Impact on Character*

The nature of a reserved matters application is that the LPA are now presented with a complete suite of proposed plans and elevations on which a full and thorough assessment of character impacts can be undertaken.

Policy CP9 identifies that the District Council will expect new development to be of a high standard of sustainable design that, amongst other things, demonstrates an effective and efficient use of land that where appropriate promotes the re use of previously developed land and optimises site potential at a level suitable to the local character of the area.

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing.

In terms of the general layout of the scheme, the indicative arrangement appears to reflect the loose and informal grain within the immediate vicinity of the site rather than the very linear and formal grain found to the north east side of Beck Lane. Owing to the positioning of the site at the edge of the village envelope I consider this to be an appropriate approach to the delivery of development within the site.

There are a variety of house types and materials within the immediate vicinity of the site such that there is no requirement for the development to conform to a specific design form. The delivery of both single storey (albeit served by dormer and roof light windows at first floor) and two storey dwellings within the site will assist in adding visual interest to the scheme. The dwellings are relatively simplistic in their design but are nevertheless considered appropriate to the context of the surrounding area. In some respects the two storey properties take a similar form to the existing dwelling within the site to be demolished. Despite the introduction of significant built form, overall it is considered that the impact on the character of the area will be neutral.

The suggested boundary treatments of post and rail fences and hedging around the borders of the site are welcomed in that this will minimize the visual impact of the proposal. The retaining wall between the properties would undoubtedly have a greater visual impact but given that this will be flanked by the dwellings on either side it is not considered that the landscape and character impacts outside of the site would be significant.

I am satisfied the proposals therefore comply with the design policies outlined above.

#### *Impact on Amenity*

Policy DM5 requires consideration of amenity impacts confirming that this relates to both an assessment against existing neighbouring amenity as well as the amenity implications for any proposed occupiers.

Dealing firstly with the amenity provision proposed for the proposed dwellings, it is noted that each of the four properties are afforded an area of primary amenity space. As is annotated by the block plan, this amounts to 83m<sup>2</sup> for Unit 1; 70m<sup>2</sup> for Unit 2; 371m<sup>2</sup> for Unit 3; and 404m<sup>2</sup> for Unit 4. The huge discrepancies between these figures are created by the constraints of the site whereby the amenity areas for Units 3 and 4 fall within the designated Green Belt where built form has been specifically excluded. In an ideal scenario, the amenity provision would be better

distributed to allow greater provision for the bungalows but the implications of this would have greater harm in the overall balance. Moreover, I am mindful that the Inspector removed permitted development rights by condition and thereby the limited space afforded to the bungalows can be secured by the LPA in that any encroachment into this space by virtue of an extension would require a separate planning application which could then be considered on its own merits.

As is identified by the site description above, the site is largely surrounded by an open landscape. This limits concerns in respect on neighbouring amenity with the most sensitive receptors being the dwellings on the opposite side of Beck Lane (particularly noting the change in land levels) and the neighbouring dwelling to the north west; 28 Beck Lane.

Separation distances between the proposed dwellings and the properties on the opposite side of Beck Lane would be at least 15m at their closest with the closest proposed dwellings being the single storey bungalows. The side elevations of Units 2 and 4 feature just one window (a kitchen window at ground floor of the bungalow) and therefore I am satisfied that there would be no direct overlooking concerns. Overbearing and overshadowing impacts will be mitigated by the aforementioned separation distances which significantly increase in respect to the closest point to the proposed two storey dwellings.

The most likely affected neighbour is no. 28 Beck Lane which shares the northern boundary of the site. This is a two storey property with a blank gable end orientated towards the site. There is a single storey porch structure of the side elevation but this is not considered to be sensitive in terms of amenity implications. In any case the development proposed would mean that the closest built form to the neighbouring dwelling would be the single storey bungalows. Whilst there are dormer windows in the northern elevation of the bungalows, these are intended to serve bathrooms and can therefore be reasonably conditioned to be obscurely glazed (as intended through the supporting statement for the application).

On the basis of the above discussion the proposal is compliant with the amenity provisions outlined by Policy DM5.

#### *Impact on Highways and Public Right of Way*

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms the volume and nature of traffic generate and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

Although the proposed development would deliver 3 dwellings over and above what is currently on site, the principle of this number of dwellings within the site has been accepted by the extant outline permission. In making the decision, the Inspector made the following comments in respect to vehicular access to the site (albeit noting that matters of access were not formally agreed at outline stage):



*'The proposed development would be accessed from Beck Lane near to its highest point, and close to the point where it narrows and continues as a byway, which I am told is well used by walkers, horse riders and some vehicles. Third parties have raised concerns about the impact on highway safety of additional vehicles associated with the proposed access. However, the Highway Authority has no objections and the Council consider that highway safety would not be compromised if appropriate onsite parking would be provided. From the evidence before me I see no reason to disagree.'*

I have noted no material change in circumstances since the decision on which to disagree with this assessment. As with the Inspector's conclusion I do not consider that the development as proposed would impinge on or restrict the appropriate usage of the footpath adjacent to the site.

In respect of parking provision and visibility, the original comments of NCC Highways are noted. Specifically these required the submission of a revised site layout plan to demonstrate pedestrian visibility splays at the point of access and additional parking provision for the 5 bedroom dwelling at Unit 3. The agent has addressed these concerns during the life of the application and NCC Highways have provided revised comments confirming no objection to the development subject to the imposition of conditions. On this basis I find that the reserved matters application is compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

### *Conclusion*

Despite the LPA's original resistance, the site is subject to an extant outline approval for four dwellings in the manner proposed by the current reserved matters application. With the benefit of a detailed submission, no detrimental impacts have been identified in respect of issues such as character, amenity or highways safety. On this basis, the proposal is recommended for approval subject to the conditions as outlined below.

The application has already addressed condition 4 of the outline approval (relating to floor levels) through the submitted site plan. Attention is drawn to other conditions of relevance through an informative note as outlined below.

### **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 two 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 Layout and Sections – CORN/RESMAT/2 Rev. A
- Units 1 and 2 Plans and Elevations – CORN/RESMAT/3
- Units 3 and 4 Plans and Elevations – CORN/RESMAT/4

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application (namely Weinerberger 'Bisque Red Multi' Bricks with 'Harvest Buff Multi' cills and Marley Eternit 'Duo Edgemere' Smooth Grey Tiles) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The approved soft landscaping and boundary treatments (shown on drawing Proposed Layout and Sections – CORN/RESMAT/2 Rev. A with detail provided in the Supporting Statement) shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be implemented on site prior to first occupation of the dwelling hereby approved.

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

05

The dormer window openings on the rear elevations of Units 1 and 2 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be

retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

06

The pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of highway safety.

07

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

Reason: In the interests of highway safety.

08

The access shall be constructed and surfaced in a bound material in accordance with plan CORN/RESMAT/2 Rev. A and no other part of the development shall be commenced until the access has been completed in accordance with that plan.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be first submitted to and approved in

writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

11

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 is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12

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

Reason: To ensure that adequate parking facilities are provided for the site.

### **Informatives**

01

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

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

02

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

03

This approval should be read in conjunction with the outline consent 13/01813/OUT and attention is drawn to Condition 7 of the outline permission which removes permitted development rights for

many extensions and alterations that would ordinarily be permitted. Attention is also drawn to condition 6 which requires the submission of further details in respect to foul and surface water drainage prior to commencement.

#### BACKGROUND PAPERS

Application case file.

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

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

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

Committee Plan - 17/01692/RMA



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<b>Application No:</b>	<b>17/01210/FUL</b>		
<b>Proposal:</b>	<b>Erection of 1No. dwelling on land to the rear of Woodlands Cottage</b>		
<b>Location:</b>	<b>Woodlands Cottage Station Lane Farnsfield Nottinghamshire</b>		
<b>Applicant:</b>	<b>Mr John Higton</b>		
<b>Registered:</b>	<b>12<sup>th</sup> July 2017</b>	<b>Target Date: 6<sup>th</sup> September 2017</b>	<b>Extension of time agreed: 10<sup>th</sup> November 2017</b>

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

The Site

The site is considered to be within the main built up area of Farnsfield and extends to circa 0.07ha. It is an area of rectangular land which forms part of the extensive garden of the host property to the north; Woodlands Cottage. Woodlands Cottage is situated adjacent to a development of 8 other dwellings (Fletcher Court) accessed from Station Lane which were granted consent in 1996. Woodlands Cottage is a reasonably large red brick two storey property which has been historically added to. Access is gained from Station Lane via a private driveway from Fletcher Court situated between numbers 7 & 9. The existing garden area consists of a landscaped area with outbuildings and trees to the north of the property and grassed treed area to the south, part of which would form the development site.

The land to the south of Woodlands Cottage slopes gently from north to south and is relatively well bound by vegetation on all aspects. A number of trees are situated on the eastern and southern boundaries with a combination of close boarded fencing and immature trees on the western boundary.

The site is bound by a number of two storey dwellings on the eastern aspect (5, 6, 7 Fletcher Court), a further two storey property (2 The Spinney) to the south and a two storey property (11 Murdoch Close) on the south western boundary in addition to 3 single storey properties (5, 7, 9 Murdoch Close) also to the south west.

The site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping.

## Relevant Planning History

The site has been the subject of positive pre-application advice.

**06/00495/FUL** - Erection of a mobile home for use as an annex. Refused 2006 – out of character with the area

## The Proposal

Full planning permission is sought for the erection of a one and a half storey four bed detached dwelling. The dwelling would have a footprint of approximately 145m<sup>2</sup> with an integral garage. The property would be off-set from the eastern boundary by approximately 5.5m; from the western boundary by 2.6m; and the southern by 7.2m. The separation distance between the proposed dwelling & Woodlands Cottage is approximately 25m.

External materials are proposed to be predominantly red brick with a small section of render for the walls. The roof is proposed to be finished in grey interlocking tiles.

The property would be served by a rear garden with a depth of approximately 7m and width of 22m. Garden area would also be available to the front which would be approximately 9m deep.

The application is supported by a tree assessment.

## Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter

## Planning Policy Framework

### The Development Plan

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 9 – Sustainable Design
- Core Policy 12 - Biodiversity and Green Infrastructure

#### **Allocations and Development Management DPD (adopted July 2013)**

- DM1 – Development within settlements central to delivering the spatial strategy
- DM5 – Design
- DM7 - Biodiversity and Green Infrastructure



DM12 – Presumption in Favour of Sustainable Development

### **Farnsfield Neighbourhood Plan (adopted October 2017)**

FNP1: Housing development within the village envelope

FNP2: Infill development within the village envelope

FNP7: The quality of development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

**Farnsfield Parish Council** – Objection; consider the development to be backland which the Council is opposed to in principle.

*No further comments have been received following re-consultation on the revised layout plans.*

**NCC Highways Authority** – No objection

**NSDC Access and Equalities Officer** – Observations

**Two** letters of representation has been received from third parties. One raises no objection to the proposal & one whilst not objecting raises concern regarding the proximity of the proposed dwelling to existing trees and the potential for damage to roots to result in tree destabilization. It is requested that pollarding of the trees in question is undertaken in the interests of safety.

### **Appraisal**

#### **Principle of Development**

The site is located within the village envelope of Farnsfield which is defined as a Principal village as set out in the Settlement Hierarchy, Spatial Policy 1 of the Core Strategy. The principle of new housing is therefore considered to be acceptable subject to site specific assessment. The proposal is therefore considered to accord with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle and policies FNP1 and 2 of the Farnsfield Neighbourhood Plan.

#### **Impact on Character of the Area**

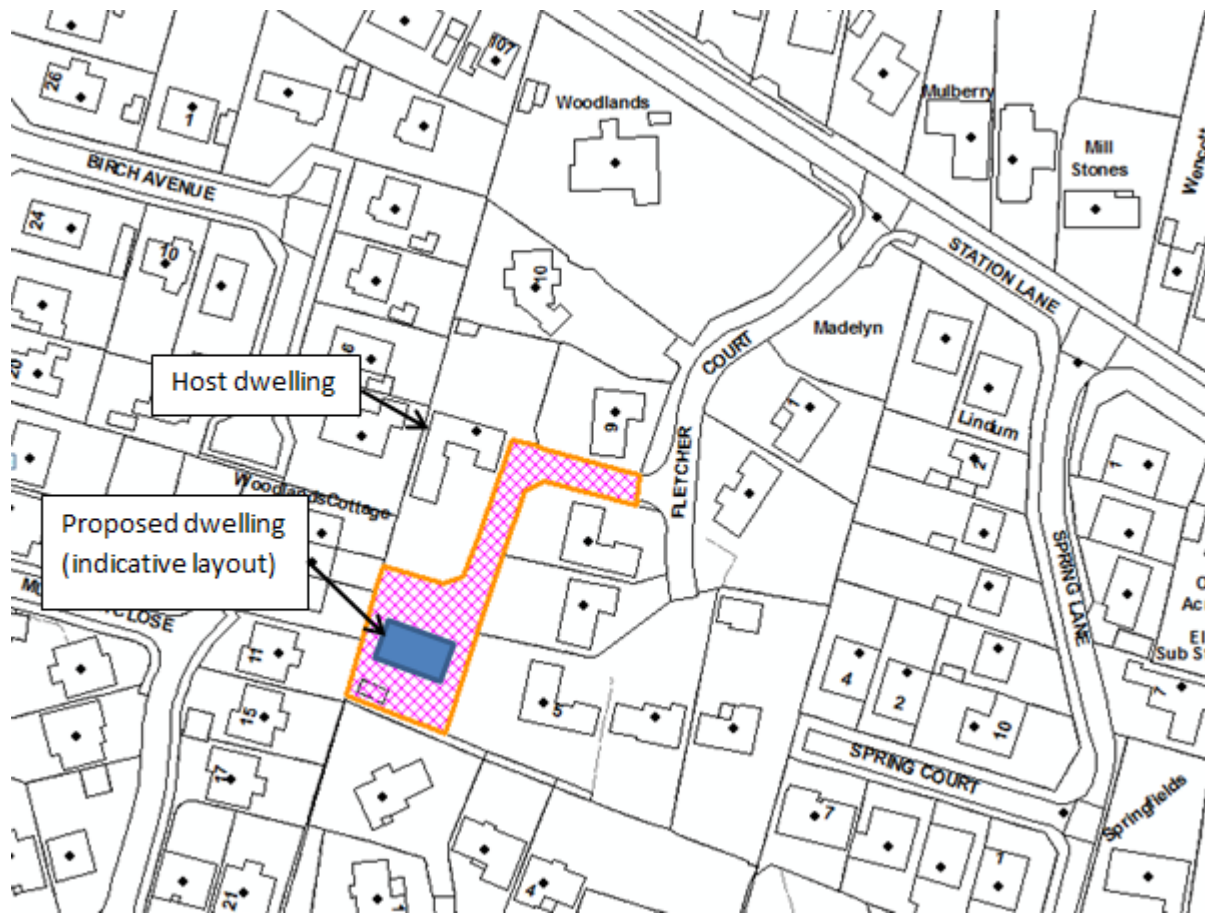
The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of

sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. FNP7 states that new development within Farnsfield should demonstrate how it has taken account of the character of the village in its design approach.

The application site falls within a residential area which has a mix of traditional and more modern single and two storey semi-detached dwellings with a mix of brickwork and roof tiles. The site is partially screened from neighbouring properties by trees and hedging contained on the boundaries.

The objection from the parish council is noted on the grounds that the development would be considered as 'backland'. Policy DM5 of the adopted DPD states amongst other things that; *proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character & appearance of the area.*

Whilst it is accepted that the dwelling would be situated to the rear of the host property, Woodlands Cottage itself appears as backland in relation to properties on Fletcher Court to the east although it was constructed potentially up to a decade prior to this development. As demonstrated on the exert of mapping below there is no discernible character in terms of built form in this particular part of Farnsfield and as such a dwelling in the location proposed would not appear out of keeping with the surrounding area.



In terms of setting a precedent; given the density of dwellings in the vicinity of the site, it is not considered that any of the surrounding units have sufficient garden area to allow for similar development to come forward and as such the proposal would not set a precedent for similar development.

In terms of plot density; initial concern was raised with the applicant regarding the scale of the proposed dwelling. The overall mass of the dwelling has been reduced through reductions in both ridge height and footprint to that currently being considered. It is considered that whilst the proposal offers 4 bed accommodation with generous ground floor accommodation, the distances to the boundaries of the site are still comparable if not greater to that in terms of plot spacing in relation to surrounding units and as such the dwelling would not appear out of character with surrounding units.

In terms of the appearance of the dwelling; there are a number of different styles of property within the vicinity of the site, with no defined building style. The proposed dwelling with hipped rooflines would draw reference from dwellings contained on Fletcher Court and dormer windows are visible on Birch Avenue. The same philosophy is adopted with the materials with both red brick, buff brick & render prevalent in the surrounding area. In the interest of ensuring a good match with surrounding properties it is recommended that the precise finish of materials be controlled by way of condition.

Taking these factors into account I consider that, on balance, 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 Core Policy 9 and Policy DM5 in this regard and policy FNP7 of the Farnsfield Neighbourhood Plan (FNP).

### **Impact on Residential Amenity**

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

A number of revisions have been made to the design & siting of the dwelling during the lifetime of the application in relation to concerns raised by the officer in relation to impact on the character of the area and residential amenity. The dwelling would have an overall height of 6.2m and offer a hipped roofline. Consideration has been had to the perceived impact on amenity of all surrounding residential properties, but of particular note No's 9 & 11 Murdoch Close to the west, No's 5 & 7 Fletcher Court to the east, 2 The Spinney to the south and the host property to the north.

In terms of overbearing & loss of light; the closest properties to the proposed dwelling would be those to the west No's 9 & 11 Murdoch Close, the property has been designed with a hipped roofline to pull the bulk of the building away from the boundary. The height at eaves is approximately 2.7m, which given the existing boundary hedging & fencing would not be overly visible from neighbouring dwellings. Given the hip the separation distance from the 1 ½ storey element to the eastern facing garden boundary of these properties would be approximately 6.5m; with the distance between the properties approximately 16.5m. It is considered that based on this degree of separation that the property would not overbear or result in a loss of light to properties to the west. The degree of separation to 2 The Spinney to the south is similar at approximately 16m with limited visibility on this boundary given the hedging and tree cover a number of which are situated within the neighbour's garden area and covered by TPO (11/00147/TPO). It is considered given the separation and tree screening that the proposed dwelling would not significantly overbear or result in loss of light to occupiers of No. 2 The Spinney. In relation to properties to the east; the separation distance is approximately 20m and again screened by tree cover. Given the separation and screening no significant overbearing or loss of light is considered to occur. The separation to Woodlands Cottage is significant and given the lower land level the property is not considered to result in loss of amenity to residents in this dwelling.

In relation to overlooking; first floor windows are proposed which would be orientated towards No. 2 The Spinney (bedroom 3), 11 Murdoch Close (bedroom 4) and No. 5 Fletcher Court (bedroom 2). In relation to bedroom 3; the separation distance building to building is approximately 24m, given the oblique angle and screening no overlooking is considered to occur.

Bedroom 4; the distance between two storey elements would be approximately 23m. Whilst this is just over the cusp of acceptability it is considered given the slightly lower land level on site and existing boundary screening that no significant overlooking would occur. The building to building distance to No. 5 Fletcher Court is approximately 20m. Notwithstanding the existing boundary treatment in the interests of avoiding the perception of overlooking the applicant has agreed that this window would be obscure glazed with an additional roof window on the front elevation also providing light to the room which is considered to be acceptable.

Given the subdivision of the garden area for Woodlands Cottage consideration needs to be had to not only the provision of sufficient garden area for the proposed dwelling but also the host. As demonstrated on the block plan the proposed dwelling would enjoy sizeable garden area to both the front & rear, with Woodlands Cottage benefiting from a similar arrangement. I am of the view that both properties would afford garden areas commensurate to the size of the dwellings.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance and would provide an appropriate standard of amenity for future occupants of the properties. It is therefore considered that the proposal would accord with Policy DM5 of the DPD and policies FNP1 & 2 of the adopted FNP.

### **Impact on Highway Safety**

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.

I note no objection is raised by NCC Highways Authority and the existing access from Fletcher Court is considered to be adequate to serve the existing and proposed dwelling.

I am therefore satisfied that the proposed scheme provides an acceptable shared access and appropriate off street parking spaces so as not to result in highway safety dangers to justify refusal on these grounds. The proposal is therefore considered to accord with Policies SP7 and DM5.

### **Impact on Trees**

The site is not within the conservation area and there are no protected trees on the site, albeit trees within the garden area of 2 The Spinney are covered by TPO (11/00147/TPO). The application has been supported by a tree survey which details Root Protection Areas for existing trees on site. Trees on site are a mix of deciduous and evergreen and the majority categorized as B & C as detailed within the tree report. The dwelling has been sited away from trees on the boundary, however 3 spruces categorized as C would need to be removed to facilitate development. The proposed driveway would bisect a number of tree RPA's and it is recommended within the report that the drive be constructed via 'no dig' technique, which can be secured by

way of condition. The trees on site are not considered individually to be of any significant merit, however are considered to provide a useful screen between neighbouring dwellings. The comments from the neighbour regarding maintenance of the trees is noted and whilst the submitted tree report does not make recommendations that trees should be pollarded, in the interests of maintaining the best possible boundary treatment between the site and neighbouring properties it is recommended that a landscaping condition and tree protection be attached to any future consent.

### **Drainage**

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 requires new development proposals to pro-actively manage surface water.

The site lies in Flood Zone 1, at lowest risk of flooding. Dwellings are appropriate in this location. Notwithstanding this a condition is suggested should permission be granted requiring the submission of drainage details in order to control surface water run-off and foul sewage disposal.

### **Conclusion**

Taking the above into account I am of the view that the proposed development would have an acceptable relationship with the character and amenity of the area, the amenity of the occupiers of adjoining and nearby properties and I consider that there would be no significant impact on highway safety.

### **RECOMMENDATION**

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

01

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

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

02

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

- Proposed block plan revision C drawing No. SK01 received 18/10/17
- Proposed elevations revision B received 18/10/17

- Proposed floor plans received 18/10/17

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

Reason: So as to define this permission.

03

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

Bricks

Roofing tiles

Render

Reason: In the interests of visual amenity.

04

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

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

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

hard surfacing materials; and

an implementation and phasing plan.

Reason: In the interests of visual amenity and biodiversity.

05

No development shall be commenced until the trees shown to be retained on the proposed block Rev C have been protected by the following measures:

- 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.

06

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

07

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

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

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.

## Informatives

01

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

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

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

### CIL

			A	B	C	
Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M)  Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
						£
<b>Totals</b>	<b>211</b>			<b>65</b>	<b>276</b>	<b>£17,206.09</b>

## BACKGROUND PAPERS

Application case file.

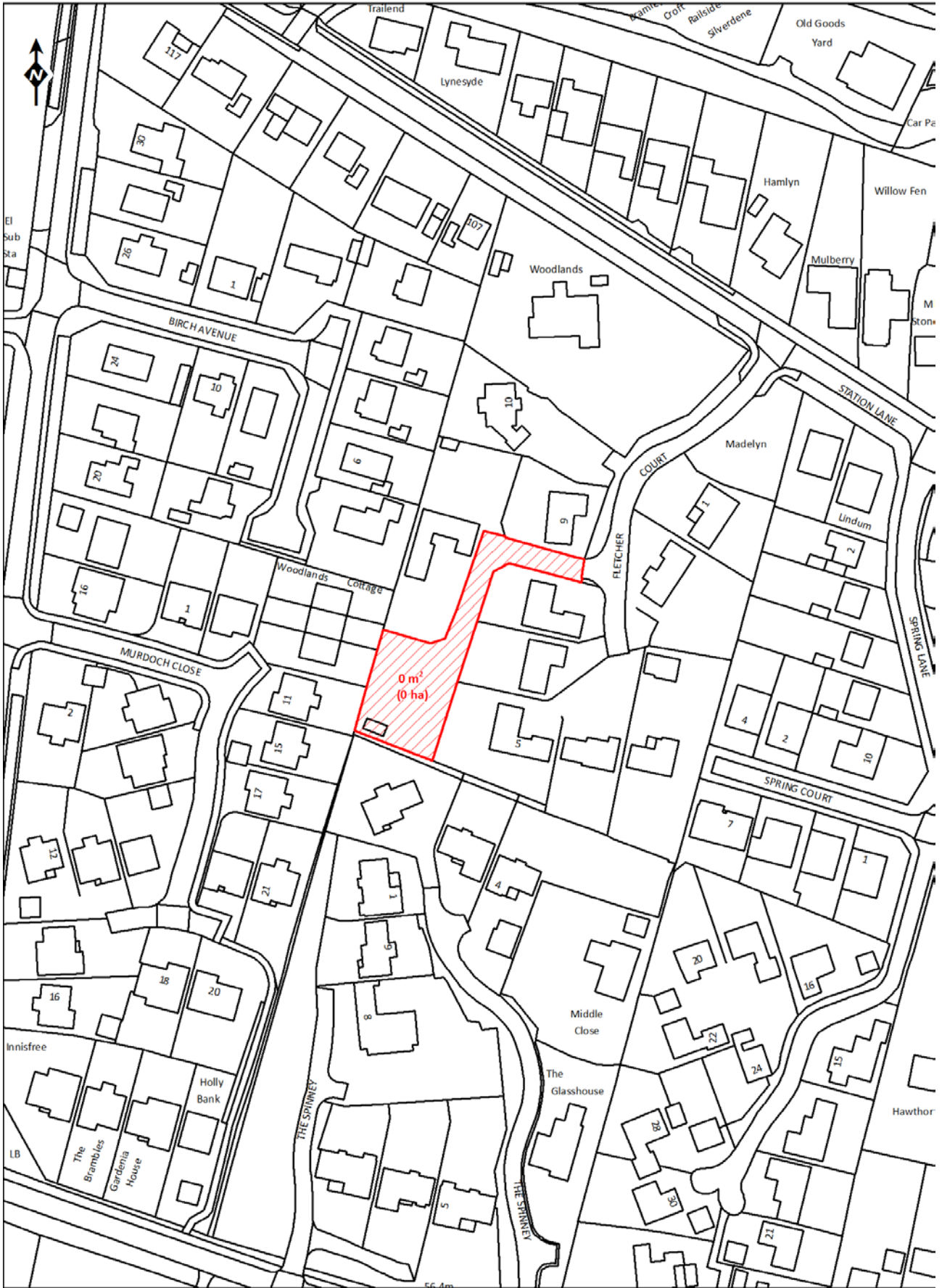
For further information, please contact James Mountain on ext. 5841

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

**Kirsty Cole**

**Deputy Chief Executive**

Committee Plan - 17/01210/FUL



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<b>Application No:</b>	<b>17/01443/FUL</b>	
<b>Proposal:</b>	<b>Residential annexe in the garden of Holly Cottage</b>	
<b>Location:</b>	<b>Holly Cottage, Fiskerton Road, Brinkley, Nottinghamshire, NG25 0TP</b>	
<b>Applicant:</b>	<b>Mr P Ottewell</b>	
<b>Registered:</b>	<b>21 August 2017</b>	<b>Target Date: 16 October 2017</b>

**The application is reported to Committee as the Officer’s recommendation is contrary to the view of Southwell Town Council.**

The Site

The proposal site is located outside of the main built up area of Southwell within the hamlet of Brinkley. The site is part of a cluster of buildings formerly associated with Brinkley Hall Farm, a Grade II Listed Building. The proposed site for the annexe is to the eastern part of the rear garden associated with Holly Cottage which shares its southern and western boundary with Quercus Cottage. The site is well-screened to the north but remains largely open to the east and south, as well as with the adjacent neighbour.

Relevant Planning History

**07/01137/FUL** - Demolition of existing single storey extension and erection of new two storey extension to existing single storey dwelling house (permitted 27.11.2007). Permitted development rights were removed as part of this permission.

**56881521** - Change of use from office/ store to residential 2 bedroom bungalow (permitted 23.01.1989)

The Proposal

The proposal seeks planning permission for the erection of a single storey residential annexe within the grounds of Holly Cottage. The proposed annexe would measure 14.1m in length, 6.9m in depth and 4.5m in ridge height and would accommodate a kitchen/living area, office, bedroom, utility and bathroom.

The proposed annexe would be timber clad with a grass and slate roof with rooflights to the northern roof slope and bi-fold doors to the southern elevation.

Access to the proposed annexe would be via the existing parking area for Holly Cottage, Ivy Cottage and Quercus Cottage as well as a footpath from Holly Cottage.

#### Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

#### Relevant Planning Policies

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

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

Policies relevant to this application:

Spatial Policy 1: Settlement hierarchy

Spatial Policy 2: Spatial distribution of growth

Spatial Policy 3: Rural Areas

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable transport

Core Policy 9: Sustainable design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

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

Policies relevant to this application:

DM1: Development within settlements central to delivering the spatial strategy

DM5: Design

DM6: Householder Development

DM8: Development within the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

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

###### *National Planning Policy Framework 2012*

###### *Planning Practice Guidance 2014*

###### *Householder Development Supplementary Planning Document 2014*

#### Consultations

**Southwell Town Council** – Support the proposal subject to a condition that the annex should remain associated with Holly Cottage in perpetuity.

**NCC Highways** – No comments received.

**NSDC Access & Equalities Officer** – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

**NSDC Conservation Officer** – ‘Brinkley Hall Farmhouse and associated barns are Grade II listed. The listed farmhouse and barns date to the late 18<sup>th</sup> century. The proposal is located in proximity to the listed buildings and is therefore capable of affecting their setting.

#### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority (LPA) to have special regard to the desirability of preserving listed buildings, including their setting. In this context, ‘preservation’ means to cause no harm and is a matter of paramount concern in the decision-making process.

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

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development within the setting of heritage assets (paragraph 137). Paragraph 132 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

In addition, the NPPF makes it clear that planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

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

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

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 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. Setting is often more extensive than the curtilage of a heritage asset. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, LPAs may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.

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 proposed annex is of a contemporary design, comprising a detached single storey building within the former orchard to the east of the former farmstead with timber cladding, tall vertical glazing, and a part grass and mock slate roof.

The foot print of the building is large, although the single storey form it takes and the relative separation from the farmstead ensures that the proposal is not unduly prominent. The earth is built up on the north elevation, furthermore, which combined with the grass roof help give a natural landscaped appearance when viewed from the direction of the main road. It is also acknowledged that the former farmstead has been fragmented into separate residential units, with domesticated areas noticeably altering its historic setting. In this context, it is felt that the proposal will cause no harm to the setting of the listed buildings.

Subject to the precise details of the external facing materials, Conservation has no objection to the proposed annex.'

**In addition to the above, a letter of support from a local resident has been received.**

## Comments of the Business Manager

### *Principle of Development*

The application seeks to erect an annexe in the rear garden of Holly Cottage for family members to occupy. The Council's SPD for householder development states that *'where an annexe includes all of the primary aspects of accommodation (bedroom/ living room, kitchen and bathroom) and the unit could be, or is being, lived in separately with limited or no relationship to the host dwelling either through a family member or the level of accommodation then it will be considered as a new dwelling and so not householder development. Accordingly full planning permission for a new dwelling would be required with relevant policies of the development plan being applied in its consideration.'* Given that the proposal seeks an annexe with all the amenities of an independent dwelling, the proposal falls to be assessed in line with the statement above.

In accordance with the above, it is considered that Policy DM6 relating to householder development would not be the appropriate policy to assess the proposal in this particular instance. The scale and character of the proposed annex are more akin to a separate dwelling with living room, bathroom, kitchen and bedroom facilities all provided in addition to an office. Furthermore, the proposal is of a comparable footprint to the main dwelling on the site (and therefore would not appear as a subservient annex) and the extensive curtilage and distance between the annex and the main dwelling means that even without subdivision of the garden any occupier would be remote enough from the main dwelling to allow for independent living. Given these characteristics and the site location in Brinkley (which is not a defined settlement within the Core Strategy and therefore sits within the open countryside) it is therefore considered more appropriate to assess the scheme as a new dwelling against Policy DM8 of the DPD which relates to development within the Open Countryside.

Policy DM8 does allow for new dwellings but only where it can be demonstrated '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' or where they are to be occupied by an agricultural or forestry worker. This is reflected within the NPPF under Paragraph 55 which states that that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55) such as;

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:



- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

In this instance, I do not consider the proposal to fit with the guidance above as the 'annexe' capable of being independently occupied is not in connection with a rural worker, a viable use of a heritage asset, the re-use of a building or of exceptional or innovative design. The layout of the site is also such that the site could easily be subdivided in future to create an independent dwelling and even without subdivision the size of the curtilage supports independent living. There is no justification which would provide an exception to the NPPF and Policy DM8.

### *Impact upon Character of the Area*

In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In this regard I consider it is important to retain the character of the landscape and prevent development from encroaching upon its rural characteristics.

The proposed 'annexe' would be located within the rear garden of Holly Cottage, some 39m from the existing dwelling on the site and as such is not particularly well-related to the dwelling as ancillary accommodation; the 'annexe' could indeed appear as a separate dwelling when viewed from the public realm. Whilst I note the site is perhaps a difficult one to site a building closer to the dwelling owing to topography and the historical interest of Holly Cottage, this does not provide justification for such a large building. A building with less accommodation and a reliance on the main dwelling would be reduced in scale and would potentially allow it to be located closer to the existing dwelling. I accept the applicant's argument that an extension to the host building is likely to be considered unacceptable due to the impact upon the traditional barn layout of the site and adjacent listed building. However, the alternative proposal put forward with a relatively large building being sited a considerable distance from the existing dwelling results in the proposal appearing as a separate entity. I am also mindful that permitted development rights were removed for extensions and outbuildings when planning permission was granted for the main dwelling and therefore no building of comparable size could be erected within the curtilage under permitted rights meaning there is no fallback position in this instance.

As alluded to above, the proposed building in my view provides accommodation over and above that necessary for an annexe and has a considerable footprint (97m<sup>2</sup>) which in plan form competes with the footprint of Holly Cottage which is approximately 110m<sup>2</sup>. As such I do not consider this to be subservient to the host dwelling.

In terms of its design, the use of natural materials is welcomed and its reference to agricultural buildings does help to reflect the rural character of the area. However, views are achievable from the public highway when travelling from the east and from surrounding fields and I consider the proposal would have an impact upon the character of the open countryside. The existing garden plot is relatively open along the eastern and southern boundaries to allow views across the open

fields, with the garden largely undisturbed by built form. The erection of a large building within the garden would impact upon the views of the site and detract from the open character, with the new building likely to be perceived as encroaching upon the countryside.

Further to the above, Brinkley Hall Farm is a Grade II Listed building and is located to the west of the site. Core Policy 14 and Policy DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. 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 a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Having consulted the internal Conservation Officer on the application, it is concluded that the proposal would not have a harmful impact upon the setting of the listed building and I would concur with this conclusion. However, this does not however overcome the issues regarding scale and relationship with the host dwelling and open countryside setting detailed above and as such I consider the proposal is contrary to the aims of Policy DM5.

#### *Impact on Residential Amenity*

Holly Cottage is set within a cluster residential development and therefore the nearby properties are likely to see some impact as a result of the development. Whilst I am mindful that the site is

already used for domestic purposes associated with Holly Cottage, additional living accommodation has the potential to have an impact upon the amenities of the neighbouring properties in respect of privacy and noise.

Policy DM5 and the NPPF seek to ensure that development does not have an adverse impact upon the amenities of neighbouring properties. Whilst it is considered that it is likely neighbours will be impacted, I attach weight to the residential nature of the local area and one additional residential unit is unlikely to result in a substantial increase in noise, particularly as outdoor amenity space will be shared with Holly Cottage.

The outbuilding is situated to the rear of and approximately 39m from Holly Cottage and 32m from Quercus Cottage which I consider sufficient distances to protect existing residential amenity, although I am mindful that the annexe would be only 10m from the boundary with the neighbouring property. However, these distances are still considered to be sufficient so as to limit any impact upon the neighbouring properties by virtue of overbearing and overshadowing impacts. With regards to privacy, windows are proposed to all sides of the single storey building, however I am satisfied that there are unlikely to be any overlooking impacts.

I am mindful that the proposal is likely to result in an increase in activity in and around the building, which will be most obvious to the occupiers of Quercus Cottage. However, I am of the view that as the site is already in residential use and the land immediately adjacent to the building is used as garden area, the additional living accommodation and associated activity is unlikely to have an adverse impact upon this neighbouring property.

Given the assessment above, I am of the view that it is unlikely that the proposal will be detrimental to amenities of the neighbouring properties or the surrounding area.

#### *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 and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Holly Cottage has one vehicular access point with ample space for parking in a designated parking area for the three cottages. An annexe would use this space for entering the property and for parking. The Highways Authority have not commented on the application, and were the proposal being considered as an annex with a reduced level of accommodation and greater degree of dependence on the main dwelling in the site, it is likely that this might be accommodated. However, given the proposal is the scale of a new dwelling I have referred to standing advice. A new dwelling would be dependent on the provision of its own parking arrangements. I note the existing dwelling shares area with adjoining properties. Given the proposal has been submitted with the description of an annex, it has not been demonstrated as part of this application that additional spaces could be provided in this area to serve a new independent unit although given the size of the curtilage associated with the existing dwelling and its position adjacent to the

existing parking are, it is likely appropriate parking could be provided for any new independent unit.

Given the above, I am satisfied that a new independent unit could accord with Spatial Policy 7 and Policy DM5 in terms of highway considerations, however this does not override the concerns relating to the principle of the development and impact on the character of the area.

### *Other matters*

Whilst I have set out above why it is considered appropriate to consider the proposal as a new dwelling in this instance rather than as householder development, for completeness I have also considered the likely recommendation were the proposal assessed under Policy DM6 as ancillary accommodation for the existing dwelling. Policy DM6 requires annexes to respect the design, materials and detailing of the host dwelling and to respect the character of the surrounding area including its local distinctiveness and to have regard to the landscape character and open character of the surrounding countryside. For the same reasons outlined above I consider the proposal, by virtue of its substantial scale being comparable to the host dwelling in terms of footprint and its remote siting some 39m from the host dwelling, does not respect the character of the surrounding area and would encroach on the open character of the countryside having a harmful impact on the character of the area. For these reasons, I consider the proposal would still be unacceptable even if it were deemed to be appropriate to assess it as an annex.

### *Planning Balance and Conclusion*

The proposal is for the erection of a residential 'annexe' within the rear garden of Holly Cottage. As the annexe provides the level of accommodation considered capable of supporting an independent dwelling and is sited a considerable distance from the existing dwelling, the application has been assessed as a new dwelling.

The site lies within the Open Countryside where development is strictly controlled through Policy DM8 of the DPD and the NPPF. In this instance, it is considered that the proposed residential building would not fit the exceptions outlined by these two policy documents and there is no other justification that would outweigh the harm the proposal would have upon the Open Countryside. Whilst it is accepted that the design of the building would somewhat reflect the rural character of the area, the overall scale of the building is comparable in footprint terms to the host dwelling and would appear as a separate entity given its siting away from the existing dwelling. The proposal would not satisfy the guidance mentioned above for new dwellings in the open countryside.

The proposal is considered unlikely to have an adverse impact upon the setting of heritage assets, neighbour amenity or highway safety, but these positive aspects of the scheme do not overcome the issues with the principle of development in this instance. Even if the annex were considered as householder development the proposal is still not of a size commensurate to being subservient and ancillary to the host dwelling and would raise similar concerns with regards to the impact on the open character of the countryside.

In conclusion, it is recommended to Members that the application is refused as the proposal does not accord with Policy DM8 of the DPD or Paragraph 55 of the NPPF.

### **Recommendation**

**That full planning permission is refused for the following reason:**

01

Whilst promoted as an annex, the Local Planning Authority does not consider the proposal could reasonably be considered as such given the level of accommodation, the scale of the building in terms of footprint and its siting relative to the host dwelling. In the opinion of the local planning authority, the proposal would introduce a new independent dwelling within the open countryside where development is strictly controlled by Policy DM8 of the Allocations and Development Management DPD and Paragraph 55 of the NPPF, a material planning consideration. The proposal does not meet the exceptions for new rural dwellings outlined within either policy document and is therefore inappropriate development in the open countryside. There is no justification which would outweigh this harm.

### **Notes to Applicant**

01

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

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

02

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

### **BACKGROUND PAPERS**

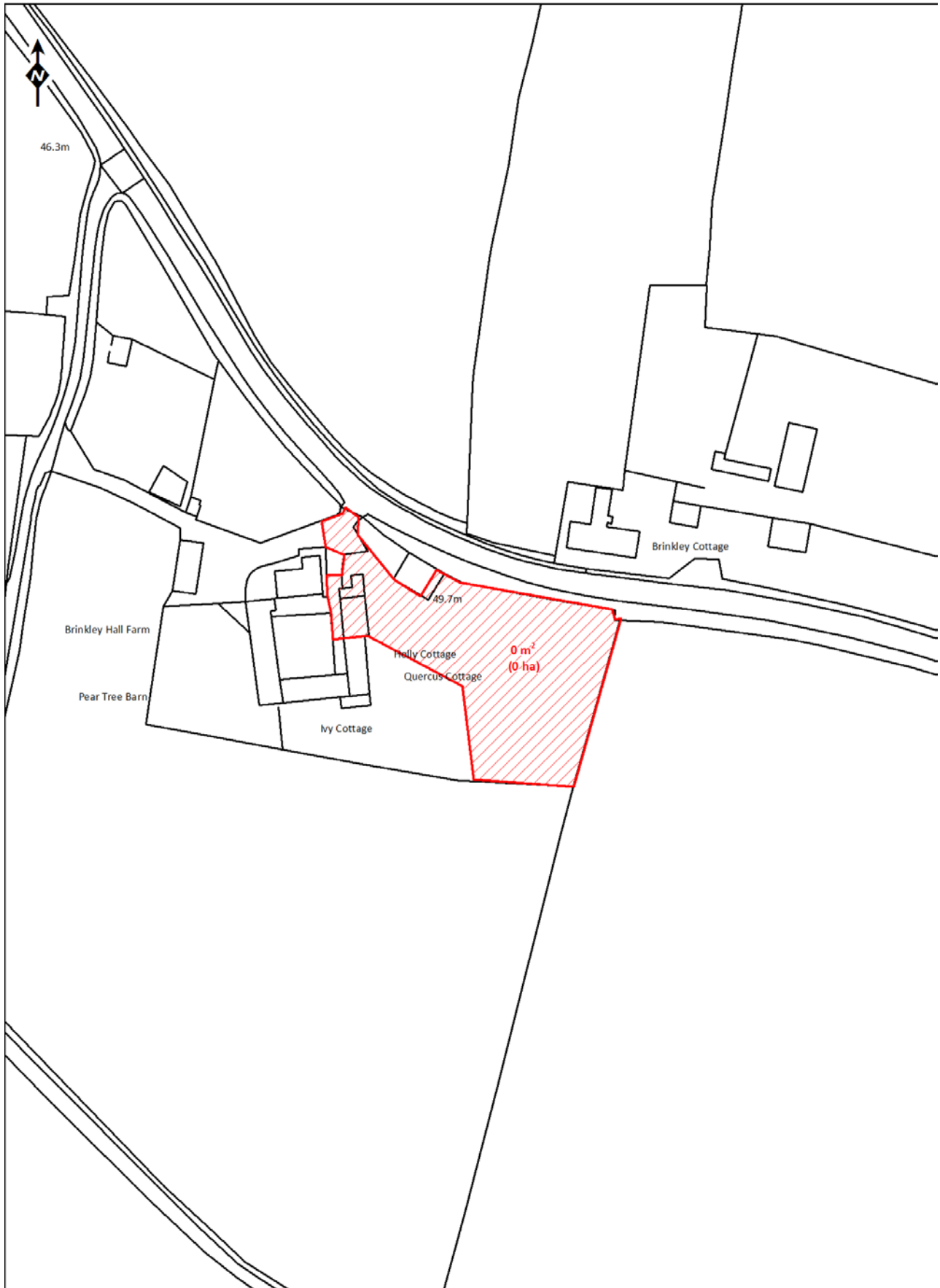
Application case file.

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

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

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

Committee Plan - 17/01443/FUL



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<b>Application No:</b>	<b>17/01268/FULM (MAJOR)</b>	
<b>Proposal:</b>	<b>Erection of directional lighting [55 columns]</b>	
<b>Location:</b>	<b>Southwell Racecourse, Station Road, Rolleston, Nottinghamshire, NG25 0TS</b>	
<b>Applicant:</b>	<b>Arena Racing (Southwell) Ltd</b>	
<b>Registered:</b>	<b>13 July 2017</b>	<b>Target Date: 12 October 2017</b>
	<b>Extension of time agreed in principle</b>	

**This application is referred to Planning Committee at the request of the Local Ward Member.**

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 is 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 between 1997 and 2006. Planning permission was granted under 07/01125/FUL to permanently vary condition 11 of Planning Permission 54890792 to allow a maximum of 12 Sunday races per year (within the 80 races per year limit permitted in 1989).

In 2016 planning permission was granted for a flood alleviation scheme within the site to prevent further flooding to the racecourse. This application was approved under planning reference 15/01292/FULM.



## The Proposal

The proposal seeks planning permission for the erection of 55no. lighting columns to provide floodlighting to the racecourse to allow races to take place until 2130h. No additional meetings are proposed per year.

The lighting columns will measure between 21 and 30m in height and will be constructed of galvanised steel with LED lights. They are proposed to be situated around the racecourse, grandstand, paddock and car parking areas.

Limited landscaping is also proposed through infilling existing hedgerows but the applicant has advised any further planting would be restricted by the flood alleviation works taking place within the site.

## Departure/Public Advertisement Procedure

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

## Relevant Planning Policies

### **The Development Plan**

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

Policies relevant to this application:

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*

Policies relevant to this application:

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 Considerations**

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

## Consultations

**Rolleston Parish Council** – Support the proposal but ask that the proposals for control of noise (4.21) and traffic management (4.24) with the submitted planning statement are made conditions to ensure they can be enforced.

**Southwell Town Council** – Southwell Town Council considered application 17/01268/FULM Southwell Racecourse and agreed by majority to object to the application and request that Cllr Bruce Laughton call in this application to NSDC.

The objections are as follows:

The present infrastructure for traffic access is insufficient, causing problems in the Southwell Area, Particularly Upton Road and Kirklington Road, these additional events will increase this problem. This amount of lighting in a rural area is highly sensitive – The lighting assessment was noted, but the council requires assurance on how the lighting levels will be monitored and enforced.

**Upton Parish Council** – No comments received

**NSDC Environmental Health Officer** - I have read the lighting and noise assessment. These indicate negligible adverse impact, a conclusion which seems reasonable from the work undertaken.

I do not mention of finishing times for the racing and lighting. It may be wise to condition these on any approval given.

**NCC Rights of Way Officer** – No comments received

**NCC Highways** – Section 3.2.2 of the Transport Statement (TS) advises that previous planning permissions restrict the number of fixtures to 80 per annum, with a maximum of 12 taking place at the weekend. There are no restrictions placed upon the number of evening meetings, although the applicant proposes a limit of 20.

Section 3.2.3 of the TS goes on to state that “the proposed development would simply provide greater flexibility to provide further evening fixtures during the winter months, with start/finish times being comparable to those currently experienced during the summer”. The cap of 80 fixtures per year would remain.

Whilst we are conscious that the proposed lighting columns will facilitate additional race meetings throughout the year, they could in theory take place without the need for planning permission, albeit when light conditions permit.

In Highway Impact terms, 20 evening meetings over a period of circa 6 months represents an increase of less than 1 race per week which is not considered significant.

With regards to development traffic, section 3.3.5 of the TA suggests that the existing routing agreement be adopted, though this is suggested for egress purposes only. Whilst not a highway safety issue, any development traffic routing through nearby villages may be viewed as an amenity issue by local residents. We would suggest the existing agreement is adopted in its entirety and be secured in the appropriate manner.

**NCC Ecology** – No comments received

**Trent Valley Internal Drainage Board** – No comments received

**Severn Trent Water** – No comments received

**Environment Agency** – No objection to the proposal

**Ramblers Association** – No comments received

**Civil Aviation Authority** – No comments received

**Network Rail** – No comments received

**National Air Traffic Services** – No objection to the proposal

**Neighbours/Interested Parties** – A letter of objection has been received from a neighbouring property with concerns regarding the impact of the light from the columns and also the visual impact of the columns upon their property. Suggestions have been put forward which include restrictions upon operation times, the use of retractable poles and additional landscaping.

#### Comments of the Business Manager

##### *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 and is considered an existing commercial and tourism enterprise which is a considerable contributor to the local economy.

Core Policy 7 of the Core Strategy and Policy DM8 of the DPD support development to existing tourist attractions providing they are proportionate to the existing business and the surrounding area. As mentioned above, the racecourse is considered to be a contributor to the local economy and therefore the additional racing possible due to the lighting columns is likely to increase visitor numbers/retain people within the local area for longer.

The principle of lighting columns for the racecourse is not considered unacceptable as a principle, particularly as the number of events per year is not proposed to be increase, rather enabling the evening races to continue later in to the night; it is anticipated that the maximum number of events using the lighting system will be 20/year. The applicant considers this is necessary to meet changing visitor expectations and prevent the number of fixtures per year declining.

However careful consideration of their impact is required to ensure that there is no adverse impact upon the character of the area, residential amenity or highway safety.

#### *Impact upon Residential Amenity*

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues. The site is bounded by residential dwellings to the east and west and as such, new dwellings could have an impact upon the amenities of these properties.

The proposed lighting would be between 21-30m in height directed to avoid unnecessary spills beyond the course, reducing impact upon neighbouring properties and the railway lines although this does result in a greater number of columns required. In this instance however, I consider this approach to be the most appropriate so as to limit light pollution.

I am mindful that the floodlights will be visible from nearby properties and accept that there will be an increase in light pollution within what is considered a rural area. However, the applicant has stated that the number of races per year will not be increased (thus not increasing noise disturbance throughout the year) with the floodlights proposed to be turned off by 2130h. I do not consider the proposed latest time for the lights to be switched off to be unreasonable, particularly given the distance of the columns from neighbouring properties (approx. 200m). The applicant has suggested that the lights will be turned off within 30mins of the last race or by 2130h, whichever is the soonest; the applicant is happy for this to be conditioned. I consider this suggestion to be appropriate, along with ensuring the lighting is only used for 20 meetings a year.

The application has been accompanied by a lighting assessment which has concluded that the proposal will not have a significant impact upon surrounding dark sky landscape. I am happy to accept this conclusion based on the evening photomontage, glare impact assessment diagrams and equipment layout plan showing the direction of light spill, in addition to the fact that the Environmental Health Officer has concluded that the work undertaken to depict lighting levels appears reasonable, subject to finishing time and specification conditions.

Although the applicant has stated there will be no increase in the number of meetings per year, I am mindful that the extended hours per meet would result in associated noise being heard later in to the evening. This noise is likely to be heard from surrounding properties and as such needs to be considered. A noise assessment has been submitted with the application which states that noise levels from the potential later finishes are unlikely to have a significant adverse impact upon health or quality of life; I have no evidence before me to contradict this conclusion and again consider that the latest time by which the lights would be turned off will assist in noise levels being managed so as not to result in any perceptible noise being heard at unreasonable times in the evening. In addition, the internal Environmental Health Officer has raised no objection to the scheme.

With regards to visibility, nearby properties will have views of the proposed columns, although it is my view that the columns will sit amongst the existing infrastructure within the landscape, namely electricity pylons and telegraph poles which I consider will lessen the prominence of the floodlights. As the properties will be situated some distance from the racecourse, I am of the view that the overall visual impact for these neighbours is unlikely to be detrimental to their amenities. I appreciate the concerns and suggestions raised by the local resident, however I consider that it would be unreasonable for the LPA to request retractable posts given the distance between the site and the nearest residential properties.

#### *Impact upon Landscape Character*

Core Policy 13 relates to Landscape Character refers to the District's Landscape Character Assessment and expects development proposals to positively address the implications of the Landscape Policy Zones. Policy DM5 in the Allocations and Development Management DPD relates to design and states the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The site is located within policy zone Trent Washlands TW PZ 10: River Greet Meadowlands as defined by the Council's adopted Landscape Character Assessment SPD. This states "Southwell Racecourse dominates the landscape to the centre of the area, with associated car parking, hotel and a training centre etc. These are large scale features, not in keeping with the local character." The landscape condition is defined as moderate with the racecourse providing a large scale development which is not in keeping with local character. The landscape is considered within the Policy to have moderate sensitivity.

It is already accepted that the racecourse sits at odds with the remaining landscape within the character zone, with large structures already in situ within the site. Further to this, the immediate landscape is already characterised by large electricity pylons owing to the proximity of the site to Staythorpe Power Station, approximately 2km to the east, which in my view have a greater impact upon the landscape setting than the floodlights proposed.

Having reviewed the landscape character assessment submitted with the application, I am satisfied that the proposal will not have an undue impact upon the landscape surrounding the site. I accept that there would be some change in the landscape as a result of the installation of the floodlights. However, adverse effects are likely to be short term when illuminated for the 20 nights of the year. The proposed columns will be visible across the site and from the public realm, however given the slimline nature of the columns and the number of trees surrounding the site, some will be somewhat screened. Furthermore, electricity pylons cross the site which sit higher than the columns proposed and as such vertical infrastructure would not be entirely new to the area and would therefore not in my view be overly prominent. The submitted photomontages show the proposed landscape and I am satisfied that the columns would not be a dominating feature within the landscape, particularly when viewed from a distance.

Given the above considerations I am satisfied that the proposals will have an acceptable relationship with the landscape character of the area given the specific characteristics of the proposals and their relationship with the existing racecourse. The proposals are therefore reflective of their setting and as such do not contradict the aims of the above policies.

#### *Impact upon Heritage Assets*

One of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor which lies approximately 200m to the east of the site. 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. 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 a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In

addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

The columns would be visible from these sites, albeit with some distance between them which would limit overall visibility and impact. The site is well-established as a racecourse and therefore lighting columns is usually expected in some form; given the existing infrastructure within and surrounding the site, I am of the view that the proposal is unlikely to result in further harm to any heritage asset and I am satisfied the proposals would not be contrary to the Policy objectives set out above.

### *Impact on Highways Network*

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.

As mentioned above, the application does not seek to increase the number of meetings per year. There is no restriction upon which days meetings should take place (providing no more than 12 in any year are on a Sunday) and therefore the LPA already have limited control over meeting days. As the Highway Authority have highlighted, the applicants have suggested there will be no more than 20 evening meetings in any year, which over 6 months represents an increase in less than 1 race per week. This is not considered likely to significantly impact upon the highway.

A Transport Statement has been submitted with the application which largely reflects the Transport Management Plan submitted with the 2007 planning applications which permitted the current annual race meeting numbers. This Transport Management Plan relates to Sunday racing and was subject to a Section 106 agreement linked to the two planning applications in 2007 and to my knowledge remains a legal document for the site. Given the proposal would not alter the number of Sunday meetings per annum, I am of the view that this legal agreement and Transport Management Plan remain unaltered and should still be adhered to in accordance with the 2007 planning permissions which dealt with the number of meetings the Racecourse can hold.

It is noted that the Transport Management Plan only refers to Sunday racing and not evening races. Members will note that the Highways Authority seek to extend this plan to cover evening races so as to limit the impact upon neighbouring villages (in particular Rolleston). Having sought advice from the Council's legal team, it is advised that a new Section 106 Agreement is drawn up to cover these additional evening races. The applicant is aware of this requirement and should Members be minded to approve the application, Officers will instruct solicitors to draft an agreement prior to issuing the permission.

On the basis of the above, I am of the view that the scheme accords with the identified policies with regards to highway safety, subject to conditions and a new S106 Agreement to include an updated Transport Management Plan.

### *Planning Balance and Conclusion*

The application seeks consent for the erection of columns to provide flood lighting for the racecourse to facilitate evening racing throughout the year. The applicant has stated it will not increase the number of meets per year, only the length of time a meet can run per session. It is considered that the addition of floodlighting is unlikely to have an adverse impact upon residential amenity owing to the separation distances and the time until which the meetings will take place until (2130h). Furthermore, the proposal is considered unlikely to have a harmful impact upon the landscape character of the area, heritage assets or highway safety.

On the basis of the above, it is concluded that the proposal is acceptable in terms of local and national planning policy and is therefore recommended for approval.

### **Recommendation**

**That full planning permission is granted, subject to the applicant entering in to a S106 Agreement to provide an updated Transport Management Plan and 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:

- Site Location Plan – SS-01 Rev.A
- POLES(S): P04 – 180859P1 (sheet 1 of 18)
- POLES(S): P05 – 180859P1 (sheet 2 of 18)
- POLES(S): P01 – 180859P1 (sheet 3 of 18)
- POLES(S): P06 – 180859P1 (sheet 4 of 18)
- POLES(S): P03 – 180859P1 (sheet 5 of 18)
- POLE(S): A23 – 180859P1 (sheet 6 of 18)
- POLES(S): A02-06 – 180859P1 (sheet 7 of 18)
- POLE(S): A24 – 180859P1 (sheet 8 of 18)
- POLES(S): A01, C01-02, P01 – 180859P1 (sheet 9 of 18)



- POLES(S): A07-08, A22 – 180859P1 (sheet 10 of 18)
- POLES(S): A10-16 – 180859P1 (sheet 11 of 18)
- POLES(S): A09 – 180859P1 (sheet 12 of 18)
- POLES(S): PH1– 180859P1 (sheet 12 of 18)
- POLES(S): B12-17, B22 – 180859P1 (sheet 13 of 18)
- POLES(S): A17-18, A21, B05-11, B18, B20, B21 – 180859P1 (sheet 13 of 18)
- POLES(S):A19, B01-04 – 180859P1 (sheet 14 of 18)
- POLES(S): B19 – 180859P1 (sheet 14 of 18)
- POLES(S): A20– 180859P1 (sheet 15 of 18)
- Pole Location Layout – 180859L1\_A

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.

04

The lighting columns hereby permitted shall be switched off within 30 minutes of the last race or by 2130h, whichever is sooner. The lighting columns shall not be illuminated except during race meetings.

Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.

05

The number of evening race meetings where the floodlights are in operation in any calendar year shall not exceed 20.

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

06

The luminaire of each floodlight shall be as stated on the 'Equipment Layout' plan included within Appendix 6 – Aiming Angles and Upward Light Ratio Diagrams of the Lighting Assessment

undertaken by WYG dated July 2017 unless otherwise agreed in writing by the local planning authority.

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

### **Informative**

01

This permission relates solely to the installation of lighting columns only. There will be no increase in the total number of race meetings held in any calendar year above the 80 races currently permitted under planning permission reference 54/890792.

02

This application should be read in conjunction with the Section 106 Agreement that secures the Transport Management Plan for vehicles entering/leaving the site during evening and Sunday racing.

03

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

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

04

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

### **BACKGROUND PAPERS**

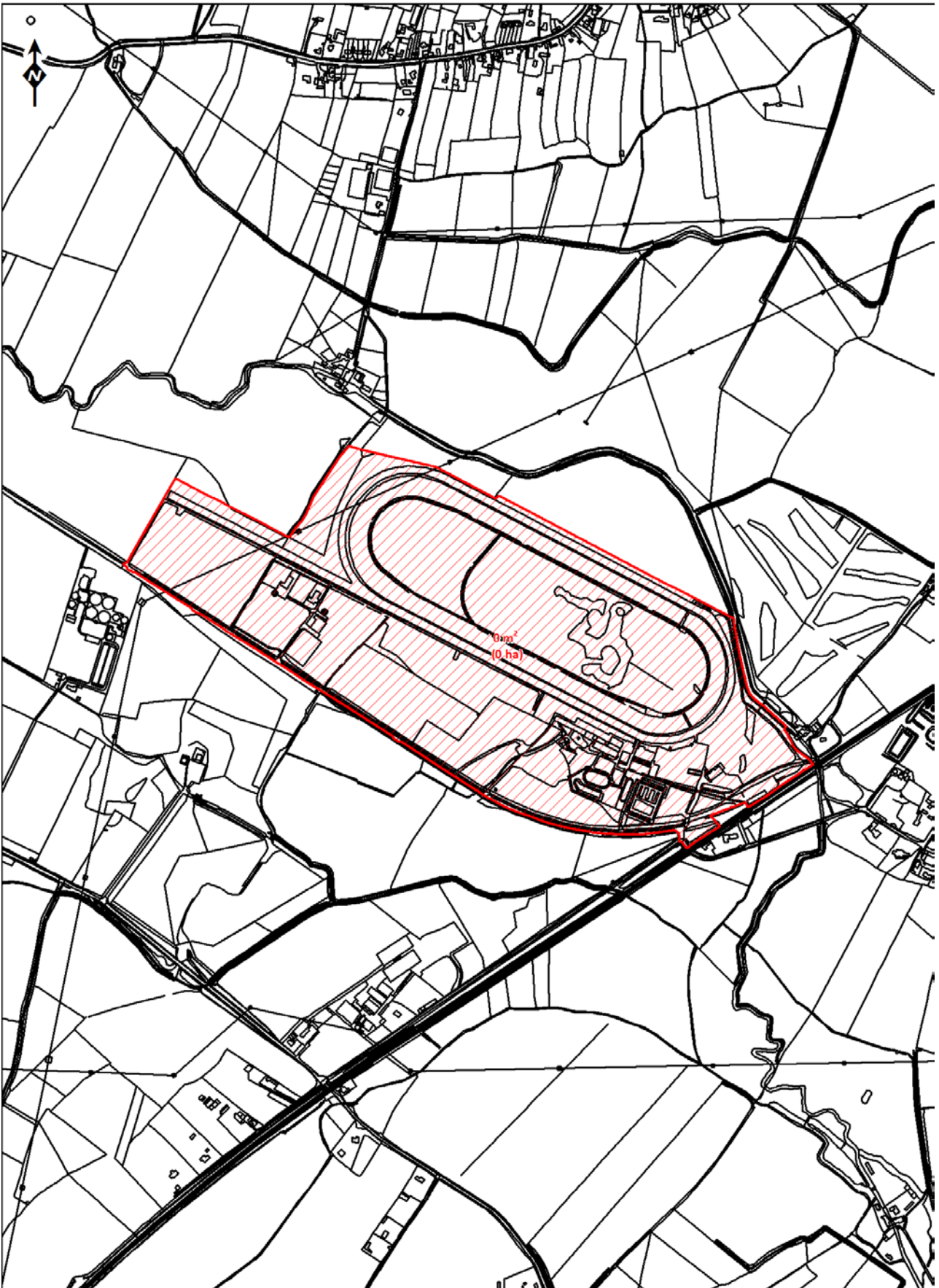
Application case file.

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

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

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

Committee Plan - 17/01268/FULM



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<b>Application No:</b>	<b>16/01761/OUT</b>	
<b>Proposal:</b>	<b>Erection of up to Three Dwellings (all matters reserved)</b>	
<b>Location:</b>	<b>Ashleigh Great North Road South Muskham Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr J Winter</b>	
<b>Registered:</b>	<b>21 November 2016</b>	<b>Target Date: 1 January 2017</b>
	<b>Extension of time agreed until 10 November 2017</b>	

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

The Site

This application relates to circa 0.35 hectares of land located to the east of The Great North Road within the settlement of South Muskham. The site currently comprises a detached bungalow set back from the highway with a small front garden and a large rear garden which backs onto the rear gardens of two storey properties on Forge Close to the east. There is an existing gated access set back from the highway.

The site is adjoined to the north by a two storey detached property (Antill House) which has first floor windows facing the application site. To the south of the site there is a detached dwelling with paddock area to the rear (Holly Cottage). To the east it is bounded by two no. two storey detached dwellings, one siding and one backing onto the site. Both have first floor windows overlooking the site (Forge Cottage and the Old Forge).

The part of the site to which this application relates falls within Flood Zone 2.

Relevant Planning History

**09/01776/OUT** – an application seeking outline permission for demolition of existing bungalow and outbuildings and erect two new dwellings was withdrawn in March 2010

**55811116** - Planning permission granted in January 1982 for the erection of a bungalow and double garage

**55811172** – Planning permission granted in January 1982 for the temporary siting of a caravan during construction

**5581624** – Planning permission granted in June 1981 for the erection of one dwelling  
Planning permission was refused in 1983 for the siting of 2 residential caravans to the rear of the site. A subsequent appeal in 1984 was dismissed, although the Inspector allowed the siting of 1 caravan.

**55840539** – Planning permission granted in July 1974 for the siting of a caravan

**55860860** – Planning permission granted in September 1986 for the erection of an extension to the existing dwelling and new garage.

An appeal was lodged with the Planning Inspectorate in January 1983 against an enforcement notice issued in respect of use of land within the site for the stationing of residential caravans which was dismissed.

### The Proposal

Revised plans have been deposited during the lifetime of the development. Outline planning permission with all matters reserved for later determination is now sought for the erection of 3 no. dwellings rather than the 5 originally proposed.

A revised indicative layout plan has been deposited which shows a relocation of the site access to be more centrally aligned with a pair of semi-detached properties set towards the front of the site close to the boundary with Holly Cottage and a detached dwelling towards the rear of the site.

The application has also been accompanied by a revised Planning Statement, Flood Risk assessment, a further detailed Flood Risk Assessment and additional comment from Lomax consulting and topographical survey.

### Departure/Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter. A site notice has also been displayed near to the site.

### Planning Policy Framework

*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
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 12 – Biodiversity and Green Infrastructure

Policy DM3 – Developer Contributions and Planning Obligations

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the open countryside

Policy DM12 – Presumption in Favour of Sustainable Development

*Other Material Considerations*

- National Planning Policy Framework (2012)
- National Planning Policy Guidance (on line resource)
- Spatial Policy 3 Guidance Note September 2013
- South Muskham Housing Needs Survey, Midland Rural Housing, December 2012
- 6 C's Design Guide
- Plan Review - Publication Amended Core Strategy July 2017

**Consultations**

**South Muskham/Little Carlton Parish Council:**

*Latest Comments received 22<sup>nd</sup> September 2017*

At it's meeting last night South Muskham/Little Carlton Parish Council unanimously agreed that the following response be forwarded to Newark and Sherwood District Council in respect of PLA 16/01761/OUT

Objection to Outline Planning Application for the erection of up to three dwellings (all matters reserved) at Ashleigh, Great North Road, South Muskham.

The original planning application submitted to Newark and Sherwood District Council in October 2016 was for the erection of up to five dwellings with all matters reserved at Ashleigh, Great North Road, South Muskham. The development has now been reduced to the erection of up to three dwellings with all matters reserved. South Muskham and Little Carlton Parish Council objected to the original planning application on the basis that the development is unsustainable, it would have a detrimental impact on highway safety and the application site is situated within Flood Zone 2. Notwithstanding the amendments to the scheme the Parish Council maintains that the objections which were submitted to Newark and Sherwood District Council in December 2016 remain valid.

In accordance with Section 70 of the Town and Country Planning Act 1990 in determining the planning application the Local Planning Authority should have regard to the provisions of the Development Plan and any other material considerations. Accordingly, the proposal should be assessed against Newark and Sherwood's Core Strategy Development Plan Document (2011), Allocations and Development Management DPD (2013) and the National Planning Policy

Framework. Furthermore since the Parish Council submitted the original representation, the District Council have consulted on the Amended Core Strategy DPD (2017) which once adopted will replace the current Core Strategy (2011). In line with paragraph 216 of the National Planning Policy Framework material weight should be attached to the emerging Plan given its advanced stage of preparation.

As expressed in the original objection South Muskham is considered to be an unsustainable village which sits at the bottom of the settlement hierarchy as set out in Spatial Policy 1 of the Core Strategy (2011). As such the proposal must be assessed against Spatial Policy 3 which states that new development should be considered against its location, scale, need, impact and character. The previous objection considered that the proposal does not accord with the 'location' criteria because the settlement is not adequately served by services and facilities to meet the everyday needs of the local community. Those that reside in South Muskham heavily rely on North Muskham and Newark on Trent for key services and facilities. However neither are within walking distance, the public transport connections are very limited, and thus there is a heavy reliance on the private car to access even the most basic of services.

The proposed amendments to this policy as set out in the Amended Core Strategy DPD (2017) place greater emphasis on the need for new development to be situated in villages which have a range of local services such as schools and post offices or be accessible to higher order settlements which do possess these facilities. South Muskham has neither facilities nor sustainable access to higher order settlements and so should not be considered for development. We consider therefore that the planning application is also contrary to Spatial Policy 3 of the Amended Core Strategy DPD (2017).

The Amended Core Strategy DPD has made very little amendments to the fourth and fifth bullet points of Spatial Policy 3 which deals with impact and character. As such the original objections made by the Parish Council still stand and the proposed development would have a detrimental impact on the transport network and will undoubtedly rely exclusively upon car-borne traffic. In addition it is considered that the 'backland' nature of the development does not sensitively reflect the character of South Muskham and would therefore also result in a detrimental impact on the setting and character of the village.

It is understood that the applicant is proposing to close off the existing access on to Great North Road and construct a new access slightly further north which would be able to achieve the required visibility splays. Although this is an improvement to the scheme the Parish Council contends that the development of up to three dwellings on the site would still have a significant impact on highway safety. The Parish Council wish to reiterate that the proposed new access will sit relatively close to the key junction between Great North Road and Main Street which is considered to be a dangerous junction. In conjunction with this, Great North Road is subject to a high proportion of HGV traffic as it is a key route into Newark on Trent and serves the British Sugar Factory which is situated approximately 1600m south of the Application Site.

The Parish Council also maintains the view that the proposed development would be contrary to



policy DM5 of Newark and Sherwood's Local Development Framework and the National Planning Policy Framework as the Application Site is situated within Flood Zone 2. It is contended that there is not a local need for the development within the village and that the development would not provide wider sustainability benefits to the community that outweigh the flood risk.

Finally, the applicant had previously relied heavily on the Council's lack of five year housing land supply and argued that the policies for the supply of housing are not up-to-date. However since then Newark and Sherwood District Council have published an updated Statement of Five Year Housing Land Supply dated July 2017, which states that the Local Planning Authority can now demonstrate a 6.2 year supply. Thus the applicant's arguments relating to the lack of five year housing land supply are no longer relevant, if the Council's five year supply is robust.

In summary South Muskham and Little Carlton Parish Council consider that the current proposal would still result in an unsustainable pattern of growth contrary to local and national planning policies and give rise to highway safety and flood risk concerns. Reducing the scale of development from five to three units does not mitigate any of the concerns.

*Comments received 23<sup>rd</sup> December 2016*

#### Background information

The application submitted by Mr Winter is for outline planning permission for the erection of up to five dwellings with all matters reserved at Ashleigh, Great North Road, South Muskham. The application should be assessed against Newark and Sherwood's Core Strategy DPD (2011), Allocations & Development Management DPD (2013) and the National Planning Policy Framework. South Muskham and Little Carlton Parish Council consider that the proposed development is contrary to local and national policies and therefore should be refused. This planning objection is primarily based on the premise that the proposed application constitutes unsustainable development, as counter to the provisions of Policy SP3 and as potentially resulting in adverse impacts on highway safety and flood risk. The Application Site has a complex planning history whereby a number of planning applications have been resisted by the Parish Council and a number of appeals have been dismissed based on similar grounds to this objection.

#### Sustainability and Policy SP3

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which includes stands of social, economic, and environmental. The importance of sustainable development is reiterated in Newark and Sherwood's local plan policies, including in Spatial Policy 1 of the Core Strategy (2011) which sets out the District Council's settlement hierarchy which seeks to direct development towards the most sustainable settlements. South Muskham sits at the bottom of the settlement hierarchy and is defined as a rural area whereby development proposals are considered against the sustainability criteria set out in Spatial Policy 3. Spatial Policy 3 states 'local housing need will be addressed by focusing housing in sustainable, accessible villages'. Proposals for new development will be assessed against the following criteria;

location, scale, need, impact and character.

In respect of location, the Application Site is situated in a village which is not adequately served by services and facilities to meet the everyday needs of the local community. South Muskham only has a Village Hall, Parish Church and a reclamation yard, and therefore lacks key everyday amenities such as a village shop, a primary school, healthcare facilities or a restaurant/drinking establishment. To access these key services and amenities the residents of South Muskham rely heavily upon North Muskham which is situated appropriately 2200m north of the Application Site and Newark on Trent which is approximately 3800m to the southeast of the site. Both distances are substantially above a reasonable walking distance of 800m – 1000m and are not served by a dedicated cycle route. South Muskham is however served by a number of bus routes connecting the village with North Muskham and Newark on Trent, yet the timetable is very limited on the evenings and weekends, most notably on Sundays when there is no service. Thus, the submitted planning application for 5 dwellings is considered an unsustainable pattern of growth in an unsustainable location which is contrary to both national and local policies.

The third bullet of the policy states that new housing will be permitted where it helps to meet an identified proven local need. The Planning Statement submitted in support of the application does not justify that the proposed development is to meet a local need and instead focuses on the need to provide housing across the entire Local Planning Authority area. This has been justified by the applicant on the basis that the applicant considers that Spatial Policy 3 is out-of-date due to the alleged absence of a five year housing land supply and therefore there is no requirements to demonstrate that the application meets local need.

The fourth bullet relates to the impact of development and states that new development should not generate excessive car borne traffic from out of the area, have an undue impact on local infrastructure including drainage, sewerage systems and the transport network. In view of the restrictive bus timetable it is evident that the proposed occupiers would be almost wholly reliant upon car-borne traffic given its position within an unsustainable settlement with few local facilities. In addition, a highway objection has been received from Nottinghamshire County Council as highway authority on highway safety impacts. This is addressed separately in this objection.

Finally, Spatial Policy 3 also refers to impact on the character of the location. South Muskham and Little Carlton Parish Council consider that the ‘backland’ nature of the development as proposed does not reflect the character of the village and would have a detrimental impact on the character of the settlement and its landscape setting. Moreover, the Application Site immediately abuts a main open area which the District Council are seeking to protect and approval of this scheme outside of the village could add to the pressure for this MOA to be developed. Newark and Sherwood are currently in the process of undertaking a plan review and an 8 week consultation period on the Preferred Approach was carried out between 29th July and 23rd September 2016. With regards to Spatial Policy 3 the preferred approach was to amend the policy to provide more detail with regards to villages having a range of local services to meet the day to day needs of the local community. In addition it states that new housing would be supported when it supports community facilities and local services and reflects local needs in terms of both tenure and house

types. The final proposed change to the policy is that within the main built up area, applications which do not meet the locational criteria such as this application could be acceptable if they are well related to the village and are infill plots of 1 or 2 dwellings. Despite the additional flexibilities proposed for Spatial Policy 3 the application at Great North Road within South Muskham would still clearly be contrary to the amended Core Strategy policy.

### Highway Safety

The planning application poses significant highway safety concerns. Firstly the proposed access off Great North Road would be situated on a bend and therefore there would be inadequate visibility at the site access for the five dwellings proposed. The site entrance sits only 140m north of a key junction between Great North Road and Main Street which is locally known as being a dangerous junction. Moreover, the Great North Road is subject to a high proportion of HGVs as it's a key route into Newark on Trent and serves the British Sugar Factory which is situated approximately 1600m south of the Application Site. Given the current speed limit of 40 mph, the lack of visibility, the proximity to an unsafe junction and the significant level of traffic including HGVs it is considered that the existing access could not safely serve 5 dwellings.

These concerns of an intensified use of the site entrance with inadequate visibility onto the classified road have also been expressed by Nottingham County Council who recommend that the application should be refused on the grounds of highway safety.

### Flood Risk

The Application Site sits within Flood Zone 2 and policy DM5 of Newark and Sherwood's Local Development Framework states that the Council aim to steer new development away from areas at highest risk of flooding. The Environment Agency Plan indicates that South Muskham falls entirely within Flood Zones 2 and 3 and paragraph 100 of The Framework states that;

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. ....

and

Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
  - if necessary, applying the Exception Test;
  - safeguarding land from development that is required for current and future flood management;
  - using opportunities offered by new development to reduce the causes and impacts of flooding;
- and
- where climate change is expected to increase flood risk so that some existing development may

not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

The applicants do not demonstrate why the development is 'necessary' in South Muskham and argue that sequentially the application site is located in one of the lowest areas of flood risk within South Muskham. It is the Parish Council's view however that there is no necessity for the development in the village and whilst the application site may be a 'high spot' in the village, there is no provision for a dry access route away from the site for occupants in the relevant flood event. In this context and in line with paragraph 100 of the 'Framework' inappropriate development should be avoided in areas at risk of flooding

#### Five year housing land supply

The Planning Statement submitted in support of the application relies heavily on the recent challenges to Newark and Sherwood's 5 Year Housing Land Supply. Subsequently the Planning Statement heavily relies on paragraph 49 of the framework which states that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

If policies relevant to the supply of housing are considered out-of-date, paragraph 14 of the Framework states that permission should be granted unless any adverse impacts resulting from the development would outweigh the benefits.

In this case South Muskham and Little Carlton Parish Council consider that the adverse impacts would substantially outweigh the benefits because of legitimate concerns relating to sustainability, highway safety and flood risk, which are all referred to throughout this objection.

#### *Interim response received 11.12.16*

The Parish Council unanimously agreed (1) to reject the application; and (2) to seek professional advice with regard to the formal Parish statement setting out the reasons for their rejection.

#### **Nottinghamshire County Council Highways:**

#### *Latest Comments received 15<sup>th</sup> September 2017*

Further to comments made on 5th December 2016, circumstances have changed since then that means that the stance of the Highway Authority can be revised.

In the intervening months the speed limit on Great North Road (B6325) has been reduced from 40mph to 30mph. This has a direct proportional impact on the visibility splay requirements. Instead of splays of 2.4m x 120m, these splays can now be justified at 2.4m x 90m. It would appear that such splays are achievable either within the curtilage of the site, or within the existing public

highway.

Therefore no objections are raised, subject to the following condition.

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access width, surfacing, visibility splays and drainage (hereinafter referred to as reserved matters.) All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

Reason: In the interests of highway safety.

*Comments received 5<sup>th</sup> December 2016*

The proposal will intensify the traffic movements in and out of the site. Whilst the existing access to a single dwelling is recognised as being less than ideal, it is considered that the proposed access serving up to 5 dwellings could not be supported due to the inadequate access visibility which is unable to achieve the desired 2.4m x 120m splay in either direction within land within the Ashleigh site boundaries.

This splay is required on account of the nature and status of Great North Road (B6325), the speed of traffic (40mph restricted, but actual 85th percentile speeds may be higher) and the proportion of HGVs.

In addition, there are some concerns regarding the right turn manoeuvre given the current road marking layout, and the likelihood of vehicles having to wait in the carriageway for a safe gap to enter the site.

In conclusion, I consider that the proposal should be refused on the grounds of highway safety.

#### **Severn Trent Water:**

Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

#### **Condition**

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 reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of

pollution.

#### Suggested Informative

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

#### **Nottinghamshire County Council Lead Local Flood Authority:**

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

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

#### **Environment Agency:**

Thank you for your consultation on the above proposal due to its revised description. As the application is of low risk, we have no formal comments to make.

#### **Trent Valley Internal Drainage Board:**

The Board Maintained watercourses Muskham Fleet, Brammersack are in close proximity to the site. Surface water run off rates to receiving water courses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and the LPA.

#### **NSDC Parks and Amenities:**

Using the 2016 figures the contribution would be £4,632.20. I believe that South Muskham & Little

Carlton Parish Council is looking for funding to make improvements to their Beckitt Fields open space at Little Carlton

### **NSDC Access and Equalities:**

As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general maneuverability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. Step-free access to and into the dwellings is an important consideration with reference to site topography and a suitably surfaced firm level and smooth traffic free accessible route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External pathways and pavements to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable access around the development. Any danger to pedestrians, particularly children, elderly or visual impaired people, being required to walk along vehicular access routes and roadways should be avoided by providing a 'traffic free' network of separated pavements and footpaths throughout together with tactile warnings and dropped kerbs at road crossing points as appropriate. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

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

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

No additional comments have been received.

**Representations from 8 local residents/interested parties have been received all objecting on the following summarised grounds:**

- The plans are vague with no detail as to the type, design, materials or scale of the proposed dwellings
- Information deposited with the application is misleading with regards to existing or previous buildings on the site
- Noise issues
- Highway safety issues in terms of unsafe access and egress and vehicular movements onto a busy road despite recent reduction in the speed limit
- Exacerbation of existing access and highway safety issues
- Flood issues - Previous applications in the area have been refused on flood risk grounds and because there are more suitable sites
- Loss of natural soak away land and increase in surface water run-off into drains which currently struggle
- Drainage issues
- Potential anti-social behavior issues
- There are few facilities in the village
- Loss of privacy and overshadowing
- Over intensification of development
- The site is outside the village envelope
- Issues with previous caravans on the site
- There is no need for further development in the village
- Previous development of the land has been rejected and the current restrictions for no more than 1 mobile home on the site have been breached on several occasions.
- Development would be out of character with the village



- The site could be developed for a larger single storey property to enhance stock in the village
- The potential to set a precedent in the village
- There is no need for any further development in the village

## **Appraisal**

### **5 Year Housing Land Supply**

It is noted that the main argument put forward by the applicant in support of the proposal is that of the Council's position with regards to its 5 year housing land supply and its impact on whether Council policies are up to date for decision making purposes. The application has been the subject of detailed discussions and negotiations during its lifetime and as such this position has moved on. Members will be fully aware of the Council's position with regards to its 5 year housing land supply. I will not rehearse the full details as these are set out in the Council's Statement of Five Year Housing Land Supply dated 1st April 2017. This concludes that the council can demonstrate a 5 year supply of housing land when assessed against the OAN figure of 454 dwellings per annum (dpa) with supply as at 31 March 2017 being shown to be 6.2 years. The LPA consider that the OAN (and the Council's required supply), undertaken via the Duty to Cooperate not only with our HMA colleagues but in association with all Nottinghamshire Authorities, is robust and defensible.

It is noted that an Appeal decision in January 2016 disagreed with the Council's stance on attaching weight to an OAN of 454dpa. Since this time significant further work and qualification has been provided which has confirmed that the figure of 454dpa is both robust and appropriate. To this end all 3 of the HMA Authorities have now progressed their Development Plans to varying degrees, all incorporating the OAN figures agreed to make up the HMA requirement. As detailed elsewhere our proposed amended Core Strategy, which is underpinned in housing terms by the 454dpa figure, has now been submitted to the Secretary of State. An Inspector has been appointed and an Examination date is expected shortly. Furthermore, a recent Appeal Hearing decision (August 2017) has accepted that this Authority has a 5 year land supply against a 454 and 500dpa. Even at 550dpa that Inspector agreed that any shortfall in housing land supply would likely be made up.

For the purposes of planning decision making I must conclude that the Council has a robust housing target and deliverable supply against that target to such a degree that it has a 5 year housing land supply. Consequently, the Council's policies are not out-of-date for the purposes of decision making and I am satisfied that in assessing this proposal development plan policies can be given appropriate weight.

## **Principle of Development**

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and 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, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). South Muskham falls within the 'other village' category identified within the Core Strategy.

The application therefore falls to be assessed against Spatial Policy 3 (Rural Areas) in the first instance.

It is a critical consideration in the determination of this application as to whether the application site is located within the main built-up area of the village or beyond. If it is beyond it is, as a matter of policy (in accordance with Policy SP3 and the emerging Policy SP3) it is considered to be within the open countryside. Turning to each of the 5 criteria contained within policy SP3 each of which are reflected in the emerging policy SP3, albeit there is a small revision to the need criteria as discussed below.

## **Location**

I am mindful that the site falls on the eastern edge of the settlement. However, given that it is surrounded by residential properties to the north south and east and is bounded by the Great North Road which in my opinion forms a physical barrier with the open countryside to the west, I am of the view that the proposal does lie within the main built up area of the village and as such complies with the locational criteria of SP3

Notwithstanding this the location criteria of SP3 requires consideration to be given to local services and accessibility to more sustainable settlements such as Newark Urban Area, Service Centres or Principal villages as identified within policies SP1 and SP2 of the Core Strategy. This is also reflected in paragraph 55 of the NPPF which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements development may support services in a nearby village.

The local services within South Muskham are limited to a church and a village hall. The nearest settlement with a good range of services to meet every day needs (including shop, post office school public house and village hall) is that of North Muskham, some 1.1km to the north west. There is a regular bus service to Newark, the nearest Service Centre and to North Muskham albeit

less regular at the weekend.

Taking this into account I am of the opinion that the site is within a fairly sustainable location with access to facilities to serve day to day needs in nearby settlements and will, on balance contribute, albeit modestly given its quantum, to the enhancement and maintenance of the vitality of the rural community in line with the advice of paragraph 55 of the NPPF, albeit it is set within the settlement hierarchy of the Core Strategy as an SP3 settlement.

### **Scale**

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

Two additional dwellings to that which currently exists on the site, albeit this is currently vacant would be considered to be numerically small scale within the settlement and as such it would be considered unlikely that such a scale would have a detrimental impact on the existing infrastructure within the village.

### **Need**

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. 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. I am also mindful that the wording in the emerging SP3 Policy in relation to need is slightly less prescriptive and states that new housing beyond Principle Villages should reflect local need in terms of both tenure and house types. Given the current position with regards to the amended Core Strategy I am of the view that some weight should therefore be afforded to this emerging policy.

A Housing Needs Survey was undertaken by Midlands Rural Housing March in 2015. The study not only investigated the actual affordable housing need of the Parish, but also peoples' preferences for market rent level housing and open market housing. In addition, the survey ascertained residents' views with regard to living in the Parish and support for local needs housing to help sustain local communities. The study identified a need for 11 open market dwellings comprising:-

- 1 x 2 Bed house
- 2 x 3 Bed houses
- 2 x 4 bed houses
- 4 x 2 Bed bungalows
- 1 x 3 Bed bungalow
- 1 x 4 Bed bungalow

The applicant has confirmed that the proposal would comprise 2 no. 2 bed bungalows and 1 no. 3/4 bed detached two storey property which would be considered to meet some of the need identified within the Housing Need Survey. Furthermore the proposed housing mix would also be in line with the mix identified within Policy CP9 of the Core Strategy of family housing of 3 beds or more and smaller housing of 2 bedrooms or more.

### **Housing Mix and Density**

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

The proposed scheme comprising 2 x 2 bedroom bungalows and 1x 2 bedroom two storey houses would meet a local need by addressing the requirements of the Housing Needs Survey of 2015 but also meets the broad aspirations of CP3 in terms of mix. The density of the scheme falls short of 30 dwellings per hectare. However I consider this not to be fatal given the sites position at the edge of the settlement with the countryside adjacent and this assists with allowing the development to sit comfortably within its surroundings.

### **Impact on Amenity**

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

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

The comments received with regards to issues of impact on the amenity of neighbouring properties particularly in terms of overlooking, over bearing and loss of privacy are acknowledged. However, I am of the view that appropriate separation distances can be achieved between dwellings such that there would be no detrimental impact on amenity. Furthermore a detailed assessment of the impact on the amenity of occupiers of neighbouring properties and those future occupiers of the proposed development would be undertaken at reserved matters stage where details such as precise positioning of buildings, windows and boundary treatments would be given due consideration.

Taking these considerations into account I am satisfied that the proposed development can be designed to ensure it does not result in any undue impact upon the residential amenity of

neighbouring dwellings a suitable standard of amenity can be achieved for occupants of the proposed dwelling and therefore the proposal complies with Policy SP3 and Policy DM5.

### **Impact on Highway Safety**

Policy SP3 requires that new development should not create excessive car borne traffic from out of the area and should not have undue impact on the transport network.

Policy SP7 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. This is reflected within the emerging policy SP7.

One of the most significant concerns raised by local residents is that of impact of the proposal on the highway network and increased vehicular access and egress to and from the site. The Highway Authority have previously raised concern that although the access serves an existing bungalow the proposal for new additional dwellings on the site would raise concerns with regards to an intensification of vehicle movements, the inadequate access visibility and issues with manoeuvring out of the site. However, during the lifetime of the application the agent has undertaken extensive discussions and had a number of meetings and a site visit with the Highway Authority. The revised layout now shows the existing access to be blocked up and resited further north in a more centrally located position to serve the development. A 2.4 x 90m visibility splay is shown together with a 2m x 2m pedestrian visibility splay. Moreover highway circumstances have also changed and the speed limit along this section of the Great North Road has been reduced to from 40 mph to 30 mph. This has a direct proportional impact on the visibility splay requirements and as such the splays shown on the revised layout plans are now considered achievable and acceptable. Consequently the Highway Authority has withdrawn their initial objections subject to the condition outlined within the Consultation Section of the report in relation to any Reserved Matters application being attached should Members be minded to grant outline permission.

Although indicative the revised layout plan also show that adequate off street parking provision can be provided. This would again be given further and full consideration at Reserved Matters stage.

I therefore consider that the proposed development would not result in any significant parking or traffic problems or highway safety issues to justify refusal in this instance and is therefore in accordance with the requirements of policies SP3, SP7 of the Core Strategy and DM5 of the DPD.

### **Impact on Character**

Policy SP3 of the Core Strategy requires that new development should not have a detrimental impact on the character of the location of the site. Policy CP9 identifies that the District Council will expect new development to be of a high standard of sustainable design that, amongst other things, demonstrates an effective and efficient use of land that where appropriate promotes the re use of previously developed land and optimises site potential at a level suitable to the local

character of the area.

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing. It adds that proposals creating back land development would only be approved where they would be in keeping with the general character and density in the area.

The planning history of the site is acknowledged. Initially the application proposed 5 dwellings utilising the whole depth of the application site. The revised indicative layout plan has reduced the depth of the site by circa 50% and the number of proposed dwellings to three. Although this is purely indicative officers are seeking minor revisions to the layout to further ensure that the relationship between the proposed scheme and the surrounding built form will sit well within the context of layout and character of the surrounding area. Notwithstanding this the indicative layout does demonstrate that 3 no. dwellings could be adequately located within the site without the development appearing over intensive and incongruous.

In terms of scale, the applicant has confirmed that the proposed dwellings would be a maximum 2no. bungalow height and 1 no. two storey height property which would not in my opinion appear incongruous with the character of the settlement.

### **Flooding and Drainage**

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

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

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

The site is located within Flood Zone 2 according to the Environment Agency's flood risk maps and is therefore at medium probability of flooding from river sources. As such consideration must be given as to whether the application passes the Sequential Test. It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built.

However, if the Sequential Test is considered locally, the majority of South Muskham falls within Flood Zones 2 and 3, being located close to the River Trent. I consider that there is appropriate justification in this case to apply the Sequential Test locally in the context of the aforementioned proven local need for further residential development.

A Detailed Flood Risk Assessment (FRA) has been deposited with the application which states that the site falls sequentially within an area of least risk within the settlement and that there are no reasonably available sites within the area which would be at lower risk of flooding. Furthermore, the site and its surroundings are defended from flooding by a bund located to the east and south of the settlement as confirmed by Environment Agency records.

It is noted that the Lead Local Flood Authority have made no comment other than suggested advisory note outlined in the Consultation section of this report. The Environment Agency has also offered no comments as the site is considered to be low risk. However, given the sites location in Flood Zone 2 I have referred to Environment Agency Standing Advice.

This states that floor levels of vulnerable development should be a minimum of 300mm above ground level or 600mm above flood level whichever is higher. Where these floor levels cannot be achieved then additional flood resilience and resistance measures can be considered.

The FRA proposes to set internal floor levels at a safe level. – a minimum of 510mm above 1:100 flood level, 390mm over 1:200 flood level and 20mm over 1:1000 year level and also proposes a number of additional flood resistance measures noted in line with the Environment Agency Standing Advice.

Given the outline nature of the proposal and at this stage details of layout and scale are purely indicative, I am of the view that satisfactory levels within the site and the proposed dwellings can be achieved without compromising the character of the development or the impact on the wider setting and that should members be minded to grant outline permission the submission of details of appropriate levels and sections could be secured by condition to prevent flooding.

With regards to drainage this is a matter that would be dealt with in detail at reserved matters but the FRA submitted with the outline application does propose a Sustainable Drainage Strategy through the provision of swales, permeable surfacing and infiltration basins. Notwithstanding this the comments of Severn Trent are acknowledged and it is considered reasonable that should outline permission be granted then conditions should be attached requiring the submission and written approval of precise details of surface water and foul sewerage.

I am mindful that the Sequential test has been applied at a local level and this needs to be weighed in the planning balance. However the development can be made safe for its lifetime when the suggested conditions are imposed and thus the Exception test is considered to have been passed.

## **Other Matters**

Comments raised with regards to the lack of details contained within the application are acknowledged. However, this is an outline application with all matters reserved in terms landscape, scale, appearance and access. The application has been accompanied by a revised indicative layout plan. Given the previous issues raised with regard to the access and highway safety officers considered that the proposed access should be shown at outline stage and not Reserved Matters and as such a condition is recommend to secure the site parameters and access position shown on the indicative layout. As outlined in the relevant sections above precise details of layout of the site together with the scale and appearance of buildings and landscaping will be submitted as Reserved Matters and a further consultation process will be undertaken at that time.

The planning history of the site is noted. However, previous applications would have been assessed under planning policy and legislation which was current at that time and decisions made accordingly. The proposal before Members now has to be assessed against current and up to date circumstances, planning legislation and national and local planning policies.

I note the suggestion that the site could be developed for a larger single storey property to enhance stock in the village. However, the applicant wishes the proposal to be assessed as revised for three dwellings to replace the single bungalow on the site.

I also note the concern raised with regards to setting precedent. Should further applications for development within the village be forthcoming these would have to be assessed against planning policy that was up to date at that time and on their own merits.

## **Planning Balance and Conclusion**

Paragraph 14 of the NPPF provides a clear presumption in favour of sustainable development provided that the benefits of issuing planning permission are not outweighed by significant and demonstrable harm. Taking the above into account it is considered that the principle of residential development at the site accords with the Development Plan and all other relevant material considerations. The proposal would deliver housing, albeit modest in terms of quantum as it would result in only 2 additional dwellings in the village and that it would meet a need for 2 and 3 bedroom housing identified within the 2015 Housing Needs Survey. It would be located in a reasonably sustainable location and would not harm the character and appearance of the application site or wider locality. Although the site falls within Flood Zone 2 I am mindful of the existing flood defences that are in place and that the development can be made safe for its lifetime together without resulting in flood risk to neighbouring properties or the wider settlement. Furthermore the development would not result in any undue impact on the amenity of the occupiers or users of adjoining properties and would not result in any significant harmful impact upon the highway.

Therefore taking all of the above considerations into account it is my view that the balance tips finely towards an approval in this particular instance.



## RECOMMENDATION

**That outline permission is approved subject to the following conditions:-**

01

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

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

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

02

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

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

03

The development hereby permitted shall not be carried out except in complete accordance with the site parameters and access position shown on the following proposed plans reference

- Illustrative Site Layout (drg no. 16.0169.01)

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

04

Notwithstanding the number of dwellings shown on the illustrative Site Layout (drg no. 16.0169.01) submitted with the application, the development hereby permitted shall be for a maximum of three dwellings.

Reason: This condition is necessary in order to limit the number of dwellings to an appropriate scale for the site given its context and given the amenities of adjacent residential dwellings.

05

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

Reason: In the interests of residential and visual amenity.

06

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

Details of any render or cladding

Roofing tiles

Reason: In the interests of visual amenity.

07

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority 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; and hard surfacing materials including to the proposed driveway, parking and turning areas.

Reason: In the interests of visual amenity and biodiversity.

08

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.

09

Notwithstanding the details shown on plan reference Illustrative Site Layout (drg no. 16.0169.01), the formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access width, surfacing, visibility splays and drainage (hereinafter referred to as reserved matters.) All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

Reason: In the interests of highway safety.

10

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 reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

11

No works shall commence until a detailed surface water drainage design and management plan has been submitted and approved by the LPA. This design and management plan must include or address the following:

- a. Evidence that the hierarchy of drainage options, infiltration - discharge to watercourse – discharge to sewer has been followed correctly and any decisions made supported by facts.

- b. Hydraulic calculations must show compliance of the proposed system to current design standards including climate change allowances. The site drainage system should cater for all rainfall events upto a 100year + 30% climate change level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- c. Details of maintenance regimes for any SUDS along with how these will be managed for the lifetime of the development.
- d. Details of what elements of the system will be adopted and by whom, including highway drainage, public sewers, SUDS and above and below ground storage assets.
- e. Flow paths for exceedance flows.
- f. Any flood resilience measures proposed for new buildings.”

Reason: In order to ensure that surface water drainage is dealt with in an appropriate, sustainable manner that is safe for both the site and its wider location.

12

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

Reason: In the interests of residential and visual amenity.

13

No part of the development shall be commenced until details of Flood Warning and Evacuation Plans to serve all occupiers of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be occupied thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the safety of all occupiers of the proposed development in the event of a flood.

## **INFORMATIVES**

01

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

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

02

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

03

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

04

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed

with the Flood Risk Management Team at Nottinghamshire County Council.

05

Surface water run off rates to receiving water courses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and the LPA.

**BACKGROUND PAPERS**

Application case file.

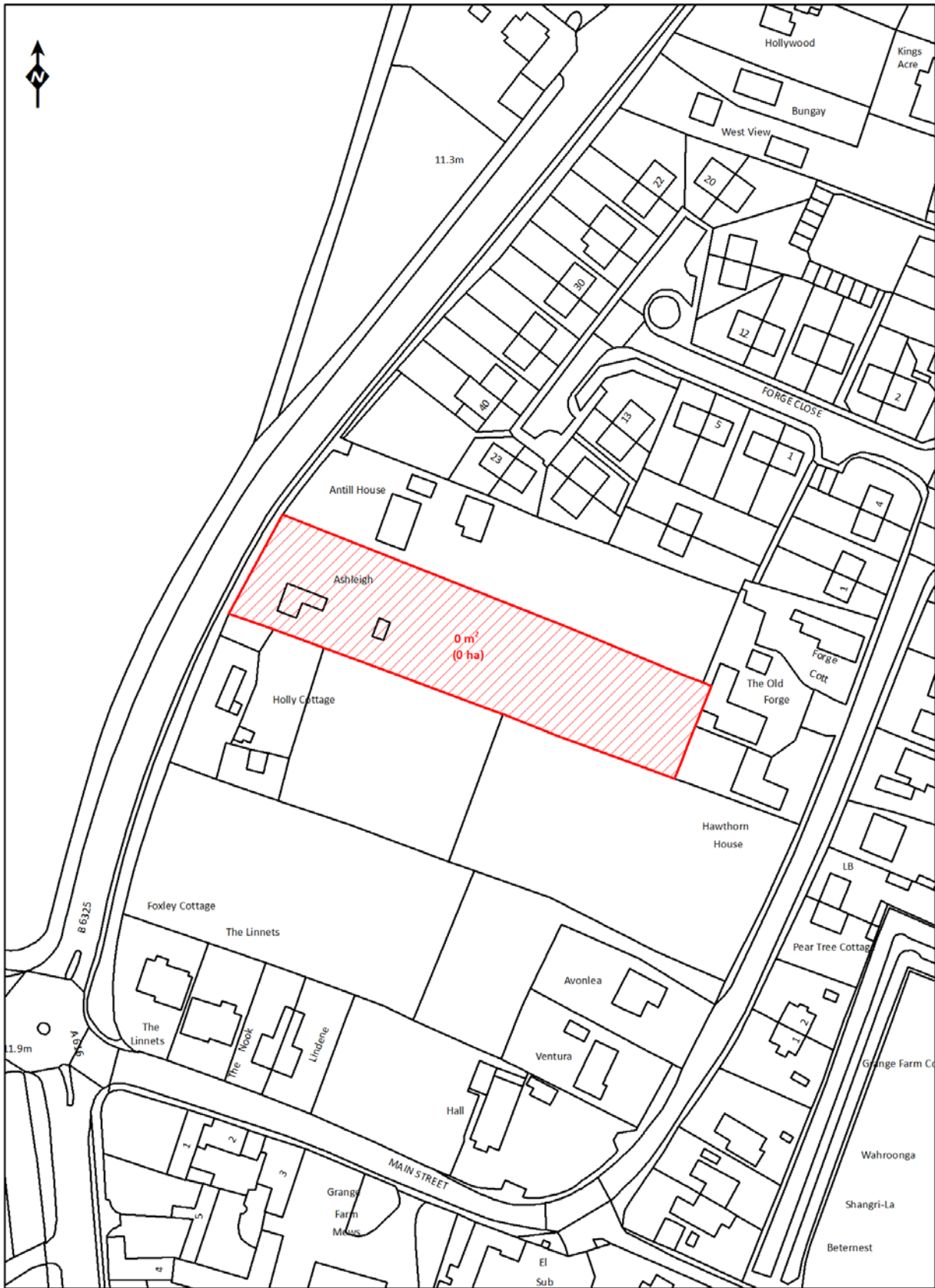
For further information, please contact Bev Pearson on Ext 5834

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

**K Cole**

**Deputy Chief Executive**

Committee Plan - 16/01761/OUT



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<b>Application No:</b>	<b>17/00865/FULM (MAJOR)</b>		
<b>Proposal:</b>	<b>Proposed development of 52 residential units including associated infrastructure</b>		
<b>Location:</b>	<b>Field Reference Number 0790, Top Street, Rainworth, Nottinghamshire</b>		
<b>Applicant:</b>	<b>Chevin Homes Ltd - D J Parker, P I King &amp; Mr D Stack</b>		
<b>Registered:</b>	<b>10 May 2017</b>	<b>Target Date:</b>	<b>9 August 2017</b>
	<b>Extension of time agreed in principle</b>		

This application was deferred from the Committee meeting held on 19 October 2017 to allow negotiations to take place to improve the layout of the scheme. An amended layout has been submitted and Members will note that this has resulted in the quantum of dwellings on the site being reduced from 56 to 52. The mix has also been amended as a result, which is set out below with the previous mix crossed through:

- ~~30~~ **0** No two-bed coach house apartments
- ~~18~~ **14** No two-bed houses
- **8** No two-bed bungalows (total of ~~29~~ **22** No two-bed units)
- ~~22~~ **25** No three-bed houses and
- **5** No four-bed houses.

The revision has resulted in a loss of 2-bed houses and an increase in 3-bed houses, which is less reflective of the local need. However, in line with the concerns of Members, the applicant states that the revised layout now allows for all dwellings to either have their parking within their curtilages or have the spaces directly visible from the dwelling they serve.

The applicant has stated that the reduction in numbers will result in loss of revenue and thus in turn have a further negative affect on the viability of the development. However, in the interest of progressing this application to allow the development to come forward, they do not propose to reduce their offer of S106 contributions from the previously agreed figure.

Further consultee comments received will be reported within the Late Items Schedule.

Below is a copy of the body of the previous Committee report set out for information (with previous Late Items in italics) and the officer recommendation remains one of approval, subject to a S106 legal agreement. Any alterations required to conditions have been crossed through and emboldened accordingly below.

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation because the officer recommendation differs from the Parish Council's views.



## The Site

The site is situated within the defined urban boundary of Rainworth and comprises approx. 1.7 hectare of land, roughly rectangular in shape, on the northern side of the settlement. The site measures approximately 200m long by an average of 75m wide but is wider to the west and tapers to the east. The northern boundary is defined by the main A617 dual carriage way (the Rainworth by-pass), the southern boundary is defined by existing residential development in Top Street and dwellings fronting Kirklington Road served by a private rear access (known as Garden Avenue) and informal parking/garaging facilities on its northern side. To the east of the site is recently built residential development (known as Davidsons development around Hayfields – this development has a children’s play area immediately adjoining the east boundary of this application site) and there are allotments to the west of the site. Existing boundaries are defined by post and rail fencing to the north and predominantly hedge and tree planting to the other boundaries. The sole vehicular access to the site is via Top Street which runs from Kirklington Road to the site and which currently forms a dead end. Top Street has 11 existing residential properties on either side, approx. 7 of which have off-street parking provision within their residential curtilage. The rest rely on existing on-street parking.

The site is grassed undulating scrubland and slopes down from east to west with a gradual approx. fall of 11m. There are informal footpaths that dissect through the site and some limited shrub vegetation. The existing housing to the south of the site (Top Street and Kirklington Road) forms part of the layout of the original colliery village is locally listed. The site is also within the Impact Risk Zones of the Rainworth Heath SSSI (Site of Special Scientific Interest) which is also a nature reserve (approx. 0.5km to the north-west of the site) and Rainworth Lakes SSSI (approx. 0.8km to the south-west of the site). Closer to the site on its western side are two Sites of Interest in Nature Conservation (SINC). The site is within Flood Zone 1 according to the Environment Agency flood maps.

Rainworth is a Service Centre within the defined settlement hierarchy and has a range of facilities and acts as a focus for service provision for a large population and rural hinterland. The site is allocated for new housing development under Policy RA/HO/1 of the Allocations and Development Management DPD.

## Relevant Planning History

None relevant.

## The Proposal

Full planning permission is sought for 56 dwellings and associated open space and other infrastructure. As originally submitted, the scheme comprised:

- 20 No two-beds (only 4 of which were bungalows);
- 30 No three-beds and
- 6 No four-beds.

However, during the course of the application, the mix has been amended to better reflect the needs of the area with a greater number of 2-bed units, less 3-beds units and more bungalows. The mix of the proposal has therefore been amended to comprise the following:

- 3 No two-bed coach house apartments
- 18 No two-bed houses
- 8 No two-bed bungalows (total of 29 No two-bed units)
- 22 No three-bed houses and
- 5 No four-bed houses.

The proposal provides a mix of detached, semi-detached and terraced houses which are all to be two-storey, but also includes 8 No bungalows and 3 No flats above garages. The development comprises 29 No 2-bed units, 22 No 3-bed houses and 5 No 4-bed houses. The 8 bungalows are situated in the north-east corner of the site. The ridge heights of the dwellings vary between 7 and 8.2m in height with eaves levels consistently at 4.8m. The maximum ridge height of the proposed bungalows would be 5.7 metres. The external appearance of the houses is reflective of the Edwardian era, with brick detail at ground floor level and render at first floor and gable detailing.

There are two main public open space areas within the development, one measuring approximately 325sq m and the other 765sq m, the latter of which acts as an extension to the play area on the adjacent recent housing development to the east and is joined to it by a footpath link. There is also a smaller informal open area just to the east of the junction with Top Street. There is an access link to the allotments to the west and a footpath link to the north-west corner of the site which joins the footpath that runs along the northern boundary of the site. There is a proposed planted buffer to the western and northern boundaries as well as along the majority of the southern boundary. There is already existing hedge and tree planting along the eastern boundary. The northern boundary adjacent to the A617 also includes an acoustic reduction scheme, the detail of which is to be agreed.

The sole vehicular access to the site is proposed from Top Street. The submitted Transport Statement outlines how the carriageway of Top Street would be widened to a minimum of 5.5m and the footway widened to 2m along the eastern side of the road, within the highway boundary. The internal roadways provide a circular loop with cul-de sacs on both sides. An internal roadway runs along the southern boundary of the site and potentially allowing for future access to the narrow strip of land to the rear of the houses fronting Kirklington Road, which is within the defined allocation site but has not been included within the red line of this application. The development is served by a combination of on-site and courtyard parking (2 spaces per 2/3 bed units and 3 spaces per 4 bed unit) as well as providing for 7 parking spaces in the south-east corner of the site for use by the occupiers of Top Street. There are 10 visitor spaces provided in the south-west corner of the site.

The application is accompanied by the following supporting documents:

- Design & Access Statement,
- Planning Statement,
- Preliminary Ecological Appraisal and up-dated Ecology Response dated 19 June 2017,
- Flood Risk Assessment and up-dated Flood Risk Assessment Rev A received 25 July 2017,
- Geo-Environmental Report,
- Heritage Desk Based Assessment,

- Transport Statement, and
- Viability Assessment.

### Departure/Public Advertisement Procedure

Occupiers of 51 properties were initially individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

### **Planning Policy Framework**

#### **The Development Plan**

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

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- MFAP1 Mansfield Fringe Area

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

- Policy Ra/Ho/1 Rainworth - Housing Site 1
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2012

National Planning Practice Guidance PPG (March 2014)

Newark and Sherwood Affordable Housing SPD (June 2013)

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

### **Consultations**

**Rainworth Parish Council – Comments received 12.06.2017:**

Strongly object to the application. Objections/observations to the proposals are as follows:

- Over intensification of the site;

- The residents of Top Street rely on off-street parking outside their properties; this very small street cannot cope with the onslaught of the amount of traffic that will use this small road if the development proceeds;
- The DPD 5 year land allocation is already meeting its target; further development in Rainworth would exceed the Core Strategy target of 425 dwellings by 2026 by 77 extra dwellings already in 2017;
- Rainworth does not need another large development, 3 large developments been built in the last 5 years;
- The proposal will put more strain on already over-subscribed schools and doctors surgeries. Rainworth residents already have a monumental task in getting a doctor's appointment at present, a further new development in Rainworth will only exasperate this problem even further;
- There are minimal employment opportunities in Rainworth. Rainworth does not have sufficient employment prospects to meet the need of local residents seeking employment at present and no potential employment projects from businesses have been brought to the attention of the Council that would support further development in Rainworth.

*Comments received 18.10.2017:*

*The Parish Council strongly object on the following grounds:*

- *Over intensification of the site;*
- *Reduction to the pavement size on Top Street leading to the entrance of the new development;*
- *The residents of Top Street rely on off-street parking outside their properties; this very small street cannot cope with the onslaught of the amount of traffic that will use this small road if the development proceeds;*
- *The DPD 5 year land allocation is already meeting its target; further development in Rainworth would exceed the Core Strategy target of 425 dwellings by 2026 by 77 extra dwellings already in 2017;*
- *Rainworth Parish Council is at present in negotiations to take over the maintenance programme of the children's play space on the completed Davidsons site adjoining the proposed development. Rainworth Parish Council **do not** wish the proposed POS – 765 sqm open space to be linked by a footpath to the Davidsons play area. Rainworth Parish Council do not have the man power to take on any further open space provision.*
- *To protect the privacy of the residents living on Hayfields to keep each development as individual areas of open space and play provision, the surrounding fence must be kept intact to ensure that there is no thoroughfare which may lead to anti-social behavior.*

**NCC Highway Authority** – *Comments received 29.08.2017:*

"This proposal is for the construction of 56 dwellings, with the access via Top Street. As part of the development, Top Street is to be widened to provide a minimum carriageway width of 5.5m for its length, with minor alterations to the mouth of the junction with Kirklington Road. These alterations are demonstrated on drawing number 17-0075-001 (Appendix E) within the Transport Statement, along with the visibility splays required in accordance with the existing speed of traffic along Kirklington Road, which are acceptable to the Highway Authority.

With regard to the proposed layout of the development, the following comments apply in response to drawing number 334-PE-XX-00-DR-A-0001 Rev. P04:

The extent of the highway to be formally adopted is unclear and should be clarified. All footways should be 2m wide and not the reduced widths/service margins shown between plots 18-22, 43-44 and 14-33.

The 7 parking spaces for use by the existing residents of Top Street are noted, however, for those dwellings without existing off street parking facilities could parking provision be included as part of this development, within each individual existing curtilage, if required?

It is recommended that these issues are addressed and an amended layout submitted for further assessment.”

*Comments received 3 October 2017:*

“Amended Site Layout

The amended plan demonstrates the extent of road to be adopted highlighted in yellow. The applicant should note that the 7 parking spaces to the south-east of the site are not to be adopted but have been included in the highlighted area of the extent drawing and also the linking footpath adjacent to plots 43 and 44 is not required to be adopted.

All footways now have a width of 2 metres throughout the site.

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

1. No part of the development hereby permitted shall take place until details of the access into the site from Top Street have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works, visibility splays, within the development as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev. PO5. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.  
Reason: In the interests of highway safety.
2. No development shall commence unless or until the improvements to Top Street, ie carriageway widening to 5.5m, widening of the existing footpath on the eastern side of Top Street to provide a 2m width, and the minor improvements to the existing junction with Kirklington Road, are carried out in accordance with drawing no. 17-0075-001.  
Reason: In the interests of highway safety.
3. No development shall commence on any part of the application site unless or until a suitable access into the site has been provided at Top Street as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev PO5 to the satisfaction of the Local Planning Authority.  
Reason: In the interests of highway safety.
4. No part of the development hereby permitted shall be brought into use unless or until improvements to the bus stop on Kirklington Road (NS0252) have been carried out to the satisfaction of the Local Planning Authority and shall include solar lighting.  
Reason: To promote sustainable travel.

## Note to applicant

### Section 38 Agreement (Highways Act 1980)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- a) The Advanced Payment Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

### Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans tel: 0115 804 0015 for details."

#### *Comments received 17.10.2017:*

*A response has been received from NCC Transport & Travel Services commenting that the bus shelter on Kirklington Road has recently had solar lighting installed as part of an upgrade. Therefore, this requirement is no longer relevant.*

**Natural England** – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

*Rainworth Heaths and Rainworth Lakes Sites of Special Scientific Interest* - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

*Green Infrastructure potential* - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and

advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

*Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area* - We note the proposed development is located in the Sherwood Forest area, in proximity to habitats identified as important for breeding nightjar and woodlark and therefore we refer you to Natural England's Advice Note (March 2014) on this matter which provides more information and outlines Natural England's recommended 'risk based approach'. In view of the current situation we would encourage the Authority to ensure the information provided in support of the application is sufficient for you to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark population and has addressed the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

As part of a risk-based approach, we would also suggest your Authority consider the use of appropriate mitigation and/or avoidance measures to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring.

#### Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

**Nottinghamshire Wildlife Trust** – No comments received.

**Severn Trent Water** – No objection subject to the following condition:

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 reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

#### *Suggested Informative*

Severn Trent Water advises 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.

#### *Additional Drainage Requirements*

- The developer must produce a comprehensive drainage strategy for the site.

- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) Include a timetable for its implementation; and
  - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy will also demonstrate how any land drainage issues will be resolved.
- The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

**The Environment Agency** –The site falls in Flood Zone 1, please consult the LLFA.

**NCC Lead Local Flood Authority** – Comments received 26.06.2017:

No objections subject to the following:

No construction should start until:

1. A sustainable approach to maintenance of soakaways and SUDS features is agreed by the LPA. The current proposal for maintenance of the shared soakaways is unacceptable and must be reconsidered. Consideration should be given to the use of a management company or similar to provide a long term sustainable approach to maintenance of the SUDS features.
2. The detailed design for the surface water proposals is approved by the LPA.
3. Evidence to show no properties are put at risk of flooding from exceedance flow paths (necessary due to the sloping nature of the site) is provided.

Following receipt of a Revised Flood Risk Assessment, further comments were received on 08.09.2017:

“Those amendments are much more acceptable for the approach to SUDS. In this instance the standard approach of no commencement until a surface water drainage design has been approved would suffice.”

**NCC (Archaeology)** – No comments received.

**NCC (Education and Libraries)** – “In terms of education; the above full application for 56 dwellings replaces the pre-application ref:

16/00214 which was for 57 dwellings. I can confirm that our education requirements do not change.

The County Council would still require a primary education contribution of £137,460 for the 12 primary places as outlined in or full response dated 12th October 2016. Any secondary



requirements would be covered under CIL. In respect of libraries I can confirm that the County Council will not be seeking a contribution.”

## **NCC (Policy) –**

### *National planning context*

In terms of the County Council’s responsibilities the following elements of national planning policy and guidance are of particular relevance.

### Waste

The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

*‘When determining planning applications, all planning authorities should ensure that:*

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.’*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

### Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that mineral are *‘essential to support sustainable economic growth and our quality of life.’*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- ‘define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;*
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place’.*

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

*'When determining planning applications, local planning authorities should:*

*- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.'*

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

*- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*

*- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*

*- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'*

#### Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'*.

#### Education provision

Paragraph 72 states that: *'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*- give great weight to the need to create, expand or alter schools; and*

*- work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

#### Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

## Ecology

In support of the application, a Preliminary Ecological Appraisal conducted by RammSanderson Ecology Ltd. has been submitted, dated March 2017 along with a subsequent Addendum dated June 2017. These include an Extended Phase 1 Habitat Survey and a Reptile Survey.

The Preliminary Ecological Appraisal indicates that the site is dominated by poor semi-improved grassland, with areas of dense and scattered scrub along with a number of hedgerows and scattered broadleaved trees.

There are no existing buildings on the site. Overall, the site is of limited nature conservation value, however it does lie within the Impact Risk Zone for the Rainworth Heath SSSI and within 5km of the Sherwood Forest potential SPA. As such, Natural England should be consulted.

In terms of protected species:

\_ No bat survey of the site was conducted due to the retention of the majority of trees and hedgerows on site. One mature tree onsite was identified as having low bat roost potential. However, it is not clear from the plan ('Site Plan Layout') which areas of hedgerows and scrub are being retained, so NCC request clarification of this, prior to the determination of the application (see also below).

\_ The Preliminary Ecological Appraisal suggests a number of measures which could be included to mitigate against any impacts upon bat species. These are detailed in section 6.3.3.ix. NCC request the inclusion of such measures be secured through a **condition**.

\_ No bird survey of the site was conducted. Due to the implied removal of sections of hedgerow and scrub from the site, we request a standard **condition** controlling vegetation clearance during the bird nesting season (which runs from March to August inclusive).

\_ Due to the site being within 5km of the Sherwood Forest potential SPA, the site was assessed for Woodlark and Nightjar potential. It was deemed 'highly unlikely' that these species would use the area.

\_ The reptile survey addendum found no evidence of reptiles on site. However, the addendum recommends a precautionary approach to site clearance. As such, NCC request a **condition** specifying a precautionary approach to site clearance, as detailed under the Evaluation section, page 4. of the Addendum. \_ No badger survey was conducted of the site. However, due to the desktop survey finding records of Badgers within the search area, they recommend a precautionary approach to site works as detailed in section 6.3.5. xiv. NCC request this be secured through a **condition**.

\_ The Preliminary Ecological Appraisal specifies that no evidence of any Schedule 9 species were found on site (section 5.4.8.). However, the species list documented in Appendix 2 includes *Heracleum mantegazzianum* (Giant Hogweed). NCC therefore request clarification as to whether Giant Hogweed was present on site.

The proposals submitted do not include a landscaping plan for the development. NCC welcome the inclusion of two Public Open Space Areas within the development. NCC request a **condition** providing further details of the landscaping plan, in particular:

\_ A more detailed plan highlighting the hedgerows and scattered trees which are proposed to be retained and those which are to be removed.

\_ Measures to protect retained trees and hedgerows during construction.

\_ A planting plan, labelling the proposed trees with the intended species. In particular, we recommend that only native trees are planted within the Public Open Spaces and around the site boundaries (especially along the southern boundary).

\_ The use of a flowering lawn mixture (such as N14F or EL1) within the POS areas.

\_ A more detailed outline of the intended species proportions for use within any areas of hedgerow planting. The species used should be in keeping with the Sherwood Landscape Character Area.

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>

\_ The Preliminary Ecological Appraisal details possible species for inclusion in a planting plan in Section 6.4.i. However, horse chestnut (*Aesculus hippocastanum*) and whitebeam (*Sorbus aria*) should NOT be included in any planting scheme for the site. Suitable species for the area can be found following the above link.

\_ Details of establishment methods.

NCC would also request the inclusion of integrated bat and bird boxes within the development, as suggested in section 6.4.iii of the Preliminary Ecological Appraisal, and request that this is **conditioned**.

### Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

**NCC (Landscape Architect)** - The site is a 1.6 hectare field of rough grassland which lies to the northern edge of Rainworth, 30m to the south of the A617, Rainworth Bypass. Along the northern boundary is a noise attenuation bund which is situated above Rainworth Bypass. To the immediate west of the site are allotment gardens whose boundary with the site is an outgrown hedge. To the south of the site is a track serving the rear gardens of properties along Kirklington Road with a more recent housing development along The Hayfields to the east of the site. The site falls gently from east to west and is crossed by several informal footpaths.

### Designations and Planning policies

The site lies adjacent to Rainworth Colliery Village which is situated to the south of the application area. This is an area of Local heritage interest (LIE) and includes the existing residential area along Top Street. A Local Wildlife Site (LWS) **2/701 Rainworth Water Piece** lies approximately 145m to the west of the site. This is described as *“A valuable mosaic of acidic grassland, dwarf shrub heath, scrub habitats flanking Rainworth Water.”* Rainworth Heath is situated 545m to the north west of the site. This is an area of heath that is both a site of Special Scientific Interest (SSSI) and a Local Wildlife Site.

The application area forms a housing allocation within Newark and Sherwood Local Plan where on the Local Development Framework Policies Map it is identified as a housing allocation **Ra/Ho/1**. The density of housing exceeds that indicated within the Newark & Sherwood Allocations & Development Management DPD.

### Proposed development

The development is for the construction of 56 No. 2 storey houses with associated infrastructure, car parking spaces and 2 areas of public open space. The proposed houses include terraced, semi-detached and detached properties with 4 bungalows proposed for the north east corner of the site. The overall ridge heights of the properties has not been shown. The maximum height to eaves is 4.8m above ground level.

### Physical impact on the Landscape

The proposed development will require the removal of existing vegetation including trees and scrub and the loss of 1.6ha open area of grassland. The site layout plan shows that existing vegetation is to be removed along the western boundary. The amount of tree/hedge removal should be quantified within the Design and Access statement and shown on a landscape masterplan. Existing vegetation around the boundaries should be retained and protected during the development as this screens adjacent sites and forms a link between surrounding habitats. Retention of boundary vegetation also supports the Newark & Sherwood Allocations & Development Management DPD policy for this housing allocation which sets out an aim of the *Provision of suitable screening between the residential development and the allotments as part of the design and layout of any planning application.*

### Impact on Landscape Character

At the national level the site falls within the Sherwood national character area (NCA Profile 49). The Newark and Sherwood Landscape Character Assessment SPD (2013) describes the site as lying within the **Sherwood** County character area and **Blidworth and Rainworth Wooded Estatelands SH18** policy zone. The overall landscape condition for this policy zone has been described as moderate with a moderate sensitivity giving an overall landscape strategy for this area of *conserve and create*. There are two landscape actions for the Blidworth and Rainworth Wooded Estatelands which applicable to this application are:

- Conserve and reinforce field boundary and road hedgerows where these have become degraded or lost
- Create opportunities for restoring areas of heath land where appropriate

The design proposals as submitted do not address either of these actions.

There are three actions for the built environment which are applicable to this application which are:

- Conserve the integrity and rural character of the landscape by concentrating new developments around the existing urban fringe of Blidworth and Rainworth
- Create small scale woodland/tree planting to soften new development, preferably in advance of development
- Conserve the existing field pattern by locating new small scale development within the existing field boundaries

In terms of built development this application largely adheres to the first two landscape policy zone actions. Vegetation removal along the western boundary will be contrary to the actions for the Blidworth and Rainworth Wooded Estatelands. The overall impact of the development on the landscape character of this site is likely to be slight to moderate adverse. Retention of existing planting and reinforcement of hedgerow boundaries would help to mitigate these adverse impacts.

### Visual impact

The proposed development should be assessed particularly in relation to adjacent residential properties along the northern side of Kirklington Road and to the west of Top Street. The site is relatively contained by existing housing to the south and east and the grass bund along the northern boundary.

Mitigation measures to minimise the landscape and visual impact of the development, with particular consideration of identified sensitive receptors (from residents, any public rights of way, roads) should be provided on a landscape master plan.

## Design Proposals

A landscape masterplan/proposals plan should be submitted together with detailed planting proposals including specification, species, size at planting, spacing, ground preparation/tree pit details etc.

Proposals for establishment maintenance and long term management be provided by the applicant. This could form a landscape condition should planning permission be granted.

Any proposed planting to the site boundaries should be native species as recommended in the attached species list for the Sherwood character area.

The provision of a landscape screening belt along the entire length of the western boundary with the allotment site should be incorporated into the proposals.

A description of how the site landscape will be maintained and managed in the longer term should be included within the application. This should include any public green space throughout this site which forms the green infrastructure to this development.

## Summary

The Environmental Management and Design Team support the principle of development in this area. However I recommend that a detailed landscape masterplan is produced (informed by landscape character, visual impact, ecological, drainage issues) to support this application. This should address any adverse impacts identified from a site analysis. Existing trees should be protected according to BS within *BS 5837:2012 Trees in Relation to design, demolition and construction*. Plant species for structure planting should be suitable for the Sherwood character area. However at the present time because of the prevalence of *Hymenoscyphus fraxineus*, Ash (*Fraxinus excelsior*) should not be included in any planting mixes.

## NSDC, Policy – (May 2017)

### *Planning Policy Context*

#### National Planning Policy

Confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise. Requires Authorities to maintain a supply of specific deliverable sites sufficient to deliver a five year housing land supply. Promotes a sequential approach to development and flood risk, steering new development to areas with the lowest probability of flooding.

#### Development Plan

##### Core Strategy DPD

- Spatial Policy 1 'Settlement Hierarchy'
- Spatial Policy 2 'Spatial Distribution of Growth'
- Spatial Policy 6 'Infrastructure for Growth'
- Spatial Policy 7 'Sustainable Transport'
- Core Policy 1 'Affordable Housing Provision'
- Core Policy 3 'Housing Mix, Type and Density'
- Core Policy 9 'Sustainable Design'
- Core Policy 10 'Climate Change'
- Core Policy 12 'Biodiversity & Green Infrastructure'
- MFAP1 – Mansfield Fringe Area

## Allocations & Development Management DPD

- Policy Ra/Ho/1 'Rainworth Housing Site 1'
- Policy DM1 'Development within Settlements Central to Delivering the Spatial Strategy'
- Policy DM2 – 'Development on Allocated Sites'
- Policy DM3 'Developer Contributions and Planning Obligations'
- Policy DM5 'Design'
- Policy DM7 'Biodiversity and Green Infrastructure'
- Policy DM12 'Presumption in Favour of Sustainable Development'

## *Housing Land Supply Position*

These comments have had regard to the Housing Monitoring and 5 Year Land Supply Report (1st April 2015 - 31st March 2016). National policy requires Local Plans to meet the full, objectively assessed, needs for market and affordable housing in the housing market area. To this end the Authority has, with its partners in the Nottingham Outer Housing Market Area, commissioned a Strategic Housing Market Assessment. The Study has identified a lower 'objectively assessed need' (OAN) than the level of development the Development Plan currently seeks to meet, with the completion of 454 dwellings per annum (p/a) required between 2013 and 2033. The SHMA has been produced in line with Government guidance and been subject to stakeholder consultation. Importantly the assessment provides us with a clear indication of the level of housing need in the District.

In terms of the ability to demonstrate a five year housing land supply the Authority is confident that it is able to do so, when set against the OAN requirement of 454 dwellings p/a. It is however recognised that the SHMA and the OAN figure are yet to be tested through the Local Plan process. As you will be aware the Inspector for the Southwell Road, Farnsfield appeal disagreed with an annual requirement of 454 dwellings, concluding that on balance, and that with regard to the evidence available to her a reasonable assessment of the full OAN would be in the order of 550 dwellings p/a. Whilst the Authority does not agree with the Inspectors reasoning on this matter it is still, nonetheless, a material consideration which will need to be weighed in the balance. The Council has therefore produced five year land supply positions for three different annual requirements:

454 dwellings p/a (the SHMAA OAN): 5.62 years

500 dwellings p/a (OAN plus 10%): 4.91 years

550 dwellings p/a (the Farnsfield appeal figure): 4.31 years

In light of the above you will be aware that the Authority has adopted a proactive approach to boosting housing supply. However the positive determination of policy compliant proposals on allocated sites remains fundamental to sustaining a healthy housing land supply position.

## *Assessment*

The application seeks full consent for 56 residential units including associated infrastructure. The principle of development has been established through the allocation of the site, with Policy Ra/Ho/1 providing the framework for how development should be brought forward. Whilst the principle of development is acceptable it still remains important that the proposal is acceptable.

## Level of Development

The proposed site area is approximately 0.23ha less than the allocation this is due to a strip of land on the southern edge that we believe is in the ownership of a social housing provider, as such the proposal for 56 dwellings would exceed the full allocation for Ra/Ho/1 at 54 dwellings, with a

density of approximately 33/ha. When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocation process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development then the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy. In the case of Ra/Ho/1 the need to provide suitable screening between the residential development and the adjacent allotment site, the provision of the off-street parking for existing residents of Top Street were important site characteristics which informed the setting of a notional capacity of 56 dwellings and in turn the policy requirements.

The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highways or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development, and particularly not for statistical reasons alone. As explained above the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in the future rounds of allocation. District-wide a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from in-appropriate development.

#### Affordable Housing Provision

The applicant has put forward that meeting the affordable housing contributions required by Core Policy 1 is not viable and has in fact stated that the outcome of the viability assessment suggests that it is not viable to make any affordable housing contribution as part of this proposal. I would emphasize that affordable housing provision makes a valuable contribution towards the creation of mixed and balanced communities and is integral to a more sustainable form of development. Without robust justification I would therefore question the sustainability of any scheme where there is a deficit in affordable housing provision.

The Sub –Area report to the Housing and Market Needs Assessment (2014) has identified a need for 1 and 2 bed social sector homes I would therefore seek the further views and guidance of Strategic Housing on this matter. I would suggest that the viability assessment is further scrutinised and if necessary additional viability work is completed in order that we are satisfied that the matter is robustly demonstrated.

#### Housing Mix

According to the Sub-Area report to the Housing and Market Needs Assessment (2014) market sector demand within the Mansfield Area is weighted in the following way:

- 1 bed 17.2%
- 2 bed 32.3%
- 3 bed 24.8%
- 4 bed 14.1%
- 5 bed 11.6%



The main size requirement overall is for 2 bedrooms at 32.3%, the report goes on further to demonstrate that the main property type requirement by existing households moving are bungalows followed by semi-detached properties. The applicant has proposed the following mix:

- 16 x 2 bed houses
- 4 x 2 bed bungalows
- 30 x 3 bed houses
- 6 x 4 bed houses

It is noted that following pre-application advice the applicant has included 4 x 2 bed bungalows within the mix, proportionality this is still below the suggested mix, whilst the proposal for 30, 3 bed houses is disproportionality high. Consequently the mix would better reflect local housing needs if the number of 2 bed dwellings was increased at the expense of 3 bed houses. Justification in line with Core Policy 3 will be required to support the mix as proposed.

#### Design and Layout

To address the issue of on street parking the site allocation policy requires the provision of off-street car parking for existing residents of Top Street as part of the design and layout of any planning application. I note that the proposal has included the addition of 7 car parking spaces for the existing residents of Top Street to address this matter.

The site allocation policy also requires the incorporation of footpaths within the layout of the development that link to other areas of Rainworth, I note within the layout that the proposal is to retain/enhance existing footpaths that includes links to the allotment site.

Provision of suitable screening between the residential development and the allotments to the West of the site is also a requirement of the site allocation policy. I note that the site layout proposes new hedgerow planting to the east and west boundary to address the policy requirement.

#### Open Space

The proposal includes the provision of two areas of public open space provision,(325m<sup>2</sup> and 765m<sup>2</sup>) with the inclusion of children's and young people's facilities on the larger parcel. Initially this appears to be in accordance with requirements of the Developer Contributions SPD however further guidance on the detail should be sought from the Parks and Open Space Team.

#### Highways

The site allocation requires the submission of a Transport Assessment to identify the impact of the development on the highway network and the provision of appropriate mitigation measures. I note that a transport statement has been submitted as part of the proposal, at the time of writing policy comments a response has not been supplied by NCC Highways. The proposal appears to have a single point of access off Top Road we will need to be content that this is acceptable.

#### Public Foul Sewer and Wastewater Treatment

The site allocation requires developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development. I note the following contrary comment at Point 5.67 within the applicants Planning Statement: *'The applicant has confirmed with relevant bodies that the local foul sewer system and wastewater treatment works have sufficient capacity to serve the proposed development.* I would therefore recommend taking further advice from the relevant consultation bodies on this matter.

## Ecology

Both Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. Through the same policies Suitable Alternative Natural Green Space (SANGS) would be sought to reduce visitor pressure on the Birklands & Bilhaugh Special Area of Conservation. Policy DM7 is clear in advising that the quantity and quality of SANGS shall be developed and agreed in conjunction with the District Council and Natural England.

I note that a Preliminary Ecology Appraisal has been submitted as part of the proposal, findings of which state that *'overall the habitats within the site are considered to be of limited ecological value'* At the time of writing policy comments a response has not been supplied by Natural England, I would recommend taking advice from Natural England to clarify the matter.

## Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. The infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. I note that the only financial contribution the applicant has included in the Viability Appraisal is £137,000 for the provision of additional primary school places, it is critical that the detailed infrastructure needs arising from the development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning obligations SPD provides the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

## Conclusion

There remains significant outstanding matters which include the provision of affordable housing contribution, housing mix, requirements for public foul Sewer and wastewater treatment and SANGS requirements. Whilst these matters may be capable of remedy the proposal as it stands does not comply with the Development Plan. Without the positive resolution of these issues strong material considerations would be required to determine the application positively.

**NSDC, Environmental Health** – No objection subject to a condition requiring details of the acoustic screening along the northern boundary to be submitted and approved in writing.

**NSDC, Community Projects Manager** - This application if approved would require a full community facility contribution in accordance with the current SPD, the contribution would be allocated to community infrastructure improvements in the Rainworth locality and further details can be provided as required.

**NSDC, Parks and Amenities** - I've looked at the site plan and note the proposed POS provision. This will be suitable to meet the amenity and natural and semi-natural green space requirement (if laid out appropriately) but as you say there is no provision for children and young people. Given the vicinity of this site to existing play spaces in Rainworth (and I note that a footpath link is shown to the play area on the Davidsons development) the children's playing space requirement will be best met through the payment of an off-site commuted sum towards the provision/improvement and maintenance of children's playing space in the vicinity of the development.

**NSDC, Strategic Housing** – No comments received.

**Independent Viability Consultant** – The applicant has sought to challenge the level of developer contributions by way of Affordable Housing provision on the basis that the policy based 30%

Affordable Housing would render the development economically unviable. The Applicant has submitted a viability appraisal concluding that no Affordable Housing provision is viable in tandem with S106 contributions of £137,000.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

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

The detailed methodology to assess the economic viability of development is set out in 'Vi-ab Viability for Town Planners Guidance Notes' at 17/00865/FULM.

### Key Assumptions

GENERAL		
Net Developable Site Area		1.67Ha
Development Scenario		Greenfield
Total Unit Numbers		56
AREAS		
Net Residential Sales Area	Houses	4031sqm
	Apartments	0sqm
Gross Construction Area	Houses	4031sqm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	2 Bed Houses	£1935sqm
	3,4 Bed Houses	£1885sqm
CONSTRUCTION COSTS		
	Detached Houses	£1258sqm

	Terraced Houses	£1076sqm
	Semi Detached Houses	£1049sqm
<b>ABNORMAL DEVELOPMENT COSTS</b>		
Abnormal Construction Costs	Site Regrading	£175000
	Gabion Walls	£50000
	Retaining Walls	£75000
<b>LAND VALUE ALLOWANCE</b>		
Residual Land Value with Planning Permission		£329,098
Existing Land Use Value	Based on EUV £20,000 Ha	£33,400
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£181,249
<b>OTHER FEES &amp; COSTS</b>		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		5.0%
Finance		5.0%
<b>FIXED DEVELOPER CONTRIBUTIONS</b>		
CIL		£0
Planning Obligations	Applicant's allowances	£137,000
<b>FINANCE COSTS</b>		
Interest		5%
Arrangement Fee		1%
<b>DEVELOPMENT PROFIT</b>		
Development Profit Return on GDV	Market Housing	20%
	Affordable Housing	6%

## Assumptions Comments

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

CIL charges do not apply in this location.

The assessment broadly agrees with the Applicants assessment of sales values based on comparable evidence prepared in connection with the Council's CIL review. The assessment of build cost is based on current BCIS rates.

The Council's benchmarking methodology has been applied to the land value allowance. The existing use value adopts £20,000 per Ha for greenfield land and applies 50% of any uplift in value resulting from planning permission to establish a competitive return to the landowner. The residual value with residential consent is £329,098 (at £197,065 per Ha). This results in a land value benchmark of £181,249.

## Viability Results & Conclusions

It is considered that the development could not viably deliver the policy based target of 30% Affordable Housing. The appraisal demonstrates marginal negative viability of -£12,344 with S106 contributions of £137,000. The marginal negative viability represents only 0.01% of the capital value of the scheme and is not therefore considered significant.

It is therefore considered that the Applicant's proposal to remove the Affordable Housing obligations is justified.

**NSDC, Access and Equalities Officer** – An application for Building Regulations approval would be required and the developer should give proper attention to Approved Document M of the Buildings Regulations.

**Neighbours/interested parties** – 11 letters of objection have been received and 1 letter of support. Main issues raised include:

### Highways

- Residents of Top Street concerned that if the east side of Top Street is going to be widened, the residents will no longer be able to park adjacent to their homes if they do not have off street parking;
- Small cul de sac with not enough parking as it is, people will have to walk on the road. From their drive they struggle to get their vehicles out because of over parking. This development will make the street even more hazardous to drivers and pedestrians;
- Top Street is too narrow to be used as a through road to the new estate, it is not the standard width a road should be for the traffic it will generate, according to various council and government articles;
- All the residents on Top Street have 1 or more vehicles and the road is very crowded with residents parking their own private vehicles;
- If emergency service vehicles or delivery vehicles come into Top Street, they have to park in the middle of the road as there is rarely any other parking available;
- The submitted information states "carriageway width ranging between 4.9m and 9.0m." Max 5m width as measured by a local resident. The information also states that "Top Street has lit footways," but there are no street lights, so where does the lighting come from?
- Parents often park in Top Street while dropping their children off at school;
- There are at least 7 children on Top Street who like to play together on the street, at the moment they can play safely as cars only come down infrequently;

- With 56 new houses, there could be 50 to 140 cars coming and going all day and residents in Top Street reverse out onto Top Street, which will be very dangerous with increased traffic;
- Residents of Top Street want to park their cars outside their own houses not out of sight at the bottom of the street, especially with bags of shopping and all the residents of Top Street are in agreement;
- How long before someone who is not entitled to use one of these spaces does so?
- There is poor visibility (approx. 20m) when you leave Top Street onto Kirklington Road because of the parking laybys and the brow of the hill, making this junction highly dangerous;
- The site should be accessed from the development to the east of the site where it is more spacious and garages and parking areas are alongside the dwellings they serve in a contemporary layout, and not via Top Street; and
- More foresight is needed for entry and exit arrangements, for it to be holistic rather than piecemeal on individual sites, the plan has been on the table long before the development to the east took place.

#### Other matters

- Nottingham Community Housing Association own the strip of land (approx. 0.22 ha) to the south of the application site to the rear of the houses on Kirklington Road. They believe they could build 8 or 9 affordable homes on this land providing the applicants Chevin Homes design and build their scheme with unencumbered access and drainage adopted up to the boundary, which would allow the future development of their site. If this can be arranged through the planning process, and if the road levels are at a suitable level to ensure our development is possible without excessive retaining structures, then they would have no objection to this application. The car parking area adjacent to Plot 1 in the south west corner of the site could prevent their ability to develop the land we own immediately adjacent to this area;
- There is no need for extra housing on this piece of land, this should be greenbelt and untouched;
- There will be loss of privacy to residents in Top Street and Kirklington Road from the development;
- The infrastructure in particular the size and number of infant/junior schools are stretched as it is. What plans are there for building a new one?
- The development was meant to be more 1 and 2 bed homes but it shows 3 and 4 bed homes;
- Small lizards/newts and starlings are two of the most endangered species currently will be effected. The lizards thrive in the sandy soil and photographs have been submitted of newts showing the objector's house in Top Street, in the background. Starlings were very disrupted in their breeding habits when the development to the east was built;
- Rainworth has taken its fair share of new housing in the last few years and they still have a massive site under construction at Warsop Lane – their doctors, schools, drains sewers, water supply and roads cannot take anymore and the tight community feel would be lost.

### **Comments of the Business Manager, Growth and Regeneration**

#### 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.

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

The recently published Housing White Paper also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology.

In order to address its housing requirement, Ashfield, Mansfield and Newark & Sherwood District Councils produced a Strategic Housing Market Assessment (SHMA) for the Nottingham Outer Housing Market Area. The SHMA produced an OAN for NSDC of 454 dwellings per annum, although this figure is yet to be tested through an Examination In Public (EIP).

In January 2016 an Appeal in Farnsfield was dismissed on the basis that the Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 500-550 dwellings per annum. The Council has re-visited the OAN with all of the Nottinghamshire Authorities, including its two constituent Housing Market Area colleagues of Ashfield and Mansfield. This led to the publication of the July 2016 Farnsfield Appeal Statement Position Statement.

Moreover, this Council has now set out its preferred approach for spatial development (July 2016) and has just closed (1<sup>st</sup> September) on consultation for the Publication Amended Core Strategy. It is proposed that the Council's draft Core Strategy will be submitted to the Planning Inspectorate following ratification by a special Full Council meeting on the 26<sup>th</sup> September 2017.

Whilst it is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan, the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision. The OAN is the only available, up-to-date and robust evidence available to this Authority to determine its housing supply target. The Council's position against this target based using housing completions as of 31<sup>st</sup> March 2017 was published in July 2017. This confirms that the Council has a 6.2 year supply based on a housing target of 454 dwellings per annum. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has accepted that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector concluded that any shortfall would most likely be made up by windfall schemes, which this proposal represents. Given this position the Council considers that it does currently have a 5

year housing land supply and as such the policies of the Development Plan are up-to-date for the purpose of decision making.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD, now forms the Development Plan for Newark & Sherwood. The proposal site is located in Rainworth, a Service Centre, allocated for development in the Core Strategy (adopted 2011) under Spatial Policy 1 and Spatial Policy 2. The site forms part of Rainworth Housing Site 1 as identified in Policy Ra/Ho/1 of the Allocations and Development Management DPD (adopted July 2013). The DPD confirms the site as one of the two sites allocated for housing development in Rainworth. The Policy sets out that the site is allocated for residential development providing around 54 dwellings.

Policy Ra/Ho/1 sets out a detailed approach for the bringing forward of the site. It states that development on the site will be subject to the following:

- Preparation of an appropriate Transport Assessment as part of any planning application to identify the impact of the development on the highway network and the provision of appropriate mitigating measures;
- The provision of off-street car parking for existing residents of Top Street as part of the design and layout of any planning application to address the issue of on street parking in this location;
- The incorporation of footpaths within the layout of development that link to other areas of Rainworth and the adjoining allotments;
- Provision of suitable screening between the residential development and the allotments as part of the design and layout of any planning application;
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;
- The investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures; and
- The investigation of potential archaeology on the site and any necessary post-determination mitigation measures secure by condition on any planning consent.

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

Through the site's inclusion as part of the allocation Ra/Ho/1, the principle of development in this location has therefore been established. It is still however important that the detail of the proposal is able to satisfy the relevant aspects of the District's development plan with the addressing of the requirements of the site allocations policy particularly important in this respect. As already referred to within this report, the application site does not cover the whole of the allocation area as set out in the Allocations Document. There is a small strip of land to the south of the application site that is in separate ownership and has been excluded from the red line plan. It is important, given the split in land ownership that the allocated site is brought forward in a coherent and comprehensive manner. The Site Layout Plan shows there is potential to link the re-development of the strip of land to the south of the application site with development facing onto the new internal road. I am therefore satisfied that this scheme if approved would not prejudice the delivery of more development to the south should an application come forward.



## Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery. Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. Whilst an appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

### *Density*

When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation, it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD.

Where site owners and promoters made the case that their sites could accommodate a greater level of development the Inspector made it clear that this was a matter for the planning application process; the test of soundness was satisfying the targets of the Core Strategy. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone.

In the case of Ra/Ho/1, the site's need to provide suitable screening between the site and the allotments, the provision of off street parking for existing residents of Top Street and the incorporation of footpaths within the layout of development that link to other areas of Rainworth were important site characteristics which informed the notional capacity of 54 dwellings. However, as previously referred to, there is a small strip of land within the allocated site which sits outside the red line of this application). The figure quoted within the DPD were minimum estimates not maximum capacities and a key aspect in considering a greater level of development is whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highways or amenity impacts.

The Site Layout Plan presents 56 units on a site area of 0.23ha which represents a density of 33 dwellings per hectare.

The proposed development therefore meets the density requirements set out in the Core Strategy and in my view would ensure that an effective and efficient use of allocated land is achieved. I am also mindful of the viability issues on the site (discussed under 'Developer Contributions' below) and that a reduction of numbers is likely to render the scheme unviable. As such, it is considered that a reduced quantum of development will not be in a position to offer any further additional S106 requirements to make the scheme policy compliant.

The proposed development provides for over 1,000 sq m of the overall site area as amenity space.

In any case, I am satisfied that the proposed house density, whilst higher than that stated within the allocation policy, would be broadly in keeping with the character of the area and would meet the overall objectives of Core Policy 3.

*Mix and Type*

The mix and type of housing offered by this application has been amended during the course of the application.

The following housing mix is indicated:

	As originally submitted	As amended	Total as amended (%)
2 Bed Bungalow	4	8	14.3
2 Bed Apartments	-	3	5.3
2 Bed	16	18	32.2
3 bed	30	22	39.3
4 Bed	6	5	8.9
<b>Total</b>	<b>56</b>	<b>56</b>	<b>(100)</b>

In terms of market sector housing the Housing Market & Needs Assessment Sub-Area Report (2014) shows demand to be predominantly focused on 2 bed (32.3%) and 3 bed (24.8%) unit types, with lesser demand shown for 1 bed (17.2%), 4 bed (14.1%) and five or more bed (11.6%) units. During the course of the application, the applicant has altered the mix to better reflect the need identified for market housing and on this basis it is considered that the mix and type of units offered are acceptable and compliant with Core Policy 3 of the Core Strategy.

Impact on Visual Amenity including the Character of the Area

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

Policy Ra/Ho/1 requires the provision of suitable screening between the residential development and the allotments as part of the design and layout of any planning application.

The site lies on the northern outskirts of the village on land which has small undulations and slopes down from east to west. The development would inevitably change the landscape and the character of the surrounding area by virtue of the fact that a predominantly greenfield site would become a housing site.

However, the provision of a suitable landscape screen to the western boundary of the site would comply with the requirements of the housing allocation policy. The proposed screen is shown on the submitted site layout plan, however, could be considered as somewhat narrow as it is represented by an indicative single row of new trees to maintain a physical and visual break to minimise the impact of the allotments on the new development and the new development on the open natural nature of the allotments. It is acknowledged that there appears to be limited green infrastructure within the application development itself but all the boundaries of the site show

much greater planting which will assist in reinforcing the existing field boundaries and provide an appropriate soft edge to the development.

The Newark and Sherwood Landscape Character Assessment SPD (2013) describes the site as lying within the Sherwood County character area and *Blidworth and Rainworth Wooded Estatelands* SH18 policy zone. The overall landscape condition for this policy zone has been described as moderate with a moderate sensitivity giving an overall landscape strategy for this area of *conserve and create*. There are two landscape actions for the Blidworth and Rainworth Wooded Estatelands which are applicable to this application are:

- Conserve and reinforce field boundary and road hedgerows where these have become degraded or lost
- Create opportunities for restoring areas of heath land where appropriate

It is considered that reinforcing the vegetation planting around the perimeters of the site would reinforce the field boundary and road hedgerows.

There are three actions for the built environment which are applicable to this application which are:

- Conserve the integrity and rural character of the landscape by concentrating new developments around the existing urban fringe of Blidworth and Rainworth
- Create small scale woodland/tree planting to soften new development, preferably in advance of development
- Conserve the existing field pattern by locating new small scale development within the existing field boundaries

In terms of built development this application largely adheres to these landscape policy zone actions.

The predominant house type in the surrounding area comprises 2-storey dwelling houses. The submitted details state that the height of new housing would be 2-storey and bungalows which is considered appropriate to the character of the area.

In conclusion, I consider that whilst the proposed development is of high density, that due to limited access and topography, the development will not be visually prominent and appropriate boundary treatment can be reinforced around the edges of the site to provide an appropriate landscaped setting in accordance with the aims of Policy Ra/Ho/1, Core Policy 9 and DM5.

#### 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 submitted site layout plan shows bungalows located in the north-east corner of the site, which would result in limited impact on the amenities of the adjacent properties situated to the east of the site. The retention of the high mature hedge along the eastern boundary of the application site will also assist in providing an acceptable relationship between new and existing dwellings.

The only other properties that are likely to be affected by the proposed development are the occupiers of the two houses situated at the end of Top Street. Plot 43 is the nearest property to No 12 Top Street and sits approx. 20m to the north from the side elevation of No 12. Plot 43 faces down Top Street and forms the anchor two-storey dwelling at the end of the road. Although there will be first floor windows within the front elevation of Plot 43, any view of the side and rear of 12 Top Street would be at a very oblique angle. The two storey Plots 41 and 42 sit perpendicular to and facing onto the residential curtilage of No 9 Top Street. There is a distance of approx. 21m between the proposed front elevation of the new dwellings and the side elevation of No 9 Top Street. It is considered that this relationship is on the limits of acceptability and could be adequately mitigated by appropriate boundary treatment along the southern boundary of the application site, which can be controlled through condition.

I am also conscious that Top Street is currently a dead end road serving 11 properties but would be the new access road to serve the new 56 dwellings. Top Street will therefore become considerably busier from traffic entering and leaving the application site. The submitted Transport Statement suggests that the proposed development is likely to generate 29-30 vehicular trips during the morning and evening peak hours and anticipate with a maximum level of vehicular trip generation of 30 two-way vehicular movements per hour. Although this will have a greater impact on the living environment of occupiers of Top Street compared to the existing scenario, it is no different to many other roads within the settlement of Rainworth which are fronted by residential properties. This matter has previously been considered during the process of allocating the site for around 54 dwellings on this site.

I acknowledge the comments made by residents of Top Street stating that they would not use the parking spaces provided on the application site for parking as they would want to keep their vehicles in view, and I have sympathy with these comments. However, residents in Top Street will continue to be able to park along Top Street should they wish.

On balance, therefore, it is not considered that this represents an impact of such a degree to warrant the refusal of planning permission in this case.

I have also considered the amenities of future occupiers of the application site and the potential impact from noise from traffic using the A617. The applicant has stated that an acoustic screen will be installed along the northern boundary of the site, however, no details have been submitted. The Council's Environmental Health Officer has advised that provided the details of and installation of the acoustic screen is controlled through condition, this matter is not fatal to the scheme and can be adequately mitigated against.

The proposed dwelling houses at the density proposed are sited a sufficient distance from one another so as not to have a detrimental effect on one another.

On balance, I am therefore satisfied that the proposed scheme is in compliance with Core Policy 9 and Policy DM5 of the Development Plan.

#### Impact on Highway Safety

Policy Ra/Ho/1 requires an assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary.

The Highways Authority raise no objection to all 56 dwellings being served off Top Street through the existing housing development. Following receipt of amended plan demonstrating the extent of road to be adopted highlighted in yellow, no objection is raised to the development from Highways to the proposed widening of the carriageway and footway in Top Street and are satisfied to control the details of the new access through condition. The Highway Authority also requested a condition requiring improvements to the bus stop on Kirklington Road to be carried out. However, as this is not within the red or blue line of the application, this will need to be secured through the S106 Legal Agreement.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy Ra/Ho/1 in being suitable to serve the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

### Ecology

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

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

I am aware that a population of Nightjar and Woodlark in the Sherwood Forest area may justify its classification as a potential SPA ('pSPA'). As such, the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc) Regulations 1994) need to be applied. The application site is located within the 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England. The LPA must seek to prevent pollution or deterioration of habitats and not increase the likelihood of birds being disturbed and/or preyed. The site is also within the Impact Risk Zone for the Rainworth Heath SSSI.

Whilst the proposal is unlikely to result in any direct habitat impact, it is necessary to consider any indirect impacts. Considering the existing site is intersected by a number of informal tracks and footpaths that are used by local people walking their dogs and for other recreational purposes. As such, it is considered that the likelihood of nightjar and woodlark using the existing site as breeding or feeding habitat is already very low. It is therefore considered that the indirect impact of the proposed development on these birds is very limited in terms of the risk-based approach and not likely to be any more adverse than the existing scenario. Nottinghamshire Wildlife Trust have not commented on this application. Nor do Natural England raise any objection to the application subject to the provision of green infrastructure. It is considered that the reinforcement of existing field boundaries around the perimeters of the site provide this green infrastructure. Natural England has confirmed that based on the plan submitted, they consider that the proposed development will not damage or destroy the

interest features for which Rainworth Heaths and Rainworth Lakes SSSI has been notified and has no objection.

An extended Phase 1 Ecological Assessment has been submitted with the application dated March 2017 along with a subsequent Addendum dated June 2017. These include an Extended Phase 1 Habitat Survey and a Reptile Survey. The Appraisal recommends a number of measures to mitigate against any impacts on bat species, which can be conditioned. It is also recommended that a condition be imposed to control vegetation clearance during the bird nesting season (from March to August inclusive). A precautionary approach should be conditioned regarding site clearance as detailed under the Evaluation section of the Addendum in order to protect any potential impact on reptiles. The same pre-cautionary approach should be conditioned for badgers during site works. The Appraisal recommends that integrated bat and bird boxes and hedgehog boxes are installed within the development as biodiversity enhancements and this can also be secured through condition. Subject to these conditions, it is considered that the proposal broadly accords with Core Policy 12 and Policy DM7.

### Archaeology

Policy Ra/Ho/1 states that the development will be subject to 'the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application.' Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

No comments from the County Archaeology Officer have been received. The submitted Heritage Desk Based Assessment states that limited pre post-medieval archaeological evidence is recorded in the wider vicinity of the site. The earliest evidence of settlement at Rainworth is recorded in the early 19<sup>th</sup> century, and at this time, the settlement was within the confines of Sherwood Forest, surrounded by an area of heathland that was later cultivated. The Assessment has identified no heritage sensitivities that could influence or preclude development and states that the significance of the non-designated coal mining housing estate, including to the south of the site would be affected by the proposed development. On this basis, the proposal is considered to raise no issues under Core Policy 14 and Policy DM9 and it is not considered necessary to impose any condition.

### Flooding/Drainage

Policy Ra/Ho/1 requires the positive management of surface water and developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include "*necessary mitigation as part of the development or through off site measures where necessary.*" Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

The site is not located within Flood Zone 2 or 3 however as it exceeds 1ha in size, a Flood Risk Assessment has been submitted with the planning application. The Lead Local Flood Authority initially expressed some concern in relation to the long term maintenance of the surface water drainage system proposal indicated in the submission. However, following an amended FRA, they have advised no objection to the proposed development subject to the imposition of a condition requiring a detailed surface water drainage design and management proposal.

No information has been provided with regards to developer funded improvements to the public foul sewer system and wastewater treatment works and Severn Trent Water have not set out any specification requirements to accommodate the additional demand from foul water (sewerage and waste water) from the development in their consultation response. However they do recommend a condition relating to surface water and foul sewage which I consider to be sufficient to ensure a satisfactory drainage solution is achieved in accordance with the aims of Policy Ra/Ho/1 and Policy DM10.

### Contaminated Land and Coal Mining

The NPPF and Policy DM10 require planning decisions to ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Policy Ra/Ho/1 requires investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary.

A Combined Phase I Desk Study and Phase II Exploratory Investigation has been submitted with the application. This includes a Coal Mining Report. In relation to coal mining, no specific precautions or investigations are recommended. I am therefore satisfied that this issue has been addressed in accordance with the requirements of Policy Ra/Ho/1.

In relation to contaminated land, the submitted report concludes that 'the site does not pose a significant risk to human health or controlled waters and that Made Ground, Topsoil and natural strata should be suitable for re-use on site or disposal without incurring significant costs.' I am therefore satisfied that this issue has been addressed in accordance with the requirements of DM10.

### Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

A Viability Report has been submitted as part of the application which sets out that Section 106 contributions of circa. £137,460 alone would be viable.

The main areas for which development contributions should be sought are considered below:

### *Affordable Housing*

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met.

With no affordable housing proposed, the application falls below the 30% sought through Core Policy 1 of the Core Strategy. In applying the Core Policy both the nature of housing need in the local housing market and the impact on viability need to be considered. In this respect I have sought advice from an independent Viability Consultant (set out in the '*Consultations*' section above) who is satisfied that the case presented demonstrates that the scheme cannot provide any affordable housing on grounds of viability.

### *Community Facilities*

The SPD sets out that a development of 56 dwellings would equate to a community facilities contribution of £66,150 plus indexation (£1,181.25 per dwelling). The community facility contribution could be used to support community facility infrastructure improvements as identified by the Community Projects Officer. However, the application does not propose any contribution towards off site community facilities due to the viability of the development overall. In this respect I have sought advice from an independent Viability Consultant (set out in the '*Consultations*' section above) who is satisfied that the case presented provides a fair assessment of the site and the market circumstances.

### *Open Space*

In accordance with the requirements of the SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. The Site Layout Plan includes two areas of public open space amenity area (1090m<sup>2</sup>), but no children's play space. The SPD also requires all residents to live within 300 metres of an area of natural and semi natural green space between 0.2Ha and 1Ha in size. The Council's Parks and Amenities Officer has confirmed that the on-site provision is suitable to meet the amenity and natural and semi-natural green space requirement. Given the vicinity of this site to existing play spaces in Rainworth (and it is noted that a footpath link is shown to the play area on the Davidsons development) the children's playing space requirement will be best met through the payment of an off-site commuted sum towards the provision/improvement and maintenance of children's playing space in the vicinity of the development.

However, the application does not propose any contribution towards off site children's play space due to the viability of the development overall. In this respect I have sought advice from the independent Viability Consultant (set out in the '*Consultations*' section above) who is satisfied that the case presented provides a fair assessment of the site and the market circumstances.

Overall, whilst the contributions towards children's play space fall short of being policy compliant, the level of other open space provision is considered acceptable.

The open space would also need maintaining. Given the applicant's viability case, this would indicate that a commuted sum for maintenance to the Parish Council were they in a position to adopt the open space is not an option. Any S106 would need to include a requirement for a management company to be set up to maintain the open space.



### Education

In respect of education; a proposed development of 56 dwellings would yield an additional 12 primary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £137,460 (12 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

### Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. However, in respect of libraries, Nottinghamshire County Council is not seeking a developer contribution through this application.

### Summary Developer Contributions

A summary of the policy compliant developer contributions/S.106 requirements and the anticipated level of contributions that could be accommodated within the available funds for the development to remain viable is set out below:

Developer Contribution Requirement	Expected based on SPD for a scheme of 10 dwellings	Proposed contribution offer as a result of development viability
<b>Affordable Housing</b>	<b>30% on site provision</b>	<b>None</b>
<b>Open Space / Children's Play Area</b>	On site provision of children's play space of 18 sq m per dwelling (1,008 sq m required) or off-site commuted sum of £903.22 per dwelling which equals £50,580.  On site provision of amenity green space of 14.4sq m per dwelling (806.4sq m required). Maintenance of on-site site amenity green space (£275.47 per dwelling) Natural and Semi-natural Green Space – all residents should live within 300m of an area of between 0.2ha and 1ha in size.	No on-site provision of children's play space and no commuted sum towards off-site provision.  On site physical provision of 1,090 sqm of amenity green space and Natural and Semi-natural green space. Maintenance of on-site amenity green space (£275.47 per dwelling = £15,426.32).
<b>Education</b>	<b>£137,460</b> (equivalent of 12 primary school places)	<b>£137,460</b>
<b>Community Facilities</b>	£1,181.25 per dwelling = <b>£66,150</b>	<b>£0</b>
<b>Libraries</b>	New library accommodation – £202.10 per dwelling New stock only - \$45.96 per dwelling	<b>£0</b> (The County Council has not requested a contribution.)

<b>TOTAL</b>	<b>Amenity green space and natural and semi-natural green space together with its maintenance and £137,460 towards education.</b>
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The proposed contributions, limited to on-site green amenity space and Natural and Semi-natural Green Space provision and £137,460 towards education is set out within the submitted Viability Report. The Viability Report also identifies a number of abnormal costs that relate to regrading of the levels on site and the need for retaining walls and cut and fill exercises required in order to create an acceptable site topography necessary to achieve highway and disabled access gradients. I am mindful of Paragraph 176 of the NPPF which states that to make a development acceptable the options for keeping costs to a minimum should be fully explored so that development is not inhibited unnecessarily. Planning Practice Guidance states that where the viability of a development is in question, local planning authorities should look to be as flexible in applying policy requirements wherever possible.

In any event the viability appraisal has been independently assessed and the advice received is that the scheme based on up-to date build cost rates is only marginally viable. Whilst I do not seek to challenge the viability conclusions, the proposal falls short of the policy requirement to secure the required level of contributions towards affordable housing, children’s open space and community facilities. This is a negative of the scheme and needs to be weighed in the planning balance.

Planning Balance and Conclusion

Following the site’s allocation through the Local Development Framework the principle of development in this location is not contested. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matter for consideration under this application is the level of compliance achieved with the policy requirements of Policy Ra/Ho/1 and the other core strategy and development plan policies. The proposal falls short of the policy requirement to secure the required level of affordable housing as required by Core Policy 1 of the Core Strategy and other contributions, including community facilities and children’s play space as required by the Developer Contributions and Planning Obligations SPD. However, taking into account the other infrastructure requirements (site levelling) and the overall site viability, on balance, I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council’s five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Based on the site layout plan submitted with the application it is considered that the highways, flood risk, drainage, archaeology and design impacts of the proposal are acceptable subject to planning conditions.

Subject to conditions and the applicant entering into a S.106 agreement to secure the provision of amenity green space and natural and semi-natural green space together with a sum for its future maintenance, a commuted sum for the provision of primary education plus improvements to the

bus shelter on Kirklington Road, it is recommended that, on balance, full planning permission be approved.

## **RECOMMENDATION**

**That full planning permission is granted subject to:**

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to control the matters set out in the table contained within the Summary Developer Contributions section above and to prevent any ransom strip being created along the southern boundary of the site and allow the whole allocation site to be potentially developed.**

### **Conditions**

01

The development hereby permitted shall not begin later than 3 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:

334-PE-XX-00-DR-A-0001 Rev ~~P07~~ **P09** - Site Layout Plan  
~~000-PE-XX-XX-DR-A-9100 Rev P02 – Plot Type 2B – Birendale~~  
~~000-PE-XX-XX-DR-A-9100a Rev P01 – Plot Type B2 – Birendale~~  
000-PE-XX-XX-DR-A-9200 Rev P03 – Plot Type 3A - Brackenfield  
000-PE-XX-XX-DR-A-9300 Rev P02 – Plot Type 3B - Errwood  
000-PE-XX-XX-DR-A-9400 Rev P02 – Plot Type 4A - Fernlee  
000-PE-XX-XX-DR-A-9500 Rev P03 – Plot Type 3C - Filburn  
000-PE-XX-XX-DR-A-9500a Rev P01 – Plot Type 3C – Alternative Filburn  
000-PE-XX-XX-DR-A-9600 Rev P03 – Plot Type 2a - Hawksmoor  
000-PE-XX-XX-DR-A-9700 Rev P01 – Plot Type 2BB - Wesseden  
334-PE-XX-00-DR-A-0002 – Rainworth – Street Scenes

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

Reason: So as to define this permission.

03

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

thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

04

Development shall not be commenced until detailed 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

Roofing tiles

Render (colour and finish)

Any exposed timber cladding

Reason: In the interests of visual amenity.

05

The development hereby permitted shall not commence until drainage plans for the disposal of 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 and to minimise the risk of pollution in accordance with the requirements of Policy Ra/HO/1 and Core Policy 9.

06

Notwithstanding the submitted details, no development shall be commenced until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the requirements of Policy Ra/HO/1 and Core Policy 9.

07

No part of the development hereby permitted shall take place until details of the access into the site from Top Street have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works, visibility splays, within the development as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev. ~~P05.~~ **P09.** The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/1 of the DPD.

08

No development shall commence unless or until the improvements to Top Street, ie carriageway widening to 5.5m, widening of the existing footpath on the eastern side of Top Street to provide a 2m width, and the minor improvements to the existing junction with Kirklington Road, are carried out in accordance with drawing no. 17-0075-001.

Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/1 of the DPD.

09

No development shall commence on any part of the application site unless or until a suitable access into the site has been provided at Top Street as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev ~~P05.~~ **P09.** If required new plans shall be submitted to and approved in writing by the Local Planning Authority before development commences and the approved details shall be completed before any dwelling hereby approved is occupied.

Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/1 of the DPD.

010

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

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

011

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

012

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

Reason: In the interests of residential amenity.

013

Prior to development commencing on site, details of the acoustic screen to be installed along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully installed along the northern boundary prior to any occupation of the dwellings hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

014

Prior to development commencing on site, details of all external lighting to serve the development hereby approved shall be submitted to and approved by the local planning authority in writing. This should follow the guidelines set out in Bats and Lighting in the UK (BCT, 2009). The approved lighting shall be installed prior to the occupation of any of the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity on the site.

015

The precautionary approach to ecology during construction works as outlined in paragraph 1.15 of the Preliminary Ecological Appraisal by Ramm Sanderson dated March 2017 submitted in support of this application shall be adhered to in that:

Prior to construction a pre-commencement check should be made by an ecologist to confirm that no new badger setts have become established within 30m of the site

During construction open trenches should be closed overnight or if left open include a sloping end or ramp to allow any badgers or other animal that may fall in to escape; and

Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Reason: In the interests of protecting ecology of the site.

016

No dwellings hereby approved shall be occupied until full details and the precise positioning of 4 bat boxes, 4 bird boxes and 4 hedgehog boxes have been submitted to and approved in writing by the local planning authority. The approved boxes shall then be installed in accordance with the agreed details prior to occupation and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

017

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved hard landscape works for each phase shall be completed prior to the first occupation of the dwelling to which it serves. 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, densities, proposed location and approximate date of planting). The scheme shall include all external boundaries of the site, and be designed so as to enhance the nature conservation value, including the use of locally native plant species.

An implementation and phasing programme;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction in accordance with BS 5837:2012 Trees in Relation to design, demolition and construction.

proposed finished ground levels or contours;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas; hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

018

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

019

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

Reason: In the interests of residential and visual amenity.

### **Notes to Applicant**

01

Severn Trent Water advises 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.

02

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

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

03

Section 38 Agreement (Highways Act 1980)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's



current highway design guidance and specification for roadworks.

a) The Advanced Payment Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

#### Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans tel: 0115 804 0015 for details.

04

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

05

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.

06

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).

07

~~Further information regarding the bus stop improvement can be supplied through developer contact with Transport & Travel Services, Nottinghamshire County Council County Hall, West Bridgford, Nottingham NG2 7QP. [ptdc@nottscc.gov.uk](mailto:ptdc@nottscc.gov.uk) Tel. 0115 977 4520~~

In respect of the landscaping scheme, the applicant is advised that only native trees are planted within the Public Open Spaces and around the site boundaries (especially along the western boundary). It is also recommended that a flowering lawn mixture (such as N14F or EL1) be used within the POS areas. A more detailed outline of the intended species proportions for use within any areas of hedgerow planting should be provided. The species used should be in keeping with the Sherwood Landscape Character Area.

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>

#### BACKGROUND PAPERS

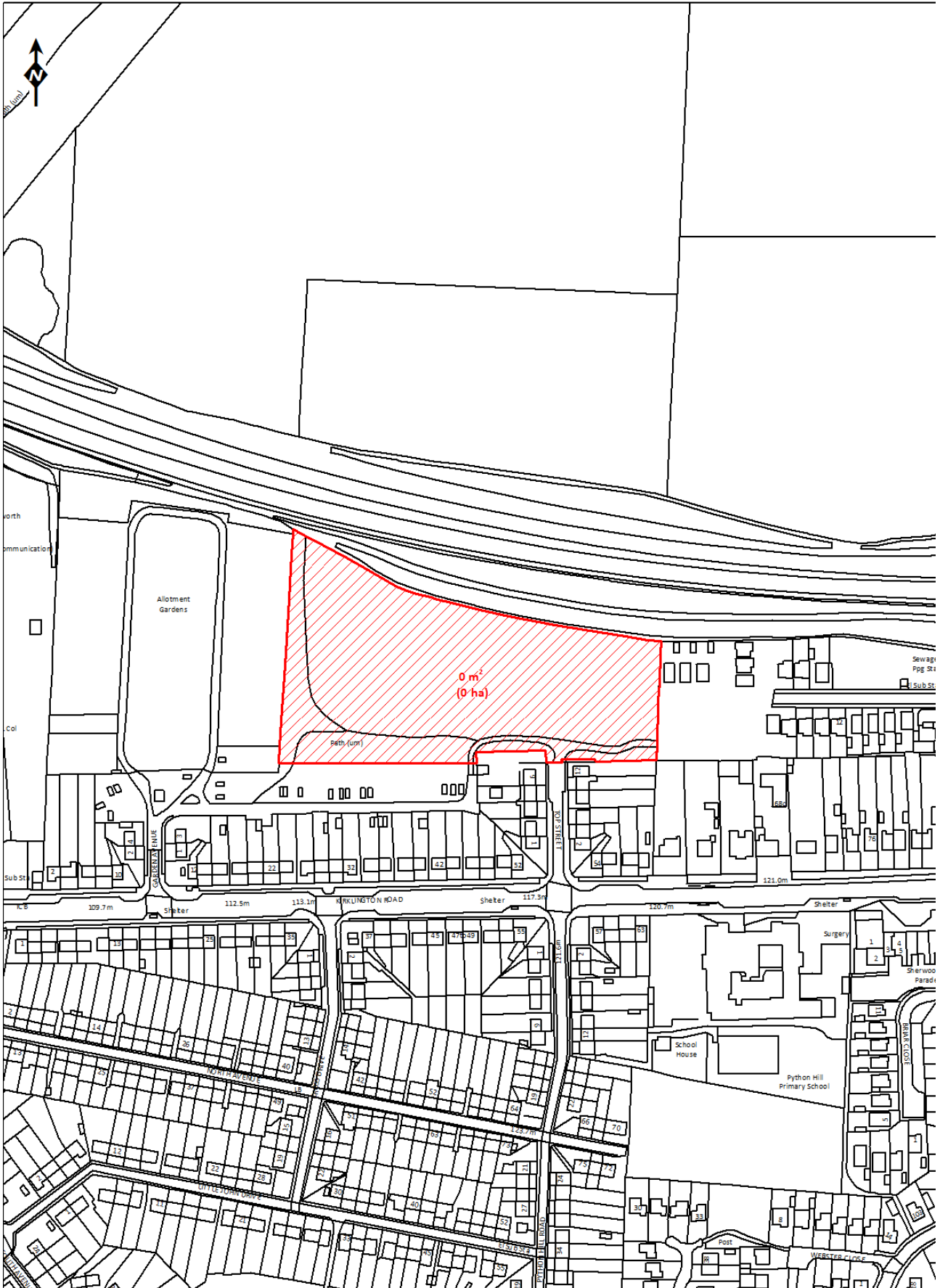
Application case file.

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

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

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

Committee Plan - 17/00865/FULM



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<b>Application No:</b>	<b>17/01216/FUL</b>		
<b>Proposal:</b>	<b>Householder application for 2 storey extension to existing house, proposed first floor in roof space.</b>		
<b>Location:</b>	<b>The Old Barn , Church Lane, Besthorpe, NG23 7BN</b>		
<b>Applicant:</b>	<b>Mr Andrew Alonzi</b>		
<b>Registered:</b>	<b>11 July 2017</b>	<b>Target Date:</b>	<b>5 September 2017</b>
	<b>Extension of Time Agreed: 11<sup>th</sup> November 2017</b>		

**This application is presented to the Planning Committee for determination as it has been referred by Cllr M Dobson. The application was previously considered by Members at the October 3<sup>rd</sup> meeting with a resolution to defer the application in order to allow Officers to undertake further negotiations. The outcomes of these negotiations are outlined in the proposal and appraisal section below.**

**Description of Site and Surrounding Area**

The application site comprises a single storey L shaped red brick dwelling. The property is situated off Church Lane to the west of the A1133 that runs through Besthorpe within the defined conservation area.

The property is set back approx. 20 m from the highway and is accessed through a private gateway. The boundary between the dwelling and the highway to the south is an approx. 1.8 m high fence with a double gate. There is also an approx. 2.5 m boundary hedgerow that runs along the southwest and southeast boundaries.

To the east of the property is the Old Post Office, a two storey cottage which is positioned approx 1m off the common boundary with the application site. Pings Close lies to the north (rear) and comprises 5 No two-storey modern dwellings the nearest one positioned approx. 5m from the rear elevation of the existing application property. To the south-west, Bramley Cottage, a two storey 19<sup>th</sup> century traditional L shaped dwelling also sits close to the common boundary (approx.8m) but is sat significantly forward of the application property.

The private amenity space for the dwelling lies to the south, at the front of the property of which also accommodates a tarmac bound driveway.

### Relevant Planning History

No relevant planning history.

### The Proposal

For the avoidance of doubt this planning application has been subject to negotiation and revised plans have been received for consideration. As such, the following appraisal relates to the plan ref. "Existing and Proposed Option 6 – L(08)03 Rev. A" received 25.10.17.

The application is for full planning permission for the erection of a two storey extension to the front of the hostdwelling projecting towards the south. The extension is now proposed to have a south facing narrow gable end that projects approx. 7.3 m in length (the original proposal was 9m in length) and 4.5 m in width, joined to the hostdwelling by an approx. 2 m by 2.5 m link that is proposed to be dual pitched with eaves height of 2.2 m and ridge height of 3.3 m. The two storey portion of the extension is proposed to be approx. 3.2 m eaves height and 5.7 m ridge height (the original proposal had a ridge height of 6m). The extension will provide a study at ground floor and an additional bedroom and en-suite at first floor.

Two windows are proposed at ground floor on the west side elevation as well as a uPVC door with a side pane window either side on the link structure. On the south facing front elevation a double uPVC window is proposed at first floor with a stone cill as well as a set of uPVC patio doors at ground floor which are detailed with an oak beam above and stone quoins. The north facing rear elevation is proposed to be blank. One roof light is proposed on the east facing roof slope and 3 are proposed on the west facing roof slope.

Materials proposed are red brick to match existing, pantile roof and cream conservation style uPVC windows and doors.

The hostdwelling has an overall ridge height of approx. 4.2 m and eaves height of 2.5 m.

### Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter, a site notice has been displayed at the site and an advert placed in the local press.

### **Planning Policy Framework**

#### **The Development Plan**

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

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

*Allocations & Development Management DPD*

Policies relevant to this application -

Policy DM5: Design

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Householder Development SPD 2014
- Conversion Of Traditional Rural Buildings SPD 2014

### Consultations

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

**NSDC Conservation Officer** – “Historic environment considerations

The Old Barn is located within Besthorpe Conservation Area (CA). Chapel Cottage and the Methodist Church to the southwest are both Grade II listed. The Holy Trinity Church is also Grade II listed.

### 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. In addition, the LPA is required to pay special regard to the desirability of preserving the setting of any listed building in accordance with section 66 of the Act. Such matters are of paramount concern in the planning process. In this context, case-law has established that ‘preservation’ means to cause no harm.

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).

### Significance of heritage asset(s)

Besthorpe CA was first designated in 2008.

The earliest reference to Besthorpe is in Domesday, and there is archaeological evidence for medieval settlement. However, there does not seem to be any evidence to suggest Besthorpe had a medieval parish church and early maps are marked by their absence of a church here. The original chapel was converted into a school in 1734, the present church being rebuilt in 1844. Nevertheless, Slacks Farmhouse on Low Road includes 16th century phases, showing continuity of settlement into the post medieval era.

Besthorpe is shown in Chapman's Map of 1774 and is shown as a linear settlement running north to south along two straight roads, one of which is the modern day A1133, with two straight interconnecting lanes running east to west. This very much mirrors the form of the village seen today, and, with the exception of two cul-de-sacs, one to the north and one to the south of the village. It is perhaps significant to note that Low Road as shown in 1774 is straight, lacking the sweeping curve it has today. By 1835 development had spread to the east of the A1133 but contained within very shallow plots hugging the main road. More typical long, thin boundary plots, probably dating from the Medieval period, can be seen running east to west between the north south roads. This east west alignment of boundaries can be still easily be traced today but with some of the narrow plots being merged into larger plots. The village as shown in County Series map of 1919 appears to have changed very little from the Besthorpe shown in 1835, with very little new development during this time (the village was Enclosed in 1836-37).

The Old Post Office appears to be an early 19th century labourer cottage. The simple brick and pantile form with small cottage type windows set at the eaves contributes positively to the character and appearance of the CA. The former barn range was adapted in the late 1980s. This is single storey, and simple brick and pantile elements.

### Assessment of proposal

Having reviewed the submitted plans and details, Conservation has some concerns with the scale of the proposed extension which could have a dominating impact on the setting of the adjacent historic cottage. Whilst it is noted that new development on Ping's Close is much larger, this is situated in a different plot. The small-scale character of cottages and their outbuildings is an important feature of the CA.

This concern could be addressed by reducing the extension to single storey height. This would have the effect of preserving the character and appearance of the CA (in accordance with section 72 of the Act). The proposal will otherwise cause no harm to the setting of listed buildings to the west.”

*Revised comments – 24.10.17*

“Further to our recent discussions and meeting on the Old Barn at Besthorpe, I can confirm that Conservation no longer objects to the proposed development.

The applicant has sought to address our concerns by reducing the extension in height, and by setting it back further. The gable treatment has been altered to better reflect outbuilding vernacular, furthermore, and conservation specifications have been proposed for the rooflights and joinery design (flush fitting casements). Given the impact of the adjacent development (at Ping’s Close) and the revisions proposed, I am satisfied that the development will now not cause any harm to the character and appearance of the CA.”

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

Object to the proposal on the following grounds:

- Proximity of the proposal to the boundaries with neighbouring properties
- Out of character with the surrounding area and historic buildings
- Implications the scheme would have on neighbour amenity – overshadowing, overbearing and overlooking
- Impact upon the setting of nearby historic buildings

Comments of the Business Manager

*Principle of Development*

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the Allocations and Development Management DPD. These criteria include the provision that the proposal should respect the character of the surrounding area. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area. Policy DM5 of the A&DM DPD accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy.

Given that the site is located within the Besthorpe Conservation Area, regard must also be given to the distinctive character of the area and seek to preserve and enhance the conservation area in accordance with Core Policy 14 of the Core Strategy and Policy DM9 of the A&DM DPD.

*Impact upon Character of Area*



Paragraph 137 of the National Planning Policy Guidance states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.'

Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'.

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. 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).

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

Policy DM6 (Householder Development) provides that permission will be granted for householder development provided a number of criteria are met. In terms of the visual impact, the policy states that proposals should respect the character of the surrounding area including its local distinctiveness and the proposal is to respect the design, materials and detailing of the host dwelling. The Council's Householder SPD advises that for side additions "*...consideration be given to the setting the extension back, particularly at first floor, from the front elevation and ensuring a lower ridge height than the host dwelling.*"

The Old Barn is an attractive historic building; it is a simple single storey barn that was converted to residential use in the 1980's. The building has a vernacular and informal character and setting, and sits within the surrounding village, which also has a pleasing informality, having grown organically over many hundreds of years. The Conservation Area covers parts of the village that contain simply designed older buildings. Typically, these buildings are modest gable ended buildings with a narrow rectangular plan form, one to two storeys in height, brick built and with pantile roofs. The traditional buildings and historic layout of the village fundamentally contribute to the significance of the Conservation Area.

There are historic unlisted buildings which make a positive contribution to the Besthorpe Conservation Area and the non-designated heritage assets include 'The Old Post Office,' 'The Barn' and Bramley Cottage. These display the features that characterise historic buildings within the Conservation Area described above. The arrangement of these buildings, set different distances back from the highway, and the 'L' shape of 'The Barn', illustrates how the pattern of development in the village has evolved informally over the years. The significance of these buildings is therefore historical and they contribute positively to the character and appearance of the Conservation Area. Given to the rear of the application site, a more modern development has been constructed, I am of the view that the retention of the historical form and appearance of the buildings on Church Lane is vitally important to preserve this character and appearance of the conservation area.

I am mindful that the proposal as revised would still not appear visually subservient by way of mass and scale; the two storey nature would still exceed the proportions of the barn and partially erode the character of the building. This concern was also presented to Members in the appraisal of the original scheme. However I note since this time, the applicant has made amendments to the original submission to reduce the overall height and set the addition further away from the common boundary to the east.

The Conversion of Traditional Rural Buildings SPD (2014) advises that within settlements, extension may be considered acceptable if they are designed with sensitivity for the hostdwelling and enhance the character and appearance of its immediate surroundings. I note that the extension has been designed with a sympathetic link that will adjoin the two storey element to the existing barn. In some instances this would be considered to exacerbate the incongruity and overwhelming nature of the extension by giving it a detached appearance, however, in this case I consider the single storey link helps to separate the historic, traditional barn from the proposed extension and ensures that the new extension appears as an obvious addition whilst maintaining the legibility of the existing form of the Barn.

The internal conservation officer has commented on the revised application and has advised the following *"Further to our recent discussions and meeting on the Old Barn at Besthorpe, I can confirm that Conservation no longer objects to the proposed development.*

*The applicant has sought to address our concerns by reducing the extension in height, and by setting it back further. The gable treatment has been altered to better reflect outbuilding vernacular, furthermore, and conservation specifications have been proposed for the rooflights and joinery design (flush fitting casements). Given the impact of the adjacent development (at Ping's Close) and the revisions proposed, I am satisfied that the development will now not cause any harm to the character and appearance of the CA."*

It is noted that the proposed extension to the dwelling would alter the appearance of the dwelling when viewed from the highway to the south, the existing row of properties along Church Lane differ in style but are historic in appearance for the most part. The hostdwelling is a modest single storey barn style property, and for this reason I am mindful that a proposal to extend this dwelling

to second storey would significantly alter the appearance of the dwelling and could adversely impact the overall character of the conservation area. However, I attach weight to the appeal decision passed on the property directly to the north (3 Pings Close) for a two storey side extension which inarguably alters the appearance of the wider area, on balance I am of the view that the proposed extension as amended has been designed sympathetically, with design detailing that is respectful to the hostdwelling and in keeping with traditional design.

The SPD gives weight to additions that are designed to respect the recognised layouts of traditional farm buildings and I note that this proposal would see the conversion of a traditional L-plan barn to a U-shaped or courtyard barn. I note that the hostdwelling was once a traditional farm building however I attach significant weight to the fact that most of the traditional fabric has been lost during its conversion. Whilst the hostdwelling is still legible as a barn, I do not feel that it characterises the surrounding area and given its positioning, set back significantly from the highway and screened by virtue of boundary treatment, I do not feel the proposal will have an impact on the character of the area that is so overriding to warrant a refusal.

It is accepted that there are a range of dwelling styles in the area with additions of varying design and materials; in this instance it is considered that the proposed extension as amended would not unduly harm the appearance of the hostdwelling and character of the wider conservation area. Whilst I acknowledge that the proposal does not wholly accord with the policy and SPD's I have formed the view that the proposal as revised has done enough to overcome the original concerns of officers to a degree that it will now not cause any harm to the character and appearance of the CA.

#### *Impact upon Residential Amenity*

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

In addition, the Householder Development Supplementary Planning Document (SPD) gives further advice in relation to the assessment of neighbour and occupier amenity. The SPD advises that when considering the potential for overbearing and overshadowing, regard should be given to the height and depth of the proposal, the orientation of the proposed addition and the positioning of the proposal in relation to the principal windows of habitable rooms in neighbouring properties as well as the level of separation from neighbouring properties.

The property is set back approx. 20 m from the highway and is accessed through a private gateway. To the east of the property is the Old Post Office, a two storey cottage which is positioned approx. 1m off the common boundary with the application site. Pings Close lies to the north (rear) and comprises 5 No two-storey modern dwellings the nearest one positioned approx. 5m from the rear elevation of the existing application property. To the south-west, Bramley

Cottage, a two storey 19th century traditional L shaped dwelling also sits close to the common boundary (approx. 8m).

I am mindful that the side and rear elevation of the proposed extension are proposed to be blank, save the single roof light proposed on the east facing roof slope. However under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1, Class A I am conscious that the applicant could potentially insert additional windows to these elevations, of which I believe would implicate the neighbouring properties' privacy to the north and east by virtue of overlooking, unless otherwise conditioned out.

Two windows are proposed at ground floor on the west side elevation as well as a uPVC door with a side pane window either side, these are proposed on the elevation that would look towards the main body of the host dwelling and as such I am of the view that these windows would not detrimentally impact any residential amenity.

On the south facing front elevation a double uPVC window is proposed at first floor as well as a set of uPVC patio doors and a full height ground floor side window. The south facing elevation of the proposed extension would be set back approx. 20 m from the highway and will face the boundary between the highway and the property, the Hollies to the south, this is screened by an approx. 1.8 m boundary hedgerow and the property is angled and positioned so that any views would be at an oblique line of sight and as such would not result in direct over-looking and I do not anticipate any issues would occur as a result of these windows in this location.

The proposed extension would sit close to the boundaries with the neighbouring property to the east and therefore there is potential that it would result in an overbearing effect as it would be introducing a two storey element close to the common boundary, and the property to the east is also positioned approx. 1m off this same boundary. This was a concern raised through the assessment of the original proposal. In previous assessment it was concluded that:

*"...given the compact intimate arrangement, the two storey nature will still have an unacceptable over-bearing and oppressive impact on the amenity of the private external space to the rear of The Old Post Office. In addition the proximity of the height and mass of the proposed built form, would result in over-shadowing in the late afternoon/early evening of the private amenity space which is also considered to be detrimental to the occupiers of the dwelling to the east."*

The amendments made are noted and described above in the description of the proposal. From the perspective of the eastern neighbour, the notable differences are a reduction in maximum pitch from 6m to 5.7m and the reduced length and re-positioning of the extension such that it no longer runs parallel to the shared boundary. The two storey element of the addition has now been designed so that the rear elevation is in line with the rear elevation of the property directly to the east and has been set 2 m off the eastern common boundary. The nature of the plot means that the front elevation of the extension will sit closer to the common boundary (approx. 1 m) but has been designed so that it is approx. 300 mm back from the front elevation of the neighbouring property. The rear elevation of the extension will sit approx. 1.9 m from the rear boundary with

Pings Close. Given the extension has been revised so that it sits further from the common boundary to the east and has been designed so that it does not exceed the rear or front elevations of the neighbouring property I am of the view that the two storey addition to the front of the host dwelling would not present as an overly incongruous addition that would have potential to appear overbearing to the neighbouring properties.

Officers consider that the amendments presented represent a notable improvement in respect to amenity impacts in particular for the dwelling to the east. Whilst the height reduction is relatively minimal, what is more notable is the repositioning of the footprint to the extension and reduction in its length. The majority of the built form of the two storey extension would now be in line with the built form of the neighbouring garage. This greatly assists in the outlook towards the proposed extension from the rear amenity space of the neighbouring dwelling. Whilst the matter remains a finely balanced one, officers consider that the revisions now presented tip the balance towards acceptability and have overcome the originally suggested reason for refusal in relation to overbearing and overshadowing.

As this is a two-storey addition officers have assessed the application against the '45 degree approach' outlined in the Householder Development SPD to assess whether the proposed depth of the extension would lead to unacceptable neighbour impact. In this instance, due to the positioning of the extension in relation to the neighbouring property to the east I do not anticipate that the extension would unduly impact the neighbouring properties access to light as the extension would not exceed the front elevation of the neighbouring property. In any case I also note that the part of the neighbouring dwelling directly next to the boundary is the adjoined garage and therefore not considered a principal habitable room.

As such the proposal as revised is considered to be acceptable for the reasons stated above as it would not cause significant or harmful detrimental impacts upon neighbour amenity to the neighbouring dwellings to the north and east from overbearing and overshadowing impacts and therefore complies with Core Policy 9 of the CS and Policies DM5 and DM6 of the ADMDPD.

#### *Impact upon the Highway*

It is proposed that the existing drive and parking area be retained as existing. As such the proposed development is considered to comply with spatial policy 7 of the Core Strategy and would not detrimentally impact the public highway.

#### *Impact on Flooding/Surface Water*

The site is located within flood zone 2 as defined by the Environment Agency data and as such is at medium risk of flooding. As required under householder applications the usual flood risk assessment has been submitted confirming floor levels within the proposed development will be set no lower than the existing floor levels and flood proofing has been incorporated within the design where appropriate.

I do not consider the proposal, due to the scale and footprint, would cause any detrimental impacts to neighbours or the surrounding area from flooding or surface water run-off from the development. The area where the extension is proposed is already partially hard surfaced and I therefore do not believe the proposal would exacerbate the existing arrangement. There are also ample areas of porous surfacing within the remainder of the site to allow water to permeate.

### *Conclusion*

I appreciate that the proposed extension as revised, by virtue of scale and mass would still appear as a dominant addition to a modest barn. However, on balance I am of the view that the aforementioned site specific conditions outweigh the prescribed negatives of this proposal and that overall, the addition has been designed so as to complement the historic design of the hostdwelling and wider area. As such I am of the view that the proposal is considered to be acceptable from a visual and heritage perspective.

Furthermore, consideration has been had to the potential for the extension to result in a loss of neighbouring amenity. Given that the extension has been re-designed and positioned so as to separate itself from the closest neighbouring property and that the room in the property directly to the east that would be most impacted is a garage, I am of the view that the proposal as revised is considered to be acceptable and would not detrimentally impact upon neighbour amenity.

Therefore in conclusion I consider the proposal would accords with Core Policies 9 & 14 of the CS and policies DM5, DM6 and DM9 of the ADMDPD.

### **RECOMMENDATION**

**That full planning permission is approved subject to the conditions and reasons 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 plan references:

- Site Location Plan
- Existing and Proposed Option 6 – L(08)03 Rev. A received 25.10.17.

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

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

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

#### 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/](http://www.newark-sherwooddc.gov.uk/cil/) The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

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.

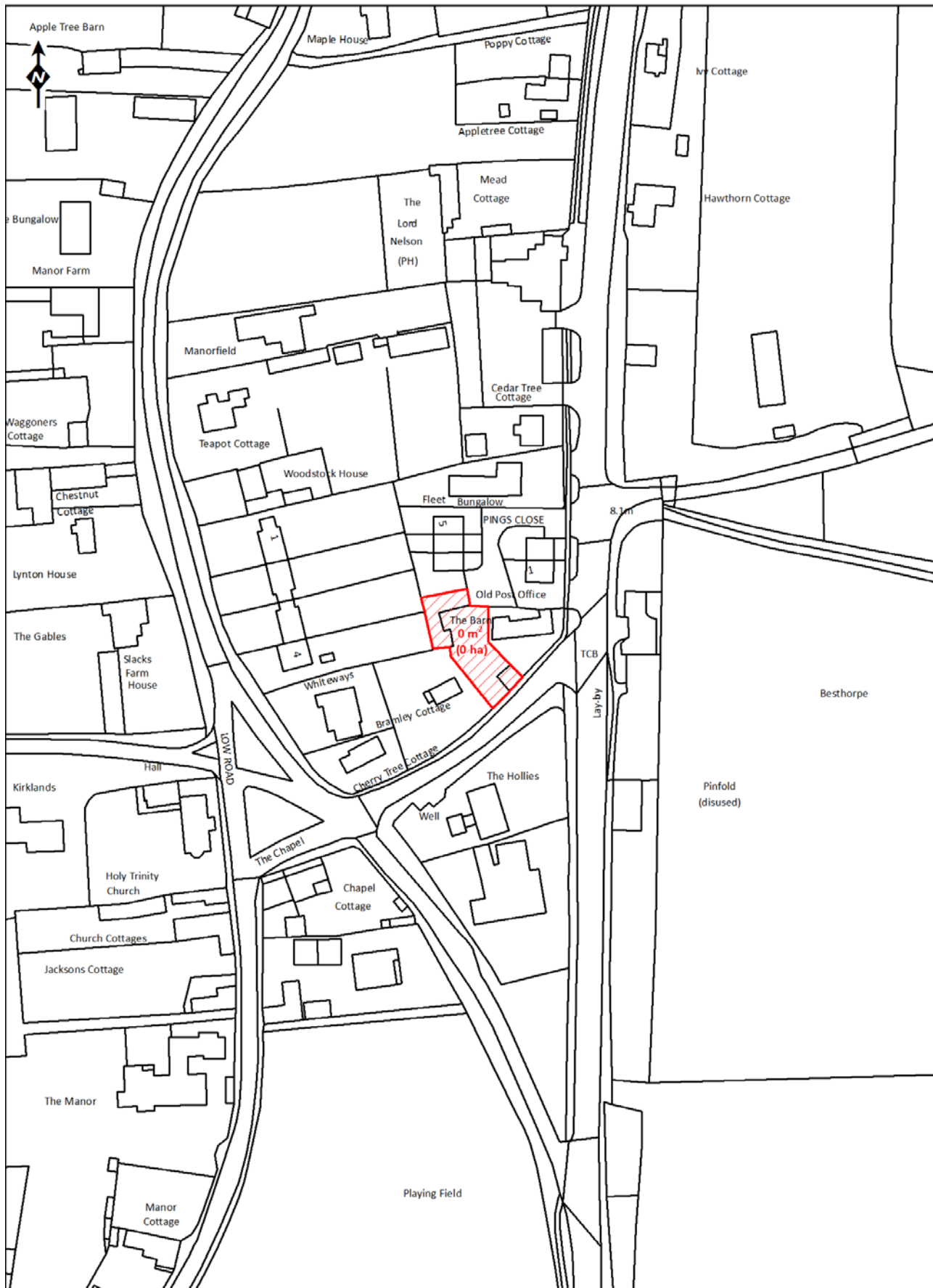
For further information, please contact Honor Whitfield on ext. 5827.

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

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



# Committee Plan - 17/01216/FUL



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<b>Application No:</b>	<b>17/01431/FUL</b>	
<b>Proposal:</b>	<b>Demolition of existing Public House and erection of 2 new units comprising of a Use Class A1 convenience retail unit and a Use Class A1 (Non-Food)</b>	
<b>Location:</b>	<b>The Sawmill, Beacon Hill Road, Newark On Trent, Nottinghamshire NG24 2JG</b>	
<b>Applicant:</b>	<b>Marston's Estates Limited</b>	
<b>Registered:</b>	<b>07 August 2017</b>	<b>Target Date: 02 October 2017</b>

**This application is being presented to the Planning Committee as it is a resubmission of previous application determined by this committee.**

The Site

The application site is situated on the southern side of Beacon Hill Road, within the Newark Urban Area, as defined in the Allocations & Development Management DPD. The site is located within a mixed use area immediately surrounded by residential properties to the south, east and west, with a variety of large scale commercial and business uses located to the north side of Beacon Hill Road.

The site comprises a 0.24 hectare parcel of land accessed off Side Row to the south but abutting Magdalene View to the west and Beacon Hill Road to the north. The site is currently occupied by a medium sized public house located towards the southeast corner of the site. Hard surfaced parking areas take up the north and west parts of the site with associated servicing and bin storage areas towards the eastern boundary. The site benefits from two existing vehicular access points onto Side Row. Boundary treatments to the residential properties to the east are a mix of timber fencing, walls and hedgerows. The boundaries to the south and west are relatively open, with the site sitting approximately 2.5 metres below the level of Beacon Hill Road to the north.

Relevant Planning History

The application as made is a resubmission of a previous refusal for a similar scheme.

The previous application was made under reference 15/01702/FULM and was titled as:

Demolition of existing public house and erection of 2 new units comprising of a class A1 convenience retail unit and a class A1 (non-food) retail, associated parking, landscaping and associated works.

This application was refused on the 13 April 2016 for the following reasons:

- 1.

In the opinion of the Local Planning Authority the applicant has failed to adequately demonstrate that the continued use of this community facility is no longer feasible, having regard to the level of recent profits, demand and the lack of appropriate marketing to identify alternative operators. In the opinion of the Local Planning Authority, the proposal is therefore contrary to Spatial Policy 8 of the Core Strategy Development Plan Document and the advice within the National Planning Policy Framework.

There are no other material planning considerations that would outweigh the unnecessary loss of this community facility.

2.

In the opinion the proposed development by reason of its form, external materials and detailing is considered to constitute a poor and incongruous design which would cause unacceptable harm to the character and appearance of the street scene and the wider setting. The proposed development would therefore also conflict with national guidance contained within the NPPF, Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations & Development Management DPD.

### The Proposal

This application proposes the demolition of the existing Sawmill public house, and the construction of two retail units and associated parking, servicing areas. The proposed retail units would be located towards the northern boundary of the site with vehicular access and egress provided by the existing vehicular access points off Side Row to the south of the site. The southern part of the site would provide surfaced car parking for 34 vehicles with 2 no. disabled parking spaces. Delivery services areas, plant area and waste storage would be located between the two buildings.

Proposed retail unit 1 would be located towards the northwest corner of the site and would provide floorspace of approximately 372 square metres (with 240 square metres of retail floor space). The unit would provide for convenience retail purposes including everyday items such as food, drink, newspapers, magazines, tobacco, confectionary, and non durable household goods.

The smaller retail unit would be located towards the northeast corner of the site and have a gross floor area of 279 square metres, and would be used for non food retail purposes. Both buildings would be of modern design incorporating hipped roofs as a response to the design concerns from the previous submission.

The submission has included a planning statement, retail impact assessment, including environmental policies, a Transport Assessment, Noise Assessment and Site Investigation and Ground assessment.

The requested opening hours are for 0700-2300 hours daily and to allow for deliveries between 0700-2100 hours Monday to Saturday and 1000-1800 hours on Sundays and Bank Holidays.

### Departure/Public Advertisement Procedure

Occupiers of 38 neighbouring properties have been individually notified by letter.

## Planning Policy Framework

### The Development Plan

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

*Spatial Policy 1 – Settlement Hierarchy*

*Spatial Policy 2 – Spatial Policy 2 – Spatial Distribution of Growth*

*Spatial Policy 6 – Infrastructure for Growth*

*Spatial Policy 7 – Sustainable Transport*

*Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities*

*Core Policy 8 – Retail Hierarchy*

*Core Policy 9 – Sustainable Design*

*NAP1 – Newark Urban Area*

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

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

*Policy DM3 – Developer Contributions and Planning Obligations*

*Policy DM5 – Design*

*Policy DM11 – Retail and Town Centre Uses*

*Policy DM12 – Sustainable Development*

### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### Consultations

**Newark Town Council** – No objection raised.

**NCC Highways Authority** – There are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the existing dropped vehicular footway crossings (shown as site access and site egress on drg. no. 4218-P01 Rev. C) are extended, are available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

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

2. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan (drg. 4218-P01 Rev. C). The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

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

3. No part of the development hereby permitted shall be brought into use until a service delivery management plan is submitted and approved in writing by the Local Planning Authority.

**Reason:** To ensure all deliveries are carried out within the site and in the interests of highway safety.

#### **Environmental Health Officer-**

I have read the comprehensive noise report which suggests a minimal noise impact. I agree with the finding of the report. I would add that para 3.5 makes assumptions of noise impact for the plant area. I would ask that this be conditioned on any approval given.

In respect of lighting assuming the proposed lights are correctly installed there should be no problems.

#### **Environmental Services - Contaminated Land NSDC-**

With reference to the above development, I have previously received a Phase I Preliminary Risk Assessment report submitted by LK Consult acting on behalf of the developer. This includes an environmental screening report, an assessment of contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

Following intrusive sampling of the site, the Geo-Environmental Investigation and Risk Assessment identifies several pollutant linkages which require further investigation or remediation.

I am generally in agreement with these proposed further works and shall look forward to the submission of any further investigation and validation of the proposed remedial measures.

I note that the public house is still in situ and would expect any potential contamination identified during the demolition works to be investigated and for the local authority to be informed.

In the meantime I would recommend the use of our standard phased contamination condition.

#### **Access and Equalities Officer NSDC-**

It is recommended that consideration be given to inclusive access and facilities for all, with particular reference to disabled people. As well as minimum Building Regulations standards described in Approved Documents M and K, BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' contains further useful information in this regard.

Access to, into and around the proposals along with the provision of accessible features and facilities, should be carefully considered together with access from the boundary of the site and from car parking where carefully laid out provision for disabled motorists should be available. Disabled Motorists car parking spaces should be as close as possible to each of the units.

A safe segregated 'traffic free' pedestrian route of adequate width and design should be considered from the boundary of the site to the proposals and from car parking with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. This

should be 'step-free' and suitable for wheelchair users and those with push chairs etc. Users should not be required to walk along vehicular roadways and across car parks to access the proposals. Any stepped approach is a barrier to wheelchair users, pushchairs and those unable to manage steps. Street furniture, such as bollards, are hazardous if not positioned clear of pedestrian routes. They should be designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route.

A separate enquiry should be made regarding Building Regulation requirements.

It is further recommended that the developer be mindful of the provisions of the Equality Act.

### **Conservation Officer NSDC-**

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. 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). Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

### **Significance of heritage asset(s)**

The application site is not a designated heritage asset or located in the Newark on Trent Conservation Area. However the site is located opposite Toll Bar House, a Grade II listed building, which is on the opposing north side of Beacon Hill Road. Therefore the application is considered on the basis of setting to the listed building.

### **Assessment of proposal**

The application site was previously considered as part of application 15/01702/FUL in which Conservation provided the following comments:

'The removal of the tower structure is welcomed and the commitment to planting on the western side will help to mitigate impact on the setting of the listed building. Although no formal HIA has been submitted, the email covering letter provided outlines the issues we wanted the HIA to address, so I am satisfied that this work has been undertaken. On balance, I feel that Conservation concerns have been addressed and the scheme is now acceptable from a heritage perspective.'

As part of the current application 17/01431/FUL Conservation has assessed the revised proposal and finds no difference in the layouts submitted in 15/01702/FUL under drawing A1 BF DF 4218-P03 and in 17/01431/FUL under drawing A1 BF DF 4218-P03 Rev D. While there has been a revision proposed to the elevations, this is not considered to impact negatively on the setting of Toll Bar House, and as the layout of the site remains the same the above comments provided for 15/01702/FUL are unchanged.

#### **Planning Policy Officer NSDC-**

The officer response confirms that for the previous application they had concerns around -

- Lack of robust justification for the loss of a community facility (SP8); and
- The need to satisfactorily address the retail sequential test.

The applicant ran the argument that the proposal met the definition of local needs retailing, and so would have been exempt from the need to undertake sequential and impact tests (in line with the current wording of CP8). Whilst I was prepared at the time to accept that the convenience element may meet this definition I was fairly sceptical over the non-food retail aspect (whilst there are some non-food retail uses which could meet a local need there are many that in my opinion would not). I suggested that the applicant either needed to demonstrate satisfaction of the sequential test, or alternatively we could have sought to agree a range of non-food retail uses with a local need function which could be incorporated into an appropriately worded condition.

Significantly however these comments were provided in 2015 and so preceded the completion of the Town Centre & Retail Study (2016) and commencement of the Plan Review. So the assessment of the resubmission should have regard to this changed context. In terms of the Plan Review our amended Core Strategy has now been submitted to the Secretary of State and through revisions to Core Policy 8 'Retail & Town Centres' local impact thresholds are to be introduced (400 sqm. gross in Newark Urban Area).

As per the tests outlined at para 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy) determine the weight that can be given to relevant policies in an emerging plan. The Plan has now been submitted to the Secretary of State and so has reached an advanced stage of preparation. The applicant objected to the initial threshold, consulted on as part of the Preferred Approach Town Centre & Retail document. Following that stage of consultation further work was carried out, and it was concluded to be reasonable to raise the threshold in Newark Urban Area to 400sqm (gross) reflecting the difference in scale between Newark Town Centre and the District's other centres. Whilst some representations were received on the amended Core Policy 8 at the publication stage these do not concern the impact test thresholds, and so it can only be assumed that previous objections (including those of the applicant) have now been resolved. The amended policy is considered consistent with national policy and so in my view it is reasonable to attach some weight to it.

The proposal has a gross internal area of 650.3 sqm (372 sqm convenience and 279sqm non-food) which exceeds the emerging threshold, and so our definition of 'local needs retailing'. Accordingly in addition to sequential justification it would also be reasonable to seek application of the impact test, though it is important that in doing so we are proportionate with regards to the scale and type of retail floor space proposed. I note that the applicant has submitted both a sequential and retail impact assessment.

## Sequential Test

I have some concerns with how the applicant has applied the test, for example at para 4.16 of the assessment details that only in-centre and edge-of-centre sites have been considered, the criteria used in the assessments and how they've been applied. Nevertheless I am unaware of any sequentially preferable sites which are both available and suitable, and able to accommodate the proposed development –having allowed for some flexibility in format and scale.

## Impact Test

In seeking to proportionately assess retail impact in Newark Urban Area we need to be mindful that the location does not just contain Newark Town Centre but also smaller centres in Balderton and at the strategic sites. In this case I'm satisfied that the proposal would be unlikely to affect these smaller centres, or in the case of the strategic sites their future delivery, and so we just need to consider the likely extent of impact on Newark Town Centre. The proposal relies on an impact assessment undertaken in 2015 in support of the original application, so no regard has been had to the findings of the 2016 Town Centre & Retail Study. The assessment also doesn't fully follow the steps outlined at Paragraph: 017 (Reference ID: 2b-017-20140306) of the Planning Practice Guidance. Nonetheless it is important that we apply the test in a proportionate way, having had regard to the scale and form of retail proposed. The 2016 health check showed Newark Town Centre to be in fairly good health with a strong comparison and convenience provision and a level of vacancy below national average. Whilst cumulatively exceeding the proposed threshold the proposal is of fairly modest scale (with the food and non-food both individually falling below the threshold) and in light of the findings of the 2016 study I'm of the view that it is highly unlikely to result in a significant adverse impact on the vitality and viability of Newark Town Centre.

I also wouldn't conclude that there is likely to be a significant adverse impact on planned retail investment at the NSK site (NUA/MU/3) or the strategic sites.

Taking account of the above I wouldn't continue to suggest the use of the Condition proposed for the original application. But I would view one restricting the levels of food and non-food retail to that outlined in the application as reasonable. Were there to be an open A1 consent then this could allow a maximum of either 650 sqm convenience or comparison retail, and without the justification to support this we would have greater concern over the potential impact on the vitality and viability of Newark Town Centre.

## Spatial Policy 8

Previously we had concern over how the applicant had sought to demonstrate satisfaction of the policy and I note that section 2 of the Planning Statement repeats much of the case previously presented, which I felt was flawed (for example the existence of an alternative public house which the community would have access to and the 'significant community benefit' which a local shopping facility would provide). Nevertheless I welcome the fact that the applicant has now undertaken what appears to be a robust marketing exercise.

Amendments to Spatial Policy 8 have been proposed through the review of the Core Strategy and there have been no unresolved objections. Accordingly we can attach a fair degree of weight to the emerging policy. The policy does not radically differ to the existing wording – but importantly satisfaction of any one of the three criteria is now sufficient to satisfy the policy. The first bullet point would be relevant here, whereby the continued use as a community facility or service is no



longer feasible, having had regard to appropriate marketing (over an appropriate period of time and at a price which reflects its use, condition and local market values), the demand for the use of the site or premises, its usability and the identification of a potential future occupier.

I'd view the marketing exercise and its results as having satisfied that criterion and so I'd be comfortable with the proposal from the perspective of the loss of the community facility.

## Conclusion

Taking account of the above I wouldn't maintain the previous objection, subject to the avoidance of an open A1 consent. This could be achieved through tying the individual levels of food and non-food retail to that proposed.

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

Objections to the proposal include concerns for:

Increased traffic and HGV deliveries

The egress from the site will be close to residential properties

Concern regarding the boundary line and relationship to neighbouring property at 44 Side Row

Concerns regarding security of properties adjacent to the proposal

The proposal is not needed in the locality with a number of shops nearby.

The proposal could affect existing business in the area.

Light disturbance from the proposal upon neighbouring residents.

In addition to the 6 letters noted above a petition under the heading of Keep the Sawmill Open has been submitted. The petition is signed by 134 names, some provide details of addresses others do not.

## **Comments of the Business Manager – Growth and Regeneration**

The key issues in the determination of this application are considered to be:

- 1 The Principle of the Development and loss of Community Asset
- 2 The Retail impacts of the proposal
- 3 Highways Safety
- 4 Design and Visual Impacts of the proposal
- 5 Impact upon the setting of the listed building
- 6 Impacts on residential amenity
- 7 Contaminated Land
- 8 Flood Risk and Drainage
- 9 Other matters

- 1 The Principle of the Development and loss of Community Asset

With regards to the sites location, it lies within the Sub-Regional Centre of the Newark Urban Area which Spatial Policy 1 identifies as the main location for investment in new services and facilities in the district. Policy DM1 facilitates development proposals, including retail, within the area subject to assessment against other relevant development plan policies. It is also noted that the site is located within an accessible and sustainable location, and would make an efficient use of a

previously developed site.

In this instance it is noted that the site comprises the Sawmill Public House and associated car park and grounds which was nominated and listed as an Asset of Community Value when the original application for the demolition of the public house was being considered. The site is therefore considered to be a community facility for the purposes of the NPPF and development plan.

Paragraph 69 of the NPPF states that planning decisions should aim to promote opportunities for meetings between members of the community.

Paragraph 70 of the NPPF states that decisions should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.

Spatial Policy 8 reflects the NPPF and states that, the loss of community and leisure facilities will not be permitted unless it can be clearly demonstrated that:

- the continued use as a community facility or service is no longer feasible, having regard to appropriate marketing, the demand for the use of the site or premises, its usability and the identification of a potential future occupier; and
- 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 Planning Policy comments received during consideration of this application confirm that Amendments to Spatial Policy 8 have been proposed through the review of the Core Strategy and there have been no unresolved objections. A fair degree of weight can therefore be attached to the emerging policy which requires satisfaction of any one of the three criteria is now sufficient to satisfy the policy.

As noted above this submission is made following a previous refusal for a similar scheme. That previous refusal was made on two reasons the first of which was:

“In the opinion of the Local Planning Authority the applicant has failed to adequately demonstrate that the continued use of this community facility is no longer feasible, having regard to the level of recent profits, demand and the lack of appropriate marketing to identify alternative operators. In the opinion of the Local Planning Authority, the proposal is therefore contrary to Spatial Policy 8 of the Core Strategy Development Plan Document and the advice within the National Planning Policy Framework.

There are no other material planning considerations that would outweigh the unnecessary loss of this community facility.”

In this respect this resubmission is supported by additional marketing work to establish whether there are any alternative operators to continue the community facility use. In this respect the site has been marketed and is supported by a case to establish that the public house has not generated any potential alternative operator to continue the community facility use as a public house. The applicants supporting statement advises:

“The public house had a tenant in situ on a 21 year lease as from 2002. It traded relatively well with this tenant for some years until 2010 when the business became more difficult and the lease was surrendered back to Marston’s. A suitable tenant couldn’t be found for a number of years at which point Martson’s had caretakers in the site and the EBITDA (earnings before the deduction of interest, taxes, depreciation and amortisation) was at just £4,000 in 2011. In 2013 the site was moved over to the franchise division at Marston’s in the hope of encouraging new interest and the current tenant was subsequently signed up on a 5 year lease. Having traded at £39,000 EBITDA in 2013, £51,000 in 2014 and £44,000 in 2015, the trade has dropped again last year in 2016 to £28,000. Once, interest, taxes, depreciation and amortisation is factored this effectively because unviable for their business model and therefore the site has been identified for disposal.”

Marketing has been carried out for approximately one year. The extent of the marketing includes Sales boards at the site, Advertisements in the Publican’s Morning Advertiser and Nottingham Evening Post. The Public House was also advertised for sale in commercial sales websites and in addition mail shots were sent to the target market of publicans and pub operators. It is therefore considered that a suitable marketing operation has been undertaken to raise awareness of the public house as being available to those most likely to have an interest in such an operation.

The response to the advertisement brought forward three interested parties. None of the interested parties offers were to continue the use of the site as a community asset and as such are not considered to demonstrate that there is interest in the current use continuing at the site.

The property was marketed at £525,000 with the level of initial interest and subsequent offers received it is considered that the advertised asking price is appropriate for the business and therefore that the marketing exercise has suitably sought to establish whether there are any interested parties to continue the community facility use as a public house.

With regards to the previous listing of the premises as an ACV does provide a tangible demonstration that a section of the community considers that, through recreation, the pub furthers the social wellbeing or social interests of the local community. However, it is noted that the relevant ACV legislation sets out specific tests which are narrower than the considerations that need to be considered when determining a planning application. The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development. As set out above, an appropriate marketing exercise has been undertaken but no offers were received to continue the existing use.

Given the above it is considered that the applicant has suitably demonstrated that there are no alternative operators for the existing development and therefore its loss can be justified in line with Spatial Policy 8 of the Core Strategy Development Plan Document attaching weight to the emerging policy requirement to satisfy one of the criteria under this policy.

## 2 The Retail impacts of the proposal

Policy CP8 of the Core strategy sets out the retail hierarchy within the district, and seeks to protect the vitality and viability of existing centres, and also provide for new centres within strategic sites across the district. It also states that retail development in out of centre locations will be strictly controlled and that proposals would need to demonstrate their suitability through a sequential site approach and provide a robust assessment of the impact on nearby centres.

The site is not located within a defined town, district or local centre but sits along an arterial route

into Newark Town Centre to the northwest and adjacent to a residential to the south and east. A mixed use industrial and business area is located to the opposite side of Beacon Hill Road to the north. In accordance with the requirements set out in paragraphs of the NPPF for retail uses outside of centres the application has been supported by a Sequential Assessment. The applicants have also submitted a Retail Impact Assessment with the application which has assessed the impacts of the proposed units on nearby centres and existing retail allocations within the Core Strategy.

The application of the sequential test was not raised as a reason for refusal on the previous submission. In considering this point the Committee Report for that submission stated:

“The sequential assessment has been reviewed by the Council’s Planning Policy team who note that the assessment is unreasonably inflexible in its approach, and that a sequentially preferable site exists at Northgate that benefits from extant permission (reference 13/00997/OUTM). It is similarly considered that the sequential assessment takes an unreasonable approach to format and scale, and that this only indicates that there are more sequentially preferable sites within Newark for the proposed retail units. However, in this regard it is noted that the proposed retail units are of small scale and cumulatively they would fall well below the indicative threshold of 2,500 sq. metres within the NPPF for which an impact assessment would be necessary. In addition, Core Policy 8 of the adopted Newark and Sherwood Core Strategy allows for some retail space in out of centre locations where they are of appropriate scale to meet local need.

With regards to the convenience retail unit (unit 1) the submitted Retail Impact Statement highlights that this convenience retail unit is designed to meet the day to day top up needs of local residents and due to its scale would not compete with the larger town centre stores and offer within Newark Town Centre. Having regard to the above and the comments of the Council’s Planning Policy Team, it is considered that the scale and nature of the offer within the proposed convenience retail unit would not have a significant impact on the vitality of the Town Centre nor the planned retail growth at the NSK factory site on Northern Road and Land East of Newark allocations. There could also be a restrictive use condition applied. It is considered that in solely retailing terms there would be no significant adverse harm caused to surrounding town and local centres and nor would other retail allocations be compromised.

With regards to the second retail unit that would provide for comparison goods retailing, it is noted that the submitted Impact Assessment concludes that Newark Town Centre was healthy and performing well against a number of health check criteria, and again that the proposed unit would be of small scale and unlikely to cause any significant impact on the town centre nor compete with units within surrounding centres and plan allocations. In addition, it is noted that the Council’s Planning Policy team consider that should the retail use of the unit be restricted to meet the local retailing needs of the surrounding community that this would outweigh its location out of any defined centre. The applicant has confirmed that they would be willing to accept a condition restricting the type of uses within the second retail unit so that the retail unit would meet local retailing needs. Accordingly should permission be granted, it is considered that a condition would be necessary to restrict the retail use of this unit to retail uses to including pharmacy, hairdressers, launderette. Therefore, subject to such a condition and given the scale of the retail unit it is considered that the proposal would not cause significant harm to the vitality and viability of Newark Town Centre.

In summary of the retail implications of the proposed development, it is concluded that on balance that subject to a condition restricting the scale of retail floor space within the convenience retail unit, and a condition restricting the type of retail uses within the smaller of the two units so

that it would meet a local need, the proposal would not cause significant adverse harm to the vitality and viability of the nearby Local Centres and Newark Town Centre. Therefore, it is considered that the proposal would not conflict with the policy objectives within the Core Strategy and the policies within the NPPF. Irrespective harm by reason of an unacceptable loss of community facility remains to weigh in the balance.”

In commenting on this latest application, Planning Policy colleagues have confirmed they are unaware of any sequentially preferable sites which are both available and suitable, and able to accommodate the proposed development, having allowed for some flexibility in format and scale.

In proportionately assessing retail impact in Newark Urban Area Planning Policy colleagues are also satisfied that the proposal would be unlikely to affect smaller centres, or delivery of the strategic sites. They have also confirmed that the 2016 health check showed Newark Town Centre to have a strong comparison and convenience provision and a level of vacancy below national average. Their comments recognise the proposal is of fairly modest scale (with the food and non-food both individually falling below the threshold) and conclude that it is highly unlikely to result in a significant adverse impact on the vitality and viability of Newark Town Centre or other planned retail investment at the NSK site (NUA/MU/3) or the strategic sites.

Noting the considerations set out in the Planning Policy comments relating to the relatively modest scale of the proposal in impact terms and the advice that the use of a condition to agree a range of non-food retail uses with a local need function is no longer considered necessary, I agree with this conclusion. However, a condition restricting the levels of food and non-food retail to that outlined in the application would be reasonable and I concur that an open A1 consent could allow a maximum of either 650 sqm convenience or comparison retail, and in the absence of justification to support this it may the potential to impact on the vitality and viability of Newark Town Centre.

Subject to the suggested condition, I am satisfied that the proposal is acceptable in terms of retail impact and would not unduly harm the vitality or viability of existing centres in accordance with the aims of Core Policy 8.

### 3 Highways Safety

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposal would provide a total of 34 car parking spaces, including 2 mobility spaces and 1 parent and child space. The proposal does not appreciably differ from that of the previous submission and again this was not a reason given for the refusal of that submission. There have been a number of objections raised in regard to highways safety and the movement of vehicles within the site and on the adjacent roadways. The proposal has been consulted upon with the Highways Authority and no objections have been raised. The Highways Authority have requested a number of conditions should the application be supported and it is considered that these should be attached to any consent granted.

With regards to location and access by means of transport other than the private motor vehicle the site is located on an arterial roadway and is served by bus stops to both sides of Beacon Hill Road adjacent to the site. A proportion of trips would be made on foot from the surrounding area. Nevertheless, it is noted that the provision of two retail units at the site would be likely to

generate additional traffic using the junction of Magdalene Way with Beacon Hill Road, and that the route along Beacon Hill Road forms an important route in and out of Newark Town Centre during the morning and evening peak travel hours. The traffic modelling reviewed by the Highways Authority identifies that there would be available capacity in the surrounding highway network and in particular at the junction of Beacon Hill Road and Northern Road once the proposed development is in operation.

Having regard to the above, it is considered that subject to conditions, the proposed development would make satisfactory arrangements for vehicle access, manoeuvring and parking, and would facilitate safe access to and from the site. Therefore, it is considered that the proposed development would provide safe and secure access and would not result in any strategic highways implications, in accordance with the requirements of Spatial Policy 7 and Policy DM5 of the Local Development Framework.

#### 4 Design and visual impacts of the proposal

Policy DM5 of the Development Management DPD requires that new development reflect the character and distinctiveness of the area and the scale, form, layout, massing and design, of the built environment of the District.

The design of the previous scheme was the second reason given in the refusal notice for the application. The reason stated:

“In the opinion the proposed development by reason of its form, external materials and detailing is considered to constitute a poor and incongruous design which would cause unacceptable harm to the character and appearance of the street scene and the wider setting. The proposed development would therefore also conflict with national guidance contained within the NPPF, Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations & Development Management DPD.”

In this regard the Committee report noted:

“The site is located within a mixed use part of Newark where there are a variety of building forms, of differing scales, architectural styles, and appearances. The site currently comprises a post-war brick faced public house building, set within a hard surfaced car park and within post-war residential area to the south. Traditional residential terraced buildings are located to the east and south-east of the site. The building forms on the north side of Beacon Hill Road are similarly set at a lower level and are of more utilitarian industrial scale, size and appearance.”

The site is noted as being in a prominent location adjacent to a main highway, although the change in levels and grassed embankment serve to limit the prominence of the site. The change in levels will serve to ensure that the proposal is not intrusive in the street scene, in addition the proposal has been revised with the design now incorporating a hipped roof design. It is considered that subject to appropriate conditions to control the external finish and materials used in the construction of the proposed development that there would not be any significant impact upon the character and form of the locality.

The appearance of the buildings would not be out of keeping with those buildings to the north of the site. It is also noted that the existing site and building is not of any significant architectural

merit and that the site is also located within an area of mixed use development where it is commonplace for buildings of different functions to have different appearances and this in itself contributes to the character of urban areas. The amendments made throughout the lifetime of the application would secure the use of brick within the elevations which would help to blend the buildings into their immediate context to the south and east. Given the character of the buildings to the north of Beacon Hill Road, and the existing appearance of the site, it is not considered that the proposals would cause over-riding harm to the character and appearance of the surrounding area.

The proposal is therefore considered to address this reason for refusal of the previous refused scheme and is in accordance with the requirements of policy DM5 of the Allocations & Development Management DPD.

#### 5 Impact upon the setting of the listed building

Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 (as amended) states that the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Paragraph 133 of 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. The more important the asset, the greater the weight should be." It also goes on to state that its significance can be harmed or lost through development within its setting.

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

The site itself is not designated for any heritage interest. The nearest heritage asset is the grade II listed former toll house which is located approximately 50 metres to the north-west of the site. The toll house dates back to circa 1820 and was built by the Newark Turnpike Trust and is therefore intrinsically linked to the history of the route into Newark. It also sits at an important gateway into the town centre where views are offered to the Church of St Mary Magdalene. As noted above the site is located in a prominent location along this gateway and the proposed buildings by way of their proximity to Beacon Hill Road would be seen within views of the toll house from the east as you enter Newark along the historic turnpike, and also from the west as you move over the railway bridge eastwards out of Newark.

The previous application and this one have been consulted upon with the Council's Conservation Officers. No objections have been received as the orientation of the buildings and juxtaposition with the change in levels serve to ensure that there would not be any harm to views and the setting of the former toll house. As such the proposal is considered to be in accordance in this respect with policies CP14 and DM9 of the development plan and the thrust of the NPPF paragraph 133 and the requirements of Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 (as amended).

#### 6 Impacts on residential amenity

Paragraph 123 of the NPPF states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Policy DM5 of the Allocations and Development Management DPD requires proposals to have sufficient separation distances to ensure neighbouring amenity is protected.

The proposal site is located on Beacon Hill Road, a main route into Newark town. The site has residential properties to the east and south on Side Row and Bottom Row. It is considered that the proposal is appropriately laid out and separated from the neighbouring properties to ensure that there would not be any significant impacts of overshadowing or oppression.

With regards to the operation of the proposed retail units and the proposed opening hours of 07:00 to 23:00 hours throughout the week and weekend, it is noted that the current use of the site as a public house would allow for access and use throughout the day, evening and into the night time. It is also noted that the proposed retail units would principally draw their trade within the daytime as evidenced in transport modelling and therefore alone, the opening hours of the proposed units are not likely to cause significant harm to the amenity of surrounding residents.

Nevertheless, given the scale of the existing public house it is considered that the provision of two separate retail units and businesses on the site would result in an intensification of the use of the site. This together with the number of visitor trips made, and the likely associated noise and disturbance associated with this and the activity from additional vehicular trips and deliveries necessary, could, if unrestricted, have a detrimental impact on neighbouring residents. Therefore, if one were minded to approve the application it would be necessary to restrict opening hours on Sundays and bank holidays.

Subject to the suggested condition I am satisfied that the impact on neighbouring residential amenity can be acceptably managed in line with the NPPF and Policy DM5.

#### Contaminated Land

Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

The application site located within the urban area and comprising a public house, surfaced car park has the potential for contamination to be present on the site. The Council's Contaminated Land Officer is satisfied that any contamination and ground condition issues which may exist on the site can be adequately identified and addressed by the imposition of a condition requiring the submission and approval of detailed intrusive site investigations and where necessary the implementation of any appropriate remediation measures required before development takes place.

#### Flood Risk and Drainage



Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”.

The site falls within flood zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year).

With regards to surface water management, it is noted that the existing site is largely hard surfaced and that the proposals would not significantly increase the levels of hard surfaced areas. A plan has been submitted indicating details of the measures to manage surface water and this plan can be conditioned to ensure the proposed drainage to serve the development is implemented. It is therefore considered that the proposed development would not be at significant risk of flooding and that the proposed development would not cause unacceptable risk of flooding elsewhere in accordance with the requirements of the NPPF.

#### Other Matters

With regards to other material considerations it is noted that a key aim of sustainable development is contributing to building a strong, responsive and competitive economy. Indeed one of the core planning principles within the NPPF set out in paragraph 17 is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

The proposed development when operational would generate up to 26 jobs, which would be a significant increase on the employment generated by the existing public house which provides for 5 jobs. In addition, the proposed development would provide direct financial investment into the area and generate jobs during the demolition and construction phases of the development and in the supply chain. The proposals would also help to increase the level retail trade and enhance the retail offer within the surrounding area. This clearly weighs as a benefit in overall planning terms.

Concerns have been raised by neighbours regarding the location of boundaries between the site and adjacent properties. These queries are a private interest and therefore are outside of the planning process. The applicant and neighbour have been put into contact to discuss the location of boundaries and the applicant has not requested any amendments to the proposal following that contact. As such this is not considered to be material in the determination of this application.

Concerns have been raised in relation to competition for existing business in the local area. The role of planning is not to control competition in the market. The impact on the vitality and viability of existing centres has also been considered in detail above and found to be acceptable.

#### **RECOMMENDATION**

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

#### **Conditions**

01

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

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

Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference Kingfisher Lighting proposed lighting details (submitted 4th August 2017), 4218-P01 Rev E, 4218-P02 Rev C, 4218-P03 REV D, 4218-P04 REV C, 4218-P05 REV C, 4218-P06 REV E, 4218-P07 REV B , 4218-P08 REV C, 4218-P09 REV B, 4218-P10, 4218-P11 REV C, 4218-P12 REV C, unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented prior to the occupation of each individual unit and shall then be retained in full for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

05

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

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

06

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

7am to 11pm Monday – Friday

7 am to 9pm Saturday

And 10am to 6pm on Sundays, Public or Bank Holidays

Reason: In the interests of residential amenity.

07

The 650.3 sqm of retail floorspace hereby approved shall only be used in accordance with the split detailed within the application, this being 372 sqm of convenience retail and 279sqm non-food retail floorspace.

Reason: In order to protect the vitality and viability of existing centres in accordance with the aims of Core Policy 8 of the Newark and Sherwood Core Strategy (2011).

08

No part of the development hereby permitted shall be brought into use until the existing dropped vehicular footway crossings (shown as site access and site egress on drg. no. 4218-P01 Rev. C) are extended, are available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan (drg. 4218-P01 Rev. C). The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: In the interests of highway safety.

10

No part of the development hereby permitted shall be brought into use until a service delivery management plan is submitted and approved in writing by the Local Planning Authority. Once approved the development shall be operated in accordance with the approved service delivery management plan at all times.

Reason: To ensure all deliveries are carried out within the site and in the interests of highway safety.

11

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the

findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### Part B: Submission of Remediation Scheme

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

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

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12

The development hereby approved shall be implemented and retained in accordance with the measures outlined in paragraph 3.5 of the Noise Assessment Report from Blue Tree Acoustics dated 08/06/2017.

Reason: To ensure that the operation of the site and machinery within the site do not result in unacceptable noise impacts upon the neighbouring occupiers.

### **Notes to Applicant**

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

02 It is recommended that consideration be given to inclusive access and facilities for all, with particular reference to disabled people. As well as minimum Building Regulations standards described in Approved Documents M and K, BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' contains further useful information in this regard.

Access to, into and around the proposals along with the provision of accessible features and facilities, should be carefully considered together with access from the boundary of the site and from car parking where carefully laid out provision for disabled motorists should be available. Disabled Motorists car parking spaces should be as close as possible to each of the units.

A safe segregated 'traffic free' pedestrian route of adequate width and design should be considered from the boundary of the site to the proposals and from car parking with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. This should be 'step-free' and suitable for wheelchair users and those with push chairs etc. Users should not be required to walk along vehicular roadways and across car parks to access the proposals. Any stepped approach is a barrier to wheelchair users, pushchairs and those unable to

manage steps. Street furniture, such as bollards, are hazardous if not positioned clear of pedestrian routes. They should be designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route.

A separate enquiry should be made regarding Building Regulation requirements.

It is further recommended that the developer be mindful of the provisions of the Equality Act

#### BACKGROUND PAPERS

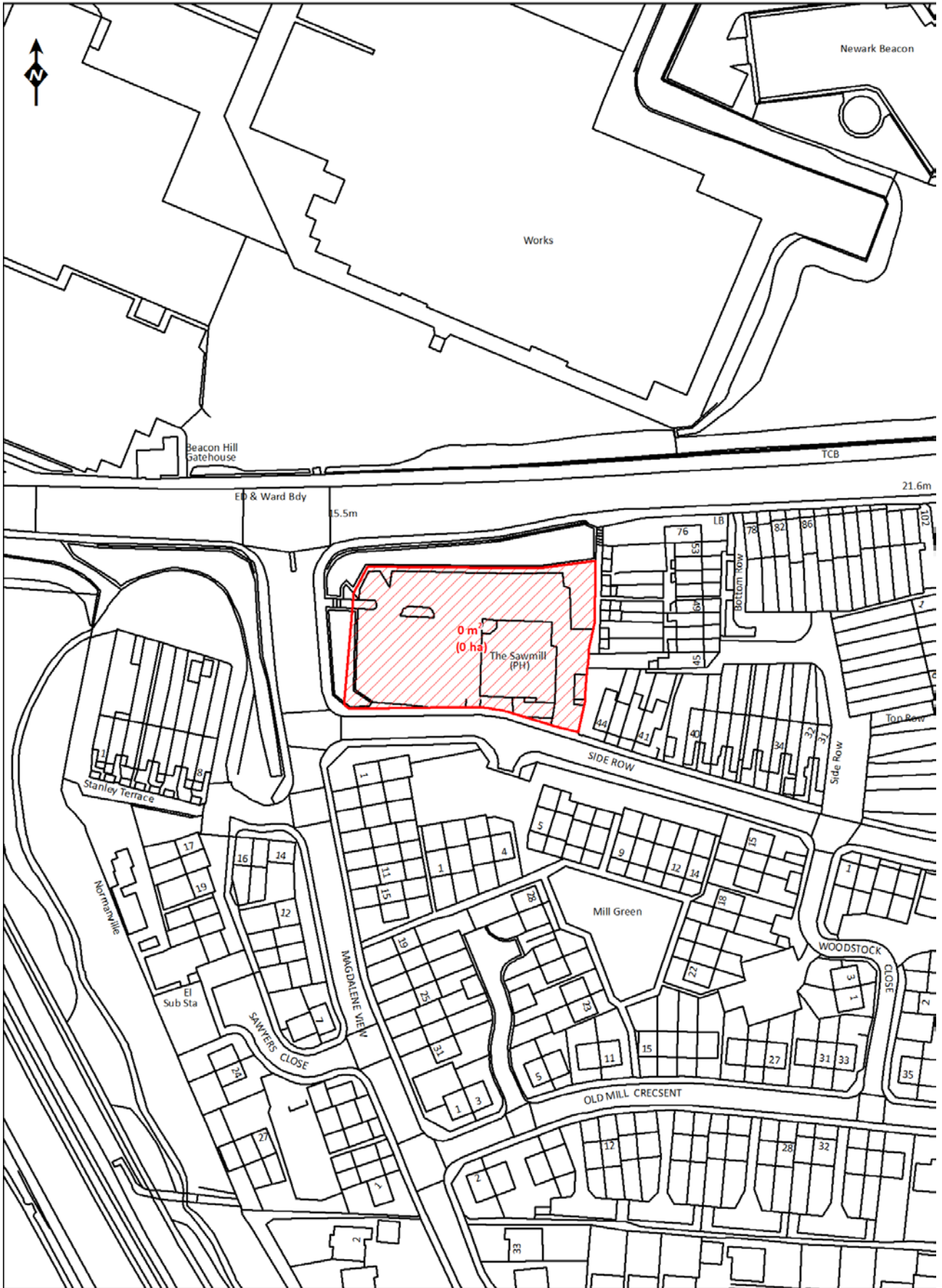
Application case file.

For further information, please contact Kevin Robinson on ext 5541.

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

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

Committee Plan - 17/01431/FUL



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<b>Application No:</b>	<b>17/01451/FUL</b>	
<b>Proposal:</b>	<b>Application for removal/variation of condition 4 attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use.</b>	
<b>Location:</b>	<b>Robin Hood View Caravan Park Middle Plantation, Belle Eau Park, Bilsthorpe</b>	
<b>Applicant:</b>	<b>Mr J Kennedy</b>	
<b>Registered:</b>	<b>9 August 2017</b>	<b>Target Date: 5<sup>th</sup> October 2017</b>
	<b>Extension of time agreed until 10<sup>th</sup> November 2017</b>	

**The application is being referred to Committee at the request of Cllr Rainbow. In addition it is noted that the Parish Council objects to the development which differs to the professional officer recommendation.**

**The Site**

The site occupies a hill top location within the undulating open countryside and is accessible via a single track private driveway which leads through Belle Eau Park industrial estate. The wider site is generally open in character and contains 2 large agricultural buildings to the south east of the site. Overall the wider existing touring site comprises c2.41 ha. There is a residential dwelling house located to the north-west corner and an amenity building for the caravan site close to the entrance.

The wider site is presently in use as a holiday park for 30 holiday caravans and for the storage of caravans, subject to a planning permission granted in 1997. The site is partly enclosed by an earth bund along the southern boundary of the wider site and the application site.

The site is visible from the main A617 (Kirklington Road) highway due to its elevated position.

The red line of the application site is located to the west of the original caravan park and comprises c0.56 hectares. This was formerly scrubland and is bound by a deciduous hedgerow to the west, mature trees to the north and east (which are still in situ).

The site is within the Open Countryside and is designated as being within the Sherwood Forest Regional Park.



## Relevant Planning History

**46911253** – Establishment of a holiday caravan park (25 vans)

**FUL/961279 (96/50813/FUL)** – Replacement office with reception and toilet facilities and use of land for touring caravans and storage of caravans, a condition was imposed restricting the siting to 30 holiday caravans.

**10/00261/FUL** - Proposed use of land for the siting of 30 timber cabins (caravans) for tourist use plus reception/site managers accommodation. Refused by LPA but approved by appeal. This was instead of the caravan use (not in addition) but was never implemented. The permission has now time expired.

**17/00147/FUL** - Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective). This application was approved by Members in July 2017 following deferrals from earlier committee meetings.

**17/01400/DISCON** - Request for confirmation to discharge condition 7 (relating to a methodology for the investigation of any potential contamination of the application site) attached to planning permission 17/00147/FUL 'Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective)'. Application pending (albeit the details have been accepted by colleagues in Environmental Health).

## The Proposal

Permission is sought to remove Condition 4 of planning permission 17/00147/FUL. Condition 4 requires;

04

The pitches hereby permitted for use of holiday use shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

The applicant has commented that they consider that the inclusion of condition 4 is superfluous because the Council's given reason for its imposition is already addressed and safeguarded conditions 5 & 6 which are also imposed on permission 17/00147/FUL. For clarity, conditions 5 and 6 state;

05

The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time, and a copy of the register shall be supplied to the local planning authority at the end of each calendar year unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

06

The development hereby approved does not allow for any pitch or any caravan to be occupied for residential purposes at any time.

Reason:

For the avoidance of doubt.

The explanation given for the request to remove condition 4 is that the wider Robin Hood Retreat Caravan Park has historically provided 'seasonal pitches' available to guests and continues to do so. It is considered that the 15 additional caravan pitches approved under permission 17/00147/FUL should not be treated as an exception as there is no planning justification to do so.

Seasonal pitches allow guests to book a caravan pitch for a season and leave their caravans stationed on the pitch during that period, rather than towing their caravans to and from the site for each stay. The booking of a seasonal pitch allows guests to occupy their caravans more flexibly, allowing for more spontaneous holidays, breaks for the entirety of the school holidays or for holidays that may be weather dependant.

#### Departure/Public Advertisement Procedure

Occupiers of nineteen properties have been individually notified by letter.

### **Planning Policy Framework**

#### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change  
Core Policy 13: Landscape Character  
ShAP1: Sherwood Are and Sherwood Forest Regional Park

*Allocations and Development Management DPD Adopted July 2013*

Policy DM5: Design  
Policy DM7: Biodiversity and Green Infrastructure  
Policy DM8: Development in the Open Countryside  
Policy DM12: Presumption in favour of Sustainable Development

*Other Material Planning Considerations*

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Landscape Character Assessment SPD, December 2013

Consultations

**Kirklington Parish Council** – objects to the proposal with the following comments:

- Section 4 provides extra restriction and reassurance to prevent the site being used for permanent residence.
- it was stated that section 4 was additional/not required as covered by other sections – if section 4 is viewed as being redundant, there would be no harm in leaving this in place (as it wouldn't make any difference)
- other sites have facilities for storing caravans when not used - providing such storage would still enable visitors to have flexible holidays without having to tow to and from the site (which was a concern stated in the proposals)

Kirklington Parish Council strongly objects to proposals to remove section 4 from the conditions.

**Bilthorpe Parish Council** – No response received.

**CLlr P Rainbow, the Local Ward Member** has formally requested that the Robin Hood caravan park application is 'called in' and go before the planning committee.

**NCC Highways Authority** – This application relates to the removal of condition 4 of application 17/00147/FUL which states that the permitted pitches shall not be occupied by the same person for a period exceeding 28 days in a calendar year.

The removal of this condition is not expected to have an impact on the public highway, therefore, there are no highway objections.

**Trent Valley Internal Drainage Board** – The site is outside of the IDB district but within the boards catchment.

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

**Access and Equalities officer** – No comment.

**No representations have been received from local residents/interested parties.**

## **Appraisal**

### **Preliminary Matters**

The 1997 planning permission for the caravan site (96/1279) appears to relate to the entire site (including this application site) albeit the quantum of pitches was restricted to the amount that was applied for 30, which were laid out elsewhere on the site. The permission that was granted in July 2017, application reference 17/00147/FUL therefore in essence sought retrospective consent to increase the number of caravans from 30 to 45 and the retrospective alterations to the land to accommodate the additional pitches.

In granting that consent there was a desire to control the use of the site to ensure that there was no possibility that the pitches would become permanent/ main residences. Given that the current application has been submitted as a Section 73 application (which essentially would replace the extant permission) it is necessary to reference all material planning considerations. Nevertheless, the fall back position of the extant permission carries significant weight, particularly in matters of principle.

### **Principal of development**

Policy DM8 accepts that within the Open Countryside, as in the case of the application site, tourist accommodation will be supported where it is necessary to meet identified tourist needs; it constitutes appropriate rural diversification, including the conversion of existing building, and can support local employment, community services and infrastructure. In addition all proposals need to satisfy other relevant Development Management Policies, take into account of any potential visual impact they create and in particular address the requirements of Landscape Character. This is mirrored by the NPPF which that in order to promote a strong rural economy, plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy DM5 requires parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development proposals should have regard to their impact

on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Core Policy 7 states that tourism and visitor based development, including new good quality overnight accommodation will be supported provided that “The extension of existing tourist accommodation is of a scale appropriate to the sites location and where the extension helps to ensure future business viability.”

In assessing the recent application for the extension of the caravan site, 17/01451/FUL, it was accepted that there is a need for an expansion of tourist accommodation and therefore this is not challenged as part of the current application. Allowing the reasonable expansion of an existing rural based tourism development is advocated by the NPPF.

#### Impact upon the Character of the Area

Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD seek to protect the open countryside from inappropriate development.

Policy DM8 advises that tourist accommodation would be considered as being an appropriate use within the Countryside, taking into account any potential visual impact they create and address the requirements of Landscape Character in accordance with Core Policy 13. This is mirrored by the NPPF which supports rural tourism developments that benefit businesses in rural areas and which respect the character of the Countryside.

I note that the character of the site is currently that of a touring caravan park as accepted by the extant permission and therefore the proposal would not be an alteration to this.

#### Design and Layout of the Site

National and Local Policy states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the DPD require new development to 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.

In this regard I note that the application does not detail that there will be any alteration from the previous approval. The site license specifies the density and spacing of the numbers of caravans onsite and I therefore consider that these issues will be enforced outside of the remit of the planning application.

#### **Other issues**

*Planning enforcement investigation*

In accordance with the resolution of the planning committee held on 4<sup>th</sup> July 2017 a Planning Contravention Notice (PCN) has been issued which seeks to establish specifics on the nature of occupation on the other areas of the site (not the part of the site being considered under this application. Members will be updated as to the response to the PCN through the late items schedule when the Notice has been returned.

### *Drainage/Flooding*

I am aware that Environmental Health has been investigating alleged continued drainage problems from the existing areas of the site. The outcome of these investigations is in any case not deemed to be of relevance to the consideration of the current proposal relating to occupation conditions.

### *Conditions restricting use*

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.

The rationale behind the submission of the current S73 application (as outlined in the proposal section above) is noted. However, there remains a concern as was with the previous application that the pitches may be used for permanent occupation, thus there is a clear need to control usage through condition. Officers have carefully considered the wording of the currently imposed conditions and do feel that it would be appropriate that the application be approved (in allowing the removal of Condition 4). However, in doing so a revised condition should be imposed upon the consent which would require the owners/operators to not only maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the application portion of the site, but also their main home addresses, and shall make this information available at all reasonable times to the local planning authority. This condition is compliant within government guidance for practice on planning for tourism. I consider that the imposition of this condition in place of the current condition 5 of planning consent 17/00147/FUL would enable the Council to actively monitor the type of occupation of the pitches to ensure that occupation remains for holiday use only.

### **Conclusion**

The approved use of the site relates to a wider site that is already successfully operating as a touring caravan site. When approval was granted for this in the 1990's the quantum of pitches was restricted by the fact that the applicant applied for 30 pitches and this features in the description of the development at that time.

I have had regard to the arguments presented in this application and the notions in the NPPF which encourage Councils to proactively drive and support sustainable economic development and enterprise in rural areas. I conclude that the removal of Condition 4 of planning permission 17/00147/FUL could maintain the Council's desire for the area of site in question to remain in use for 'holiday' purposes only but would also allow the applicant to operate their business in accordance on a more flexible model. To ensure this, I consider that the imposition of varied conditions as part of a new decision notice would allow the Council to maintain control over the use of the site for the purposes previously discussed. The conditions below amalgamate the above discussion and for the avoidance of doubt are shown as underlined where changed from the decision notice of the extant application (17/00147/FUL). Members may note that the contamination condition (originally condition 7) has been addressed since the approval. Environmental Health Officers were satisfied with the Phase 1 Contamination report submitted (received 31<sup>st</sup> July 2017) which clarifies that there are no significant potential contaminant sources at this particular application site. As such a contamination condition is no longer required. Despite ongoing discussions, the condition in relation to landscaping is yet to be formally agreed and thus officers recommend that Conditions 1 and 2 are retained albeit with Condition 1 having a shorter timeframe given that it has already been 4 months since the original decision was issued.

I have concluded that there is no other demonstrable harm. Overall it is considered that there are no material considerations why planning permission should not be granted.

### **RECOMMENDATION**

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

01

Within 1 month of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) full details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

Reason: In the interests of visual amenity and biodiversity.

02

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

03

Within the application site (as identified by the Site Location Plan referenced RHR-LP) there shall be no more than 15 pitches provided and these shall be laid out in accordance with the approved Block Plan, plan reference RHR-BP.

Reason: for the avoidance of doubt and in the interests of sustainability and amenity.

04

The pitches hereby permitted shall:

- I. be occupied for holiday purposes only;
- II. the pitches shall not be occupied as a person's sole, or main place of residence;
- III. the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available on request to the local planning authority;

Reason: To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

### **Notes to Applicant**

01

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



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

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

#### BACKGROUND PAPERS

Application case file.

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

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

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

Committee Plan - 17/01451/FUL



<b>Application No:</b>	<b>16/01638/FUL</b>
<b>Proposal:</b>	<b>Erection of buildings and change of use of existing buildings to form holiday let accommodation</b>
<b>Location:</b>	<b>Rear Of Chapel Farm Newark Road Wellow Nottinghamshire</b>
<b>Applicant:</b>	<b>Ms Gair Kettles</b>
<b>Registered:</b>	<b>5<sup>th</sup> April 2017</b> <b>Target Date: 31<sup>st</sup> May 2017</b>
	<b>Extension of time agreed until 8<sup>th</sup> September 2017</b>

Members will recall that this application was withdrawn from the 8th August 2017 Planning Committee meeting agenda prior to any debate pending the clarification of the proposal and plans deposited with the application and the carrying out of reconsultation.

This application has been referred to Planning Committee by the Business Manager for Growth and Regeneration given its complexity and that the applicant has now lodged an appeal with the Planning Inspectorate against non-determination. The report is therefore presented to confirm the grounds on which to defend the appeal, should Members be minded to oppose the application as recommended by Officers.

For ease of reference additional comments since the original report on the 8<sup>th</sup> August 2017 Committee Agenda are in bold italicised print.

The Site

This application relates to 0.98Ha of land located to the north east of the village of Wellow on the edge of the Conservation area and within a Mature Landscape area on land that rises to the north east. The site currently comprises an existing two storey building and a single storey brick building together with two partially constructed brick buildings (one in relation to stables approved in 2004 and one in relation to a hydroponics building. Details of these are provided within the planning history below. To the south west of the site is a range of former farm buildings which have been converted to residential properties. Beyond these buildings to the south-east, is a vacant residential property known as ‘The Orchard’ and further beyond this are a number of residential properties , including the old Smithy and Stag Cottage.

There is an area of hardstanding to the north east section of the site which is used for parking purposes. Open fields adjoin the site to the north west and east with woodland to the north.

Access to the site is from the A616 via a track passing through Wellow Green to the rear of the residential properties and Wellow Dam.

Relevant Planning History

FUL/930170 - An application for full planning permission for the construction of a new intensive pig farming unit and sheep farm and new agricultural dwelling was approved in March 1995, subject to, amongst others, a condition that required that all agricultural buildings, structures and non-motorised equipment be removed from the then existing Park Farm complex within two years of the first occupation of the new farmhouse, which was to be located some distance away to the north-east, at the top of the hill. This permission was also subject to a Section 106 Agreement (referred to in a Note to Applicant on the Decision Notice for this permission) that required that the construction of the new farmhouse was not to commence until after work in relation to the removal of the “viable agricultural buildings to the new farmstead site” had been commenced, and that the new farmhouse was not to be occupied until “such time as the viable agricultural buildings have been moved to the new farmstead site and the remaining agricultural buildings...have been demolished and removed from the old farmstead site.” This permission was implemented.

02/00491/FUL - A retrospective application for full planning permission for the change of use from disused barn to stables, which included internal and external alterations, was refused in January 2003. The reasons for refusal were that the retention and conversion of the building, which was previously required to be demolished, by virtue of its substantial alteration and extension, considerable size, modern design and prominent location on elevated land, was not in keeping with its surroundings and would have had a seriously detrimental impact upon the setting, form and character of the settlement, the countryside, the Mature Landscape Area; views into, and the setting of, the Wellow Conservation Area; and upon the existing group of farm buildings.

03/01895/FUL - An application for full planning permission for the removal of an existing building, replacement with new stables and stud/training facility was withdrawn in January 2004.

04/02628/FUL – Planning permission was granted in May 2005 for the demolition of existing building and the erection of stable building for domestic purposes. Condition 8 of this permission stated that the stable block should be used solely for private and domestic purposes and not for any commercial purpose. It was also subject to s 106 Agreement which provided that the land should not be used other than for the stabling of horses owned by occupiers of identified dwelling houses and in particular, but without prejudice to the generality of the foregoing, not to use the land as the site of a dwelling house or as part of a dwelling house.

07/01665/FUL – Planning permission was refused in December 2008 for the variation of condition 8 of the 2004 on the following grounds:-

Below

*In the absence of a Section 106 agreement to prevent the approved stables being converted to a dwelling house the Local Planning Authority consider that the application fails to provide adequate comfort against such conversion which once built would be difficult to resist in terms of harm to the open character and appearance of the countryside.*

*In the opinion of the Local Planning Authority a dwelling house in this location would be contrary to Policy 1/1 (Sustainable Development) of the Nottinghamshire and Nottingham Joint Structure Plan and Planning Policy Statement 7 (Sustainable development in Rural Areas).*

*The original planning application was approved on the basis of the signing of a 106 agreement and it is considered that there are no other material considerations in this instance that would warrant a departure from the previous decision.*

08/01583/AGR – An agricultural prior notification application was submitted in July 2008 for a new brick building for agricultural purposes which was subsequently withdrawn.

08/01868/AGR - An agricultural prior notification application was submitted in September 2008 for a new brick building for agricultural purposes which did not require prior approval.

09/00644/FUL – planning permission was granted in July 2009 for the variation of condition 8 of 04/02628/FUL to read:

*The stable block hereby permitted shall be used solely for private and domestic purposes and incidental to the enjoyment of the dwelling houses at Park Farm **and** no commercial riding establishment, stud activity or business shall be carried out therefrom.*

10/00945/AGR – An agricultural prior notification application was submitted in July 2010 for the erection of a detached building for hydroponics (a method of growing plants without soil, using mineral nutrient solutions in a water solvent). It was determined that a planning application was not required – works have commenced but have not been completed within the required timescale and this has now expired.

11/00431/FUL – an application was submitted in March 2011 seeking permission for the erection of single and two storey building for general purpose agricultural use, storage and accommodation of water purification equipment (retrospective) and installation of reed bed filtration system. This was subsequently withdrawn.

13/01683/FUL – planning permission was refused in January 2014 for the erection of side extension to current single storey kitchen on the grounds of poor standard of plans and failure to demonstrate sufficient details and failure to demonstrate that the proposal would not have a detrimental impact on neighbouring dwellings.

16/01434/CPRIOR – A notification for prior approval was submitted in September 2016 for the change of use from farm buildings to flexible use within shops, financial and professional services, restaurants and cafes, business, storage or distribution, hotels, or assembly or leisure. This was subsequently withdrawn.

There is some enforcement history relating to the wider farmstead site in relation the site to which this application relates. ~~However, any enforcement cases have been investigated by the District Council and have been duly closed.~~

***In relation to the application site itself the following enforcement history is relevant:-***

***09/00594/ENF – Without planning permission the unauthorised erection of an agricultural building. A Planning Enforcement Notice was issued in February 2011 which required the demolition of the building. This building has not been demolished based on previous agreement from officers many years ago to essentially under-enforce providing that the building was not used for residential purposes. For the avoidance of doubt the enforcement notice remains extant.***

***13/00280/ENF – A report was received in September 2013 that the building, which was the subject 09/00594/ENF, was being used for residential occupation. An inspection of the structure***

*by Council officers in August 2014 confirmed that the building had been partially demolished and was being used for storage purposes associated with the use of the wider site. A further inspection was undertaken in April 2015 when it was noted that the building and its use remained in the same condition and use.*

*Officers have recently undertaken an inspection of the application site and noted that the building that was the subject of 09/00594/ENF remains in the same state as recorded in the previous inspections in 2013 and 2015. It was also noted that the structure is continuing to be used as for storage purposes for the wider site and as an office for the applicant.*

*I note the issues raised that the application relates to a development site with enforcement history. The Planning Authority could not prevent the submission of a planning application and as with any submission it has to be assessed on its own merits.*

## The Proposal

*The applicant has submitted an appeal to the Planning Inspectorate for non-determination of the application - APP/B3030/W/17/3184203 – this is valid and awaiting a start date for a hearing.*

Full planning permission is sought for the following:-

- Erection of a U shaped building with maximum dimensions of circa 18m width and 22.4m depth. The building would have an eaves height some 2.8m and a ridge height of 5m. These dimensions reflect those of the previously approved stable block. This would provide 8 units of accommodation around a central courtyard with ground floor sitting room and first floor double bedroom with small shower room. There would be a communal dining area on the ground floor with a mezzanine storage area at first floor located within the end section of the building at the end of the building together with a glazed entrance.
- Erection of extension to the **partially constructed ‘Hydroponics building’ (the completion which forms part of the application proposal)** which would connect it to Building A. this would measure circa 7.5 in depth and 5m width with an eaves height of circa 2.8m and a ridge height of 5m. This would provide a bedroom and bathroom to Building A.
- Rebuilding part of Building A which would measure circa 16.7m width and have a maximum depth of 6m. The eaves and ridge would match that of the existing building.
- Change of use of existing two storey farm building for use as office/reception and ground floor and staff accommodation at first floor. A small single storey pitched roof extension is proposed to the property to provide laundry area which would measure 4.5m in width, 2m in depth and 2.5m to eaves and 4m to ridge; and
- A parking area to the north east of the site with a provision of 30 no. spaces.

The application has been accompanied by **several** supporting statements. These outline some of the policies against which the proposal has to be assessed and respond to some of the criteria in relation to tourism development, economic growth and employment, rural diversification, some commentary on need and transport impact and events held at the site.

Drainage details and landscaping details have also been deposited together with details of proposed windows and door joinery details, rooflights, boundary treatments, entrance gate, facing materials **and walls**.

Supporting statements have also been deposited with regards to the operational details of the proposed development stating that the proposed development would purely complement the current events, concerts, weddings and festival that will take place on site which is normally during May to October.

An additional Supporting Statement has also been deposited during the lifetime of the application outlining that there has been a diversification of the farm use in terms of the nature of events held there, that the previous provision of holiday accommodation within the converted barns and farm house has reverted back to dwellings, together with confirmation of the nature of the proposed development in that it would not relate to bed and breakfast accommodation but would be holiday accommodation with outside catering provided on request to enhance the existing events which take place on the wider site. Comments are made in relation to drainage, which the applicant states they upgraded and renewed which STW then adopted. Comments are also made with regards to highways and highway improvements.

A phase 1 desk top study in relation to potential contamination on the site has been deposited during the lifetime of the application.

The applicant has advised that farming activity has ceased on the site and the wider land and has also clarified in writing that the proposal is for the 'Erection of buildings and change of use of existing buildings to form holiday letting accommodation'.

Following the receipt of the highway comments received on 28<sup>th</sup> July 2017 (as noted below in the consultee comments) the applicant has submitted the following response:-

'Highways first comments were based on a refusal specifically relating to the junctions which access the property. I made it clear that it was my intention to cease the following businesses to reduce traffic at the site.

- To cease agricultural activity removing the need for tractors, lorries and other heavy machinery using either of the two junctions.
- To cease using the properties that have already been used as accommodation which represented 12 bedrooms as opposed to the 13 rooms contained within this planning application.

After a discussion it became clear that the Highways Officer had not taken into consideration the cross-off of traffic through the cessation of utilising the holiday cottages with 12 bedrooms and changing them back purely to residential use. With this information, Highways then agreed that this would be acceptable and the second comments were supplied to the Council. I even went further and suggested a condition in the planning application which mirrored this agreement. However, both myself and planning, and importantly, Highways, used various descriptive terms in relation to this application such as B&B and holiday rentals. In the Highways second consultee document they referred to the existing as B&B where in planning law, they were technically holiday rentals used specifically for large groups of Hen & Stag parties. This was what we specialised in. I asked Highways for correctness to use the term holiday rentals rather than B&B

and today, an hour before the committee report needs to be written, I was forwarded the email which is the 3rd document from Highways.

It is true that in planning law there is a difference between a holiday rental and a B&B. However, in real terms, there is very little difference. The Highways Officer talks about the difference between the current holiday cottages consisting of 12 double rooms would increase the day use to 13.3 2 way trips. Yet the new holiday cottage with 3 double rooms would increase to 34.5 two way trips per day. I find this to be a manipulation of figures based on the fact there is only 1 extra room and the new use would be very similar to the original use based on large groups such as Hen & Stag parties and more importantly, weddings.

The development is designed not to encourage more people to attend, but to offer the people who already attend the venue, accommodation thereby reducing the need for guests to leave the site to go to other accommodation and make additional trips. I think it is important at this time that I explain the perplexing nature of what has been said.

In layman's terms, I currently have a licence to bring 9000 people to the site for one weekend of the year. I also have a licence to bring 5000 people up 4 times a year. Additionally, on a regular basis there are up to 499 people using the field for wedding receptions and these people also use the same junction. What the Highways Officer is implying is that for some reason there is a difference between a 12 bedroom holiday rental 50 metres away from the site which is actually split in to 3 units and a 13 bedroom holiday rental which is within the envelope of the existing buildings. The business, as it has been run for the past 9 years, is not changing. It's the same market and it's the same venue. Probably the most important point is the fact that the people attending the venue anyway will be the people staying in the accommodation. In real terms, this is a reduction in traffic trips as it stops people leaving the site to go to other accommodation and then returning for various trips.

It also ignores the current guidelines which are clear that planning cannot object even on a Highways issue unless the impact is severe.

The Highways Officer refers to 3 accidents on or near the junction in the last 3 years. This is true. However, if you look at the statistics over 5 years, it is still only 3 accidents and if you look at it over 18 years it is only 6 accidents. The Highways Officer has not looked at causality. Two of the accidents were rear shunts. There was one serious accident which was a person driving down the A616 who, for some reason, veered on to the wrong side of the road. The junction had nothing to do with this accident.

The Highways Officer, despite having had a discussion, has not taken into consideration the cessation of farming activities and the number of tractors, agricultural vehicles and journeys each day. The current estimate is between 15 and 40 journeys with large agricultural vehicles across the junction. This will cease.

The current planning policy is that rural diversification in to tourism is a priority, especially taking into consideration economic growth and employment. It is a positive approach. Safety is an important issue, but no more or less than any other development. The economic growth, employment and other factors should be taken into consideration and the guidelines make it clear that there should only be a refusal in terms of Highways if the impact is severe.'

***The applicant has confirmed that the proposal is for holiday letting accommodation on the 28<sup>th</sup> July 2017.***



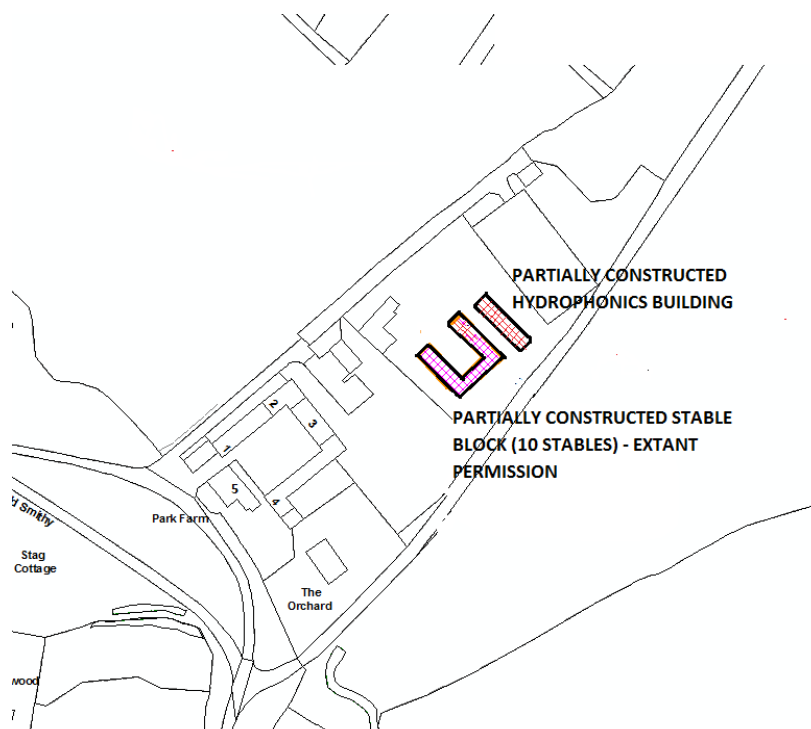
***Subsequent clarification plans have been deposited which tie elevation drawings in with layout drawings and which are annotated with dimensions. A clarification layout plan has also been deposited which confirms that the 'hydroponics building' does form part of the proposed development.***

***The applicant has also served notice on the 15th August 2017 on the owner of land across which the access crosses.***

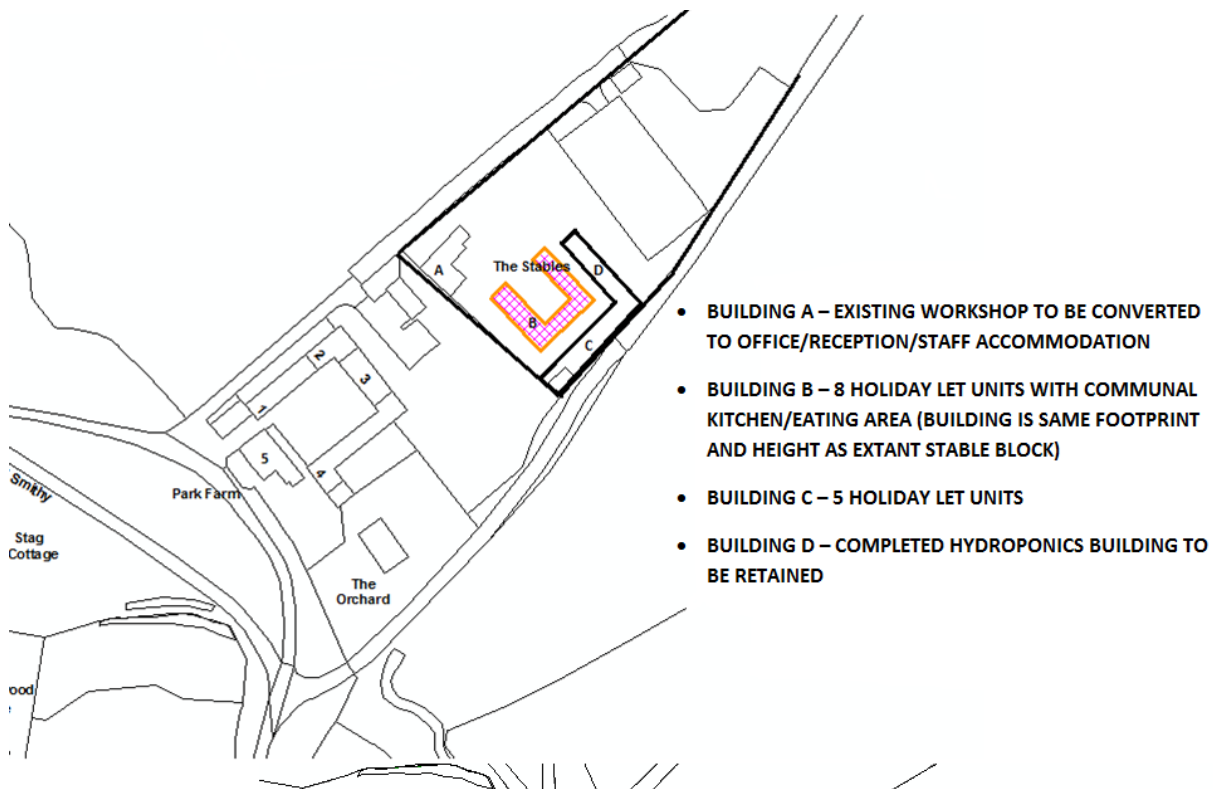
***For clarification, Plan A below shows the current extant position with regards to the use of the track at this point. There are 5 existing dwellings immediately adjacent to the application site (some of which have historically been used as holiday lets although this use has ceased and they are now residential properties) and partially constructed stables which have an extant planning permission but could be completed and brought into the approved use. There is also a partially constructed hydroponics building.***

***For comparison Plan B shows what is now also proposed in terms of additional development on the application site over and above the current position shown in Plan A.***

#### ***Illustrative Plan A***



#### ***Illustrative Plan B***



### Public Advertisement Procedure

32 neighbours have been notified by letter, site notices have been displayed close to the site and an advert placed in the local press.

***Following the submission of clarification plans and details reconsultation letters have been issued (expired 1st September 2017)***

### Planning Policy Framework

#### **The Development Plan**

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 6 – Shaping our employment profile
- Core Policy 7 – Tourism Development
- Core Policy 9 – Sustainable Design
- Core Policy 12 – Biodiversity & 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 & 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 and Assessment SPD (2013)  
Conversion of Traditional Rural Buildings SPD 2014  
Plan Review - Publication 'Amended' Core Strategy 2017

### Consultations

**Wellow Parish Council –**

### **The latest comments of the Parish Council received 7th August 2017**

***Following the publication of the report to the planning committee (for scheduled meeting 8/8/17) Wellow Parish Council have the following comments:***

***1. The submitted documents contain confusing and contradictory information, which means the precise form and nature of the proposal does not seem to have been accurately pinned down. Indeed, there looks to have been such confusion about what the application seeks permission for that even the applicant does not appear to know and so this has resulted in a late amendment to the description of development just before the Planning Committee report was published, despite the application being validated back in April 2017 and submitted last October (2016).***

***2. There has been no formal re-consultation carried out following this late change of description, although updated comments have been received from the Highways Authority that take account of the change of description along with corrections to factual inaccuracies upon which earlier modified Highways comments had been based.***

***3. The application is for development in the open countryside, outside the main built up area of the village. It would involve the construction of substantial new buildings and the creation of a car park for 30 vehicles that Spatial Policy 3 and Development Management Policy 8 seek to strictly control and limit.***

***4. Core Policy 7, whether as currently adopted or in the form of the 'Publication amended' version does not provide a reason for approving the proposed development simply on the basis that the development description includes the words 'holiday let' accommodation, but instead there remains a requirement to demonstrate accordance with specific criteria including impact, proven need that cannot be met elsewhere and character. The planning submission fails to do this.***

***5. Indeed, there remains an overriding uncertainty about precisely what (if any) use class any or all the buildings within the 'red line boundary' would fall within, or whether instead the proposal would be classed as sui generis. Because of this lack of clarity, this raises questions not just about how practical it would be to pin down and regulate the use, but also poses difficulties in terms of which aspects of policy are relevant for assessing the proposal against in the first place.***

**6. The assessment section of the officer's report still describes the proposal as being for bed and breakfast accommodation. As well as not reflecting the updated description of development, the report also fails to clarify the status of part of the application site that one of the applicant's annotated drawings seeks to exclude from the scheme.**

**7. There is strong emphasis given within the applicant's submission and the officer's assessment of the proposal as to how the development would link with other activities of the applicant outside the 'red-line' application area, particularly within the context of Core Policy 7, and largely on the basis of this association the officer comes to the view that the application would fulfil the requirements of this policy.**

**8. However, it needs to be highlighted that the application is a standalone proposal and so must be treated on its own merits. There is no S106 or any other legal agreement proposed that would link the application to land also owned by the applicant outside the 'red line' boundary, or that would control or limit the use of that land, which in any event does not appear to benefit from any planning approvals for tourism or business use. The original farmhouse of Park Farm (that is owned by the applicant and sits outside the 'red-line' area) is understood to have been let out as holiday accommodation for several years, although this activity ceased over two years ago.**

**9. This lack of use is somewhat at odds with the applicant's assertion that there is high unmet demand for tourist accommodation, and if there are buildings already available such as this that are sitting empty, then this would suggest that there is not a need to construct new buildings outside the main built up area of the village to address requirements.**

**10. The submission documents place heavy reliance on the existence of what are largely uncompleted structures within the application area, the construction of which appears to have commenced with dubious reference to agricultural permitted development rights, but which have not been completed for agricultural purposes in line with any prior notifications.**

**11. The officer has noted that there is no evidence of agricultural use at the site, and indeed much of the applicant's case for the proposal is based upon tourism activity, even though there is no record of any previous planning approvals for this in relation to the application site or adjoining land owned by the applicant.**

**12. It is incorrect to afford any weight to partially constructed buildings that do not provide any meaningful fall-back position, were commenced on the basis of agricultural use that has not materialised, that in any case have not been substantially completed, and for which nonagricultural use is now proposed.**

**13. The officer's assessment of the scheme does not conclude that there is any conflict with policies SP3, DM8 and CP7, or indeed CP13, CP14 and CP9. However, such an assessment seems to ignore all the above points of concern.**

**14. The evidence of need is not clearly demonstrated but the scheme is not rejected on this point of principle, and in turn the physical changes to the site and new built development outside the main built up area of the village are not objected to seemingly because of the partial construction of buildings at the site that was commenced on the basis of being for agricultural use that has not taken place. There is no record of a previous planning application for car parking, or the creation of a hardstanding, but in spite of this the proposed use of a large tract of**

***the northern part of the site to accommodate parking for 30 cars does not receive any critical assessment against relevant policies.***

***15. In the light of the above, whilst the officer's assessment is to refuse the development on highways grounds, it is considered that as well as this reason for refusal there are additional reasons for refusal that could be substantiated based on the policies cited above. (Furthermore, Policy ShA/MOA, which seeks to protect Main Open Areas from built development is relevant in reinforcing the Highways reason for refusal as it would preclude any development works associated with access improvements.) Finally, it could well be that Policy CP7 has no relevance at all if the precise nature of the proposal is eventually pinned down with any certainty.***

The Parish Council initially objected on the following grounds:-

- Contrary to the suggestion of the site address, the proposed development site is not a working farm nor does it form part of a working farm. Farming activities have not taken place on the site for a minimum of 2 years. The total land area of the proposed development site is significantly less than 5 hectares and the proposed development is not for agricultural purposes. The proposed development therefore does not comply with any of the requirements under the Permitted Development Rights for Agriculture and Forestry. N.B. For the avoidance of doubt Chapel Farm was previously known as Park Farm, and as such the planning history / planning constraints of Park Farm are also relevant to Chapel Farm.
- It is understood that the only permitted building on the proposed development site is the 'stable block', i.e. planning application references: 04/02628/FUL approved May 2005 and 09/00644/FUL (variation to condition 08) approved July 2009. Condition 08 of the planning permissions expressly states that the building (stable block) shall not be used for business purposes. Further, it is also understood that current Section 106 Agreements in relation to the application site also reinforces this. These therefore represent valid reasons for refusal. N.B. Planning History - An Enforcement Notice was issued by N&SDC (Ref: 09/00594/ENF) on 14th February 2011 for an alleged breach of planning at Chapel Farm, i.e. the unauthorized erection of a building on land at Chapel Farm. The Enforcement Notice was subsequently appealed by Mr D. Chapelhow (Appeal Ref: APP/B3030/C/11/2150126), however the appeal was dismissed and the enforcement notice upheld. A planning benefit must not be the result of unlawful planning breaches.
- Access to the proposed development site is via a narrow driveway which also is the main access for the adjacent residential barn conversions (4 family homes in total). The main garden areas of these family homes is visible and quite close to this main shared driveway. The use of the shared narrow driveway by visitors to proposed development would therefore cause serious, sustained and long-term harm to the residential amenity of those adjacent houses. This is contrary to Newark and Sherwood current plans / policies.
- The day to day use of the proposed development would also cause serious, sustained and long-term harm to the residential amenity of those adjacent houses. This is contrary to Newark and Sherwood current plans policies.
- The proposed development is considered an over-development of the site and as a consequence would have a serious and detrimental impact upon the character of its

location and its landscape setting. This is contrary to current Newark and Sherwood plans / policies.

- Foul water drainage from Chapel Farm, the adjacent residential barns and the residential houses situated on or near Wellow Green, is connected to the main sewerage system on Newark Road (A616) via a small diameter steel pipe running underground across Wellow Green (common land / public open space). There is a documented history going back numerous years of sewerage problems associated with this steel pipe. The proposed development, especially being a Bed and Breakfast, would therefore only exacerbate this situation. The sewerage system across Wellow Green is only capable of supporting the current households. This is contrary to Newark and Sherwood current plans / policies.
- The proposed development site does not have the benefit of direct vehicular access onto a highway of adoptable standard and if approved would result in sub-standard development. This is contrary to current Newark and Sherwood plans / policies.
- The proposed development would have a detrimental effect on the character and the appearance of the Conservation Area. In addition it would affect the formalising of the access track across the Green which forms a distinctive part of the character and appearance of the Conservation Area. The formalising of the access track across the Green and the intensification of use of this track would be to the detriment of this area of open space. This is contrary to current Newark and Sherwood plans / policies.
- The proposed development does not have a permitted right of way over the Green.

For these reasons the view of Wellow Parish Council is that the application should be refused.

#### **Nottinghamshire County Council Highway Authority –**

##### **Latest comments dated 20/10/17 are as follows:**

***Further to comments dated 21 August 2017, additional information has come to light which has prompted another review of previously submitted comments.***

***It is now understood that the 2 existing houses at Chapel Farm owned by the applicant do not currently have holiday 'lets' associated with them. Also there is an extant permission for 10 stables for private & domestic purposes of the dwellings at Park Farm (aka Chapel Farm) residents. The stables are not yet completed but this permission relates to buildings which are now proposed to become holiday accommodation.***

***Furthermore the previous comments dated 21 August 2017 were based on the understanding that due to a lack of individual kitchen facilities, and the provision of linking doorways, the 13 proposed holiday units would not be self-contained and therefore not let as individual units; but for groups only. It has now been pointed out by the Planning Authority that neither the installation of kitchens at any later date nor the closing up of doorways constitute development and could therefore occur without any planning control. Therefore it may be possible to turn the proposed units into self-contained units and be let individually without further permission.***

***Therefore, previous assumptions that the new holiday-let accommodation would simply replace existing holiday-let accommodation appear to be inaccurate.***

***So in traffic terms, the comparison needs to be made between the existing/extant uses i.e. five dwellings (including two owned by the applicant) plus 10 stables and the proposed uses i.e. five dwellings plus 13 holiday lets. Since there is no change in traffic related to the five dwellings, any change in the volume of vehicle trips will be associated with the change from stables to holiday lets, and since the stables are for residents of the dwellings at Park Farm there will be no/few vehicle trips associated with them.***

***Therefore, given that the potential lies open for the proposed holiday accommodation to be let as individual units without planning control, the 13 new units could generate an additional 35 two-way trips per day (based on interrogation of the national 'TRICS' database and as outlined in comments submitted 28 July 2017).***

***To help see this figure in context, the existing five dwellings with stables would generate an estimated 23 two-way trips per day (based on interrogation of the national 'TRICS' database and as outlined in comments submitted 28 July 2017). So, should this application be approved, the 35 new trips would represent a 150% increase.***

***It is recognised that other vehicle movements take place e.g. users of the cricket pitch and fishing ponds, but these are sporadic and cannot be controlled further.***

***To reiterate earlier comments; the access road opposite Rufford Lane is unsuitable for an intensification of use, as it is located on a busy 'A' road (A616) at an already busy junction in a derestricted zone. This is an awkward 4-leg staggered junction with the access effectively providing a 5<sup>th</sup> leg on a bend. There are already existing traffic movements associated with the site access for the fishing pond and existing uses.***

***There have been 4 injury accidents at this junction location in the last 3 years; at least one of which was classified as 'serious'. This record is significant and serious enough to have prompted an initial accident investigation by the Highway Authority. However, initial findings reveal that there is a lack of common accident features to justify further investigation at this time. Nonetheless, concerns are justified since this junction clearly has a poor accident record and one which should not be exacerbated. It is worth recognising perhaps that many of the 35 or so new trips per day using this junction will be made by visiting drivers who will be unfamiliar with the junction arrangement; adding to the risks.***

***It is considered that there are no readily identifiable and proportionate changes that could be made to this junction to make it safe enough to permit this application and no such proposals have been put forward other than agreement, should the application be permitted, to minor kerb works to stop overrunning and the dragging of loose material on to the carriageway.***

***The Highway Authority would recommend that this application be refused for the following reason:***

1. ***The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 opposite Rufford Lane where there are a plethora of different turning movements in close proximity to one another; and on a bend.***

**Comments dated 21<sup>st</sup> August 2017 were as follows:-**

***Further to comments dated 28 July 2017, further discussions have been held with the applicant and additional submissions have been made to further clarify the intentions for the proposed development. This has again resulted in a review of previously submitted comments.***

***The latest submitted drawings published on the Planning Authority's website on 11th - 16th August now show that apart from one unit, none of the 13 holiday lets has its own kitchen facilities. Therefore they are not self-contained units and are unlikely to be let as individual units.***

***The group of 13 'lets' are serviced by a shared kitchen facility. This supports the applicant's intentions that the accommodation be let for large family groups, wedding parties, etc.***

***The application description has also been amended to clarify that bed & breakfast accommodation is not being pursued.***

***This means that previously declaration that the new accommodation would simply replace existing accommodation based in two holiday 'lets', each with 6 bedrooms, is realistic. The existing 'lets' are to revert to 2 dwellings.***

***Therefore, the comments made on 17 July 2017 can be reapplied i.e. that the argument about intensification of use of the access and associated risks are unjustified.***

***So, on the basis of the above, no objections are raised subject to the following conditions:***

***No part of the development hereby permitted shall be brought into use until the existing dropped vehicular footway crossing opposite Rufford Road has been improved/widened in accordance with details to be first submitted to and approved in writing by the LPA, and constructed to the satisfaction of the Highway Authority.***

***Reason: To prevent damage to the highway infrastructure and to provide adequate and safe access.***

***No part of the development hereby permitted shall be brought into use until the access to the site opposite Rufford Road has been surfaced in a bound material for a minimum distance of 5 metres behind the highway [footway] boundary.***

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

***Note to Applicant:***

***The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. In***



***due course you will be required to contact the County Council's Highways Area Office tel. 0115 977 2275 to arrange for these works to be carried out.***

Comments dated 28.07.17 were as follows:

Further to comments dated 17 July 2017, more information has come to light which justifies a review of all previously submitted comments.

The comments dated 17 July 2017 were based on an understanding that the proposed 13 room bed & breakfast accommodation was to be a replacement of an existing 12 room B&B accommodation (where that accommodation reverts to a dwelling). It was, therefore, considered that the previous argument about intensification of use of the access and associated risks would appear to be unjustified.

However it is now understood that the existing accommodation is two holiday 'lets' each with 6 bedrooms. Whilst it is suggested that these may revert to residential family homes, the difference in vehicle trip generation between the two uses is low (see Appendix A). In summary the difference is between 13.3 trips per day for holiday accommodation and 9.3 trips per day for residential i.e. 4 trips per day. This is considered negligible.

There has been some uncertainty over whether the proposal is for new holiday lets or bed & breakfast accommodation but either way the trip generation associated with these uses is intensification on existing site uses (see Appendix B). In summary the estimated number of new trips per day using the access is around 35.

The access road at the rear of the site opposite Rufford Lane is unsuitable for an intensification of use, as it is located on a busy 'A' road (A616) at an already busy junction in a derestricted zone. This is an awkward 4-leg staggered junction with the access effectively providing a 5th leg on a bend. There are already existing traffic movements associated with the site access for the fishing pond and existing uses.

There have been 3 injury accidents at this junction location in the last 3 years; one of which was classified as 'serious'. Whilst in the context of the whole County this figure is insufficient to automatically trigger an accident investigation to consider remedial action by the Highway Authority (there are too many other junctions requiring attention), this junction clearly has a poor record and one which should not be exacerbated. It is worth recognising perhaps that many of the 35 or so new trips per day using this junction will be made by visiting drivers who will be unfamiliar with the junction arrangement; adding to the risks.

It is considered that there are no readily identifiable and proportionate changes that could be made to this junction to make it safe enough to permit this application and no such proposals have been put forward other than agreement, should the application be permitted, to minor kerb works to stop overrunning and the dragging of loose material on to the carriageway.

The Highway Authority would recommend that this application be refused for the following reasons:

1. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 to the east of Eakring Road which affords restricted visibility for drivers emerging from the access.

2. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 opposite Rufford Lane where there are a plethora of different turning movements in close proximity to one another; and on a bend.

#### APPENDIX A

An interrogation of the nationally used 'industry standard' TRICS database has been made to estimate the likely trip generation associated with holiday accommodation (caravan parks) and residential. The following is a summary of the results obtained.

- Holiday accommodation (existing):

Total two-way trips per day per unit = 2.66

However, one might reasonably assume that only one car might be associated with a caravan holiday let. Whereas one might reasonably assume that 2, or even 3, cars might be associated with a 6-bedroom holiday home, due to its size. So, taking an average of these i.e. 2.5 cars, a holiday let of the existing accommodation might have a trip generation of  $2.5 \times 2.66 = 6.65$  two-way trips per day.

Due to there being two holiday lets (both with 6 bedrooms) the total trip generation might be estimated to be  $2 \times 6.65 = 13.3$  two-way trips per day (total).

- Residential

Total two-way trips per day per unit = 4.65

Due to there being two homes, the total trip generation might be estimated to be  $2 \times 4.65 = 9.3$  two-way trips per day (total).

#### APPENDIX B

- Holiday accommodation (proposed):

Total two-way trips per day per unit = 2.66

For a proposal of 13 units the total trip generation might be estimated to be  $13 \times 2.66 = 34.5$  two-way trips per day (total).

- Bed & Breakfast

The TRICS database does not hold specific information for bed & breakfast accommodation, so reasonable assumptions may have to be made i.e. 1 car being associated with each bedroom, and each car conservatively used for one trip outbound and one inbound trip per day. In other words 2 trips per day per bedroom. For a proposal of 13 bedrooms the total trip generation might be estimated to be  $13 \times 2 = 26$  two-way trips per day (total).

This is a conservative estimate and does not include staff trips associated with 5 full-time and 14 part-time employees associated with the proposal. So the above figure may be easily inflated to 35+ two-way trips per day (total).

*The Highway Authority has been consulted on the response received from the applicant on the 31<sup>st</sup> July 2018. Any additional comments will be reported to Committee.*

Following the applicant's discussions with the highway authority the following additional comments dated 17.07.17 were received:-

Further to comments dated 22 June 2017, additional information has been provided by the Applicant to address previously raised concerns.

It is now understood that the proposed 13 room bed & breakfast accommodation is a replacement of an existing 12 room B&B accommodation (where that accommodation reverts to a dwelling).

Therefore the previous argument about intensification of use of the access and associated risks would appear to be unjustified.

Notwithstanding the above, the access opposite Rufford Road requires some minor improvements to prevent over-running of kerbs and the dragging of loose materials on to the highway from the access by vehicles.

So, on the basis of the above, no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be brought into use until the existing dropped vehicular footway crossing opposite Rufford Road has been improved/widened in accordance with details to be first submitted to and approved in writing by the LPA, and constructed to the satisfaction of the Highway Authority.

Reason: To prevent damage to the highway infrastructure and to provide adequate and safe access.

Original highway comments dated 22.06.2017:

This proposal is for the construction of buildings and change of use of existing buildings to bed and breakfast accommodation. The Supporting Statement submitted indicates that up to 13 rooms, sleeping up to 30 guests is proposed, and parking is available on site for 200 cars. There are a number of employees expected as part of this application, however, the exact number is not stated and the parking facilities for both visitors and staff are not clearly demonstrated.

There are two access points shown to the site, the access road at the rear of the site opposite Rufford Lane is unsuitable for an intensification of use, as it is located on a busy 'A' road (A616) at an already busy junction in a derestricted zone.

Whilst the second access, located to the east of Eakring Road, is an existing farm access, visibility for emerging vehicles is substandard to the right (in a westerly direction) due to the boundary wall of the adjacent dwelling, Highfield House. It is considered that an intensification of use of this access will result in an increase in vehicular conflict.

As such, the Highway Authority would recommend that this application be refused for the following reasons:

- 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 access onto Eakring Road which affords restricted visibility for drivers emerging from the access.
- The traffic generated by the proposed development would have an adverse impact on the traffic at the A616/Newark/Rufford Lane junction and would be a likely source of unacceptable danger to other users of the highway, due to the plethora of turning movements in close proximity.

**NSDC Conservation** - Many thanks for consulting Conservation on the above proposal.

The land at the rear of Chapel Farm sits just outside of the Wellow Conservation Area (CA).

The CA contains a number of important historic buildings, notably the landmark Church of St Swithin which is Grade II\* listed (the church spire is visible from the proposal site). Chapel Farm (formerly Park Farm) is not listed, but is a positive historic building range within the CA.

The proposal site contains areas of archaeological interest associated with a hollow way. The Gorge Dyke to the southeast of the proposal site is an important Scheduled Monument, and therefore consideration should be given to archaeological potential in the site.

Wellow Park to the north of the proposal site is an unregistered park and garden.

Legal and policy framework

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, their setting and any architectural features that they possess. Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the special 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. The courts have said that these statutory requirements operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

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 affecting the setting of designated heritage assets are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

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. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

#### Assessment of proposal

The proposal seeks to change the use of partially built stables and erect new buildings to form bed and breakfast accommodation. The development is laid out in linear fashion, comprising a U plan within a larger L plan.

The proposal site sits in a prominent location on rising land beyond Chapel Farm, and the distinctive Church of St Swithin is visible. Nevertheless, modern land levelling within the site, combined with landscaping and a discreet position behind the former farmstead ensures that the proposed development is not unduly prominent. The use of red brick and clay pantiles, with modestly scaled single storey buildings laid out in the tradition of courtyard agricultural arrangements, ensures that the development will sustain the significance of the adjacent CA and cause no harm to the historic environment in this case.

Wellow Park is well-screened from the proposed buildings by a large embankment, and whilst the car park will have an impact on its wider landscape setting, no harm will be caused to its significance in this case.

In order that the development takes the form envisaged by the Council, precise details on joinery, roof lights, boundary treatments, gates and facing materials should be provided. For the avoidance of doubt, Conservation is comfortable with the brick samples shown on site and as used in the previous approved development. The natural clay non-interlocking pantiles shown were also acceptable in principle, but please note that we would prefer natural red over artificially weathered.

No heritage impact assessment has been submitted (as required by paragraph 128 of the NPPF). Given the potential archaeological interest within and abounding the site, archaeological expertise should ideally be sought.

Additional comments have been received as follows:-

Further to discussions on the hollow way, the applicant has confirmed in writing that no works or operations will be undertaken below ground on the area identified as the hollow way. This therefore offers mitigation and preservation in situ. It is important that the character of the hollow way is not further eroded. This should be taken into account with any landscaping proposals.

Following the submission of window and door details the following comment have been received from the conservation officer:-

Further to our recent meeting with the applicant and the additional drawings and information submitted on the joinery details, I am satisfied that sufficient information has now been submitted to enable you to approve it in accordance with the submitted plans and details. The window details and sections are appropriate, and I am satisfied that we have the minimum necessary details on the glazed addition

***No further Conservation comments have been received since the report to Committee in August 2017***

**Severn Trent Water** – No comments received. Any comments received will be reported to Planning Committee

**Nottinghamshire Wildlife Trust** – No comments received

**NSDC Environmental Health (Contamination)** - This application is for the change of use and construction of buildings for residential use at a farmyard with workshop. There is clearly the potential for contamination to be present from this former use, I would therefore request the use of our full phased contamination condition.

Following the submission of a contamination report the following additional comments have been received:-

I have recently received a phase 1 desktop study report (version 2) in support of the above application. This document includes an assessment of the site history, a site walkover description and a conceptual model which considers the potential pollutant linkages. Following this the risk assessment states that no significant sources of contamination have been identified and that the site is suitable for the proposed use.

After I had received this report I was made aware of alleged illegal waste at the development site. As a result I contacted the Environment Agency who had been involved at the time of the alleged waste issue.

Given the evidence provided by the EA, and that in the desktop study, I do not consider that a contaminated land planning condition is required.

***No further comments have been raised***

**NSDC Environmental Health** – Chapel Farm, Wellow is licensed for a three day festival event once per year and for 5 one off events between June and September. All of these events will give rise to an increase in motor vehicle movements and pedestrian traffic in the area subject to the planning application which could result in disturbance. In addition to this the proposed development is likely to be one of the nearest to the festival site and therefore likely to be subject to noise from the events. However, the licences granted do limit the times that the festivals can operate within

and I do not consider these unreasonable for such events. This allied to the limited numbers of events that can take place on the site does in my opinion limit the likely impact of any potential disturbance and therefore I have no formal objection to the proposals.

***Earlier comments are reiterated as they are still relevant***

**9 representations have been received from local residents/interested parties. The representations can be summarised as follows:**

- The current planning permission allows for agricultural use but its currently used for residential purposes showing disregard to previous permissions
- The access road is poorly maintained and increased traffic will cause further damage/deterioration;
- Permission has been granted for the conversion of farm buildings to 4 dwellings
- The site is outside the village envelope;
- Access is over common land and the access drive is for agricultural vehicles not residential use;
- The building applied for as a change of use was built as a tractor shed but was clearly intended for residential use and is used as a dwelling occasionally;
- The current mains drains infrastructure will not cope;
- The current metalled road infrastructure will be unable to cope;
- The proposal will result in increased footfall and traffic;
- The proposal will result in noise and disruption;
- The numbers quoted in the application are more akin to a hotel use;
- Vehicles travelling to previous events at the site have had difficulty finding the entrance due to the level of signage;
- The access is at best a farm track;
- The main access/exit point from the A616 is unsafe on an extremely busy and dangerous junction between Newark Road, Rufford Lane and The A616. Many accidents have already occurred on this junction. An alternative entrance and exit should be considered as the increase in traffic will impact on the A616;
- The secondary access/exit onto the A616 has extremely limited visibility in both directions on exit and is dangerous especially to people visiting the area;
- The site abuts the conservation area of the village and would not be in keeping with the character and appearance of the area as well as using Common;

- Previous use of this site area has caused noise pollution to nearby properties.

Following the submission of additional statements and comments of the highway authority the following additional comments have been received:-

- The change in description to holiday lets shows a significant departure from the original application and therefore it should be refused and the applicant should resubmit.
- The Highways comments of the 29<sup>th</sup> July recommends refusal whether the proposal is for Band B or holiday let and makes clear the difference between vehicle trips from existing buildings is negligible
- The access track is common land and as such any hardsurfacing is not permitted without special permission
- Confusing information has been submitted as to the proposed use i.e. B and B
- No B and B has operated from the adjacent site – planning permission would have been required and non has been granted
- The holiday lets on the adjacent site have not operated since 2012/2013 **and were closed down due to fire regulation breaches**
- **Chapel Farm is not a working farm and information regarding farm machinery journeys is misleading**
- There is no comment from STW regarding drainage
- The red line site plan does not include the adjacent buildings and therefore any B and B use of these buildings is not a material planning consideration

**The following additional comments have been received following reconsultation on the 11<sup>th</sup> August 2017**

- ***The Orchard is not a vacant property***
- ***Comments submitted by Wellow Parish Council regarding the above application are fully supported. The application should be refused outright due to it being an inappropriate development in the countryside.***
- ***The applicant states there are 13 rooms there are in fact 17 individual ensuite bedrooms therefore the information is incorrect and misleading***
- ***It has been stated that there is a need for small scale tourist accommodation – the applicant has stated that the proposed accommodation is for use by wedding parties – these cannot be classed as being tourism related***
- ***The tourism benefits of the proposal are zero – the statement that the proposal would benefit the area by promoting tourism is wrong and misleading***
- ***The applicant has stated that the proposal would give employment to 17+ staff – Wellow***



*is not well served by public transport and so the majority of the staff would use their own transport significantly increasing the number of movements using the track and access and this must be taken into account with a Traffic Assessment*

- *Highways comments based on the applicant stating that the new accommodation would simply replace existing accommodation and the existing lets would revert to dwellings is incorrect. The existing holiday have been closed down for a number of years. Highways should have been informed of this*
- *The application is therefore vague, and misleading and should be refused*
- *The Council has allowed changes to the description leading to changes in highway comments*
- *The track is also used by the cricket club together with speeding vehicles which may result in issues with regards to the safety of users of the track*
- *The use of the track by holiday lets/service vehicles and staff will result in over intensification of use impacting on local residents*
- *The plans show what may lead to a bar area which may be open to non residents and increased traffic*
- *The proposal that non of the lets will have kitchens makes it appear that the proposal is for a small hotel which flies in the face of planning laws if approved*
- *The site is outside the village envelope*
- *Wedding parties are not tourists*
- *Concerns are raised with regards to the constant changes to the application and with the application for development on this site with enforcement history*
- *There has been no agricultural use for 2 years Chapel Farm has been used for frequent music festivals and other events (even though there are licences in place) impacting on amenity . To increase activity further would compound this*
- *Although the wording has been changed from B and B the intent is the same - it appears to be 17 rooms with no kitchens but there will be an onsite restaurant – therefore this is the format for a B and B or hotel*
- *Residents use could turn into non residents use*
- *The track is a single track (unadopted) and difficult to manoeuvre over*
- *The track is already used by farm vehicles and residents vehicles – this would significantly increase*
- *The access junction is dangerous with poor visibility – the surface of the track is uneven*

***resurfacing the track will not improve safety and will run the risk of residents using it as a short cut***

- ***The late farm building was converted to a 6 bed holiday let but has been empty for 2 years. There are several holiday cottages and a boutique hotel in the area – there is no need for more holiday homes.***
- ***Wellow Is a historic village – the need to boost agricultural areas is accepted but this has to be balanced against what exists – simple holiday lets, coupled with 2 music festivals and weddings against a village chosen for its qualities which has already been compromised by development.***
- ***Events at Chapel Farm require a license which have limited compliance criteria whereas a full planning permission requires shown compliance with widespread criteria.***
- ***The revised proposal does not indicate how many holiday lets are proposed unlike the initial application for B and B***
- ***The revised description does not change the scheme it is not for holiday lets – a B and B or hotel does not require cooking facilities***
- ***The application also seeks to change the use of a building which a government inspector recommended should be demolished therefore this change of use should not be allowed.***

#### Comments of the Business Manager

#### Appraisal

In considering the proposed development it is considered useful to discuss the activities and events commented on within the supporting statements deposited with the application which take place on the wider land close to the application site. The applicant has been granted a license to hold events between 16:00 to 00:00, 1 day per month (Monday to Sunday) up to 4 times per calendar year in June, July, August or September.

In terms of planning legislation Part 4 Class B of the Town and Country (General Permitted Development) (England) Order 2015 relating to ‘Temporary Buildings And Uses’ allows for certain events to be held for up to 28 days in any calendar year together with the provision of any moveable structures for the purposes of the event providing the use is not carried out within the curtilage of a building.

***It is acknowledged that this is application has been complicated by the information deposited and subsequent revised details and clarification of the proposals. However, given the latest planning statement deposited on 24<sup>th</sup> July and the correspondence dated 31<sup>st</sup> July 2017 by the applicant together with the clarification plans it is considered that the proposal is understood such that a view could be taken. I would normally say determination made but in this instance Members are unable to determine given the appeal against non-determination.***

#### Principle of development

A presumption in favour of sustainable development is at the heart of the National Planning Policy

Framework (NPPF) and is identified as being seen as a golden thread running through decision taking. This means approving development proposals that accord with the development plan without delay.

Paragraph 7 of the NPPF advises that there are three dimensions to sustainable development, having an economic, social and environmental role by:-

- contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth;
- supporting strong vibrant and healthy communities by creating a high quality built environment with accessible local services that reflects the needs of the community; and
- contributing to protecting and enhancing the natural built and historic environment and to adapt to climate change including moving to a low carbon economy.

Paragraph 8 of this document advises that these roles should not be seen as being independent of each other but that to achieve sustainable development these gains should be sought jointly through the planning system which should play an active role in guiding development towards sustainable solutions.

At paragraph 17 the NPPF identifies 12 core planning principles which should underpin planning decisions. Of particular relevance to this application are the principles that planning should proactively drive and support sustainable economic development, should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, should encourage and support the transition to a low carbon future (taking account for example the conversion of existing buildings). Moreover planning should contribute to conserving and enhancing the natural environment reducing pollution, encourage the effective use of brownfield land, promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas by actively managing patterns of growth and focusing significant development in locations which are or can be made sustainable and should deliver sufficient community facilities and services to meet local needs.

The NPPF goes on to recognise that significant weight should be attached to supporting economic growth through the planning system. Paragraph 28 relating to supporting a prosperous rural economy advises that planning should support economic growth in rural areas in order to create new jobs and prosperity by taking a positive approach to sustainable development by supporting sustainable growth and expansion of all types of businesses together with sustainable rural leisure and tourism developments in appropriate locations where identified needs are not met by existing facilities and which respect the countryside.

Chapter 3 of the National Planning Policy Framework recognises the need to support economic growth in rural areas. Paragraph 28 advises that there should be support for rural tourism developments that benefit businesses in rural areas. This should include support for the provision of tourist facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy DM12 of the Allocations and Development Management DPD further reflects the guidance and the presumption in favour of sustainable development identified in the NPPF. Planning

applications which accord with the policies of the Development Plan will be approved without delay unless material considerations indicate otherwise. Account should be taken as to whether the impacts of granting of permission would significantly or demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF.

The site falls outside of the main built up area of Wellow and therefore under the criteria of Spatial Policy 3 falls to be assessed against Policy DM8 of the Development Management and Allocations DPD (Development in the Open Countryside). Development away from the main built up areas of villages, in the open countryside is to be strictly controlled under these policies and Policy DM8 sets out 12 types of development considered to be appropriate in the open countryside. Of relevance is the 'Tourist Accommodation' criteria which reflects the criteria contained with Core Policy 7. The sub text of this policy identifies that the District has a well established tourist economy much of which is based around the natural resources and heritage of the north western area. The Council is keen to see this economy sustained and allowed to grow through appropriate expansion.

Core Policy 7 (Tourism Development) of the Core Strategy sets out that tourism and visitor based development will be supported subject to a number of criteria. These include that in relation to countryside locations, it is sensitive to site surroundings, including matters of landscape, nature conservation, heritage and biodiversity and that it is acceptable in scale. It also provides that outside of town centres, development should meet identified tourism needs and facilities will only be supported in rural areas where a rural location is necessary to meet identified tourism needs, it constitutes appropriate rural diversification and can support local employment.

The District Council's Plan Review, which sets out the revised spatial policy framework for delivering development, following approval at Full Council on the 11<sup>th</sup> July is now on deposit. The relevant part of the 'Publication Amended' Core Strategy is Core Policy 7. It is considered that in assessing the proposal considerable weight should be given to this amended policy which is considered to now better align with the aims of the NPPF outlined above. This policy states that 'The District Council recognises the economic benefits of sustainable tourism and visitor based development (including tourist accommodation), and will view positively proposals which help to realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or those that address shortfalls in existing provision, subject to:

'Within the open countryside the proposal representing sustainable rural tourism development which meets one or more of the following:

- Forms part of a rural diversification scheme;
- Supports an existing countryside attraction;
- Has a functional need to be located in the countryside;
- Constitutes the appropriate expansion of an existing tourism or visitor facility;
- Supports local employment;
- Meets an identified need not provided for through existing facilities within the main built-up areas of 'settlements central to the delivery of the spatial strategy', or villages covered by Spatial Policy 3 'Rural Areas'; or that
- Supports rural regeneration through the appropriate re-use and conversion of existing buildings.'

I am mindful that the policy seeks compliance with **one** or more of the criteria.

Core Policy 7 goes on to add that such proposals will still need however to be acceptable in terms of their:-

Design and Layout: and

Individual and/or cumulative impacts on local character (including built and natural environments) heritage assets, biodiversity, amenity, transport infrastructure, community services and landscape character.

#### Rural Diversification/Sustainability

Core Policy 7 requires proposals for sustainable rural tourism development to meet a certain criteria, one of which is rural diversification. Policy DM8 identifies that proposals which diversify the economic activity of rural businesses will be supported but should seek to re-use existing buildings wherever possible.

It is noted that the application site is a brownfield site with a history of use for agricultural purposes, although it is evident from my site visit that this use appears to have ceased **as has been confirmed by the applicant**. The footprint of the proposed development largely follows that of the previously approved building which is partially constructed **and remains extant** together with the historic footprint of buildings which have been demolished or lost. **An additional extension is also proposed to a 'hydroponics' building which, although the agricultural permission has expired, forms part of the proposed development and is proposed to link to the rebuilt building to the south east boundary of the site**. The proposal also seeks to reuse an existing two storey building on the site to serve as an office/reception and staff accommodation.

The proposed parking area to the north east also makes use of an existing area of hardstanding which is already used for parking serving the various events/weddings held on the surrounding land.

The applicant has stated that the proposal would serve to provide accommodation for these events/weddings.

Regard should be given to the fact that the agricultural use of the site has ceased and that the proposal would result in partially constructed buildings being completed and together with an existing vacant farm building would be brought into an effective and viable use. The proposal would also support existing events/weddings that are held on adjoining land. **I note the comments received that the adjoining land where these events are held are not within the red line site boundary. The application purely seeks permission for the holiday let accommodation within the red line. As previously stated the applicant can hold a certain number of events in any calendar year on the wider site without the need for planning permission. The proposal will reuse an existing brownfield site and will support such events and activates by providing on site accommodation for visitors thus diversifying the ceased agricultural use of the site.**

In these respects the development can in my opinion be viewed as relatively sustainable under the guidance of the NPPF which states that planning should proactively drive and support sustainable economic development such as this. I am therefore of the view that the proposal would fulfil the diversification and sustainability criteria of the above policies.

## Employment

In considering the principle of the development regard has been given to the NPPF which states significant weight should be attached to supporting such economic growth in rural areas in order to create new jobs and prosperity. Core Policy 6 of the Core Strategy identifies that the economy of the district will be strengthened and broadened to provide employment by a number of factors including supporting the rural economy by rural diversification that will encourage tourism providing the proposal meets local need and is small scale in nature to ensure acceptable scale and impact.

Policy DM8 of the DPD reflects the aims of Core Policy 6 and Core Policy 7 and supports small scale employment proposals in rural areas only where it can be demonstrated that there is a particular need for a rural location and that the proposal will contribute to sustaining rural employment.

I am mindful that a number of full and part time jobs are proposed by the applicant (equivalent to 12 full time jobs) which, albeit of a modest scale, would make some contribution to employment opportunities in the District in line with Core Policy 6, Core Policy 7 and Policy DM8.

## Need

Taking account of the above policy requirements it is considered that the main issue in establishing the principle of the proposal is whether there is a need for such development in this location within the overall context of achieving sustainable development.

The applicant has commented within the Supporting Planning Statement deposited with the application that the proposal seeks rural diversification and would support an existing countryside attraction in terms of Wellowfest, an annual 3 day festival held on adjoining fields and a number of weddings and other events held on the site throughout the year. The applicant has also stated that it is difficult to find overnight accommodation locally or within a reasonable distance of the site.

I am mindful that the evidence to support this element of the application is fairly limited and note the other occupancy figures put forward relate to Center Parcs, a much larger holiday park. It does nevertheless relate to a site reasonably close to the application and does serve to demonstrate that there is a demand for overnight accommodation to support an established area of tourism within the District which the Council is keen to sustain and grow.

I have been referred by colleagues in Economic Development to the current Experience Nottinghamshire data which uses the STEAM (Scarborough Tourism Economic Activity Model). This gives headline information in terms of visitor numbers to the District which, although dated 2014, indicates visitor numbers to major attractions in the north west of the District have increased by between 3.5 and 7.5%.

I have also referred to the D2N2 Visitor Accommodation Strategy 2016. This strategy aimed to provide a robust assessment of the future opportunities for visitor accommodation development across Derbyshire & Nottinghamshire and the requirements for public sector intervention to support & accelerate visitor accommodation. In addition to considering & analysing existing provision, the study looked at new provision of accommodation across the above area.

Referring to the D2N2 Visitor Accommodation Strategy 2016 this identified that key markets for self-catering accommodation in the District, which includes holiday lets are weddings, family

parties and events and festivals. It also notes that such accommodation is seen as offering the strongest growth market.

The applicant has stated in their supporting statements that the proposal would cater for events on the wider site. The supporting statements comment that the number of guests attending events during the weekends, notwithstanding the annual Wellow Fest music festival, is on average between 80-120 with no on-site accommodation provision.

Criteria contained within Core Policy 7 also seeks to support development which itself helps to support existing visitor attractions within the District.

The application site is also close to a number of visitor attractions in the north west of the County and the District including Rufford Abbey, Sherwood Forest and Clumber Park. ***The proposed development would provide a form of small scale tourist accommodation for visitors not only to the events held on the wider site but also for those visiting the local area thus providing a level of support, albeit modest, to the development of the tourist economy within the District.***

***I am mindful of the comments received with regards to the failure to demonstrate proven local need for the proposed development. I am of the view that taking account of the D2N2 Visitor Accommodation Strategy 2016 and Experience Nottinghamshire information that although the applicant has submitted little information with regards to need these documents do indicate that there is a short fall in small scale holiday accommodation within this part of the District. As an officer, despite the inability of the applicant to satisfactorily demonstrate this for themselves, I do consider that I have enough information before me to be able to conclude that a need does exist.***

#### **Impact on Character including design and layout**

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

It is accepted that the proposal is intensive in terms of layout and constraints of the site. However, this is not considered to be so over intensive as to justify refusal on these grounds.

The proposed development predominantly retains the footprint of existing buildings on the site. Although some of these are only partially constructed, these relate to the extant permission for previously proposed stables and to the hydroponics building details of which are outlined within the planning history section of this report. The layout scale and design of the proposed buildings and extensions are considered to sit well within the context of the site and reflect a traditional agricultural courtyard layout. The proposed use of reclaimed materials as viewed on site by the Conservation officer is considered to be acceptable and to reflect the adjoining buildings and the agricultural setting of the site. Similarly the proposed window and door design for the proposed buildings are considered appropriate, as confirmed by the conservation officer, within the rural setting of the site.

I note the comments received with regards to the use of the access track and its impact on the character of the area. It is accepted that activity would increase. However, it is considered that this would not be so significantly greater than currently exists given the number of events that could be held on the wider site that would constitute permitted development as outlined within the introductory paragraph within the Appraisal section of this report so as to so unduly harm the character of the area to justify refusal on these grounds.

Taking the above into account it is considered that the proposal, on balance, accords with Policies CP9 and DM5.

### **Impact on the Conservation Area and Heritage Assets**

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

Paragraph 131 of the NPPF states that in determining planning applications local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets and putting to viable uses consistent with their conservation, the positive contribution that the conservation of the asset would make to sustainable communities and to the character and distinctiveness of the area.

The NPPF adds at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 137 of this document states that local planning authorities should look for opportunities for new development in Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the significance of the asset should be treated favourably.

Policies CP14 and DM9 of the Council's LDF Core Strategy and Site Allocations DPDs are also relevant in this context. These policies seek, amongst other things, 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 affecting heritage assets are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

It is noted that the site does not fall within but sits adjacent to the Conservation Area which contains a number of important historic buildings and that the site contains areas of archaeological interest.

The comments of the Conservation Officer are acknowledged. I am mindful that the proposed buildings are of a similar scale and appearance to those which have previously been approved on the site and which remain partially constructed. I would also concur with the Conservation Officer that given the levelling of the land within the site and the scale and location of the proposed development behind existing buildings, the proposal retains a traditional agricultural courtyard layout and thus the proposal would not appear unduly prominent nor cause harm to the conservation area and historic setting of the site in this instance.



It is noted that having visited the site and viewed the proposed materials the Conservation Officer has raised no objections to the proposal subject to the suggested conditions in relation to the submission of precise details on joinery, roof lights, boundary treatments, gates and facing materials which are considered reasonable in this instance.

Joinery details of the proposed windows and doors and conservatory to the rear of the u shaped building have been submitted. Although lacking some finer detail the conservation officer is satisfied that sufficient detail has been submitted and that the details and sections are appropriate, reflecting the former agricultural use and rural setting of the site.

I am therefore of the opinion that, on balance, the proposal meets the criteria contained with Core Policy 14 and Policy DM9.

### **Impact on Landscape Character**

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The site is identified within the LCA as falling within the South Nottinghamshire Farmlands character area, and character zone MN PZ 17, Wellow Park Village Farmlands with Ancient Woodland a landscape area considered as being of very good condition and low sensitivity with a landscape action to conserve.

Given the location scale and design of the proposed buildings together with the topography of the land I am of the view that the proposal would not have an intensive visual impact. Furthermore the proposed parking area already comprises areas of hardstanding and is **already in use and is used** for parking of vehicles. ***I note the comments received with regards to the parking area. The applicant has advised that this is currently used for event parking (which would fall within the remit of permitted development providing it meets the 28 days criteria). There are no proposals for resurfacing this area which will retain the existing character of the land. The impact of this element of the proposal is not considered to have such an undue impact to justify refusal on these grounds.***

Overall, it is considered that the site is capable of accommodating the proposed development without any significant adverse impact on visual amenity. As such, it is considered the proposal accords with Core Policies, 9, 13 and 14 in this respect.

### **Impact on amenity**

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

I am mindful of the comments received with regards to impact on amenity and previous noise disturbance from the site.

Dealing with the impact of the proposed development, it is accepted that the level of activity to and from the site would increase in terms of vehicle movements. However, this would generally be at its greatest at the times when events are being held on land adjoining the application site and which can attract significant numbers of people. I am also mindful that there has been a holiday let use of the converted barns in the past which would have attracted increased movement to and from the site along the existing track. I am satisfied that any increase in activity in vehicle movements from the proposal would not be so significant so as to unduly impact on neighbouring amenity.

I note the comments received with regards to noise pollution. Given that the site is currently disused I assume that this relates to the events which take place on adjoining land. I note the comments received from Environmental Health with regards to disturbance. However, this application relates to the site as shown on the site location plan and the proposed development has to be assessed on its own merits in terms of noise impacts. It is not considered that the proposed use as holiday lets given the siting of buildings and the courtyard layout would generate significant outdoor noise to justify refusal on these grounds.

It is therefore not considered that the level of activity associated with the proposed holiday accommodation would be so significant and be so harmful to neighbouring residential amenity to justify refusal on these grounds.

Overall I am satisfied that there would be no undue impacts on neighbouring residential amenity and the proposals therefore comply with Policy DM5 in this regard.

### **Impact on Highways Network**

The NPPF promotes sustainable transport and amongst its objectives seeks safe and suitable access to a site can be achieved for all people.

#### **Paragraph 32 of the NPPF states:**

**'Plans and decisions should take account of whether:**

- **the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;**
- **safe and suitable access to the site can be achieved for all people; and**
- **improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'**

Spatial Policy 7 of the Core Strategy also seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems. This is reflected in Policy DM5 of the Allocations and Development Management DPD.

Although there are a number of events taking place the applicant has a license to hold an event 1 day per month up to 4 times a calendar year in June, July, August and September and the 3 day Wellfest once a year. These events are periodic in nature and would fall within Permitted Development and therefore outside of the planning remit and control. The applicant could hold **events not more than 28 days in total in any calendar year providing** they are outside the curtilage of a building under permitted development legislation as defined **within Part 4 (Temporary Buildings and Uses) Class B of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.**

The current proposal itself does however, constitutes development and as such has to be assessed against the relevant planning policies and guidance. Bearing this in mind the proposed development would be capable of being used all year round, creating potential additional regular vehicular activity ~~of up to 13 cars at any time~~ should the individual units of holiday accommodation be fully booked by individual occupiers.

***I note the previous comments of the Highway Authority. The comments received on the 28th July 2017 the Highway Authority understood that the existing accommodation on the adjacent site had previously been used as two holiday lets each with 6 rooms, whereas the current proposal is for 13 holiday lets which they consider would have a significantly higher trip generation and would consequently result in an intensification of vehicular movements likely to have a detrimental impact on highway safety at both the proposed vehicular access points on to the A616. On the basis of the anticipated trip generation of the proposal and the impact on highway safety, the Highway Authority at that time objected to the proposal and recommended refusal.***

***Taking on board the Highway Authority's advice, at that time the officer recommendation was for refusal as per the report on the 8<sup>th</sup> August 2017 Committee agenda.***

***After discussions between the Highway Authority and the applicant and taking account of the additional submissions to clarify the plans and the intention for the proposed development, it was clarified that the proposed development has 2 separate blocks of accommodation, one block having 5 bedrooms (only 1 of which has basic kitchen facilities) and one block having 8 bedrooms with a mezzanine floor with a small seating area. Both blocks would be served by a shared kitchen and dining area.***

***It was at that time considered possible to secure by a S106 Agreement the use of the two properties within the ownership of the applicant on the immediately adjacent site (namely Barn 1 and the Farmhouse which have previously been used as 2 no. 6 bedroom units of holiday accommodation and which are outlined in blue on the submitted site plan) to be restricted to solely residential units and to not to be used for any commercial purpose. This would ensure that the proposed development would replace the previous holiday let use on the adjacent site which would revert to dwellings and thus would assist in reducing the vehicle trip generation and the intensification of the use of the access.***

***I note the comments received regarding the previous holiday let use on the adjacent site discussed above not being operated for a number of years, following issues with fire regulations. However, this does not prevent the required works to bring the buildings up to standard being carried out and the holiday let use recommenced (given that planning permission is not required to operate self catering holiday accommodation subject to a maximum of 6 non-family residents per unit, as this falls within the same residential Class C3 use as the existing dwellings and has***

*not been restricted by condition when the barns were converted to dwellings). This has been discussed with the Highway Authority.*

*Taking this into account the Highway Authority revised their comments, considering that given that only one of the holiday let rooms would have its own individual kitchen, the rest of the rooms being served by a shared kitchen facility. On this basis, the Highway Authority considered that the previous statement that the proposal would replace the existing two holiday lets (each with 6 rooms) would be realistic and the concerns raised with intensification of use of the access would not be justified.*

*Notwithstanding this the highway authority has subsequently been advised by Officers that given that it would not constitute development, kitchens could be installed in the rooms and internal connecting doors could be removed without the need for planning permission. This cannot be lawfully controlled. In light of this the highway authority has reconsidered their comments and issues of intensification of use of the access onto the main road and highway safety have again been raised and a recommendation of refusal on these grounds made. The distinction here is that the new holiday lets have the potential to be utilised as 13 self contained holiday lets and the comparison with the existing 2 dwellings previously used as 2 self contained holiday lets (each with 6 bedrooms) is therefore no longer valid.*

*Paragraph 32 of the NPPF states that proposals should only be refused on highways grounds if the impacts are severe. The advice of the Highway Authority is that the additional two-way trips generated by the proposed development would result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 opposite Rufford Lane where there are a plethora of different turning movements in close proximity to one another; and on a bend. In this case we are talking in terms of highway danger, as opposed to say simply highway congestion. Whilst it is for the highway authority to defend themselves (and this Council should Members be minded to have refused the applicant should the power have remained with them) I do consider that an unacceptable increase in danger to road users does legitimately constitute a severe impact contrary to Paragraph 32. It will be for the highway authority to defend this position alongside the LPA, and I have agreed, as you would expect, that if this matter is refused they will indeed mount a defence, whatever the appeal procedure.*

*Taking the above into account, although being mindful that the highways comments have swayed during the lifetime of this application (given the information available to them at that time) I can only follow the latest advice of the professional and technical advisors and would therefore consider that the proposal fails to accord with the NPPF Policy SP7 of the Core Strategy and DM5 of the of the Allocations and Development Management DPD.*

### **Flooding and Impact on Drainage Network**

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

Policy Core Policy 9 of the Core Strategy requires that all new development through its design proactively manage surface water including, where feasible the use of Sustainable Drainage Systems.

The site falls within Flood Zone 1 as identified in the Environment Agency Flood Maps.

The comments received with regards to drainage and flooding issues are noted together with the drainage details submitted by the applicant and the statement confirming that they have replaced the drains on the site which had been adopted by Severn Trent Water. I have consulted with Severn Trent Water but have received no response at the time of writing this report. **Any comments received will be reported to Members as a late item at planning committee.**

Overall, I am satisfied that the proposal is not in an area of flood risk and that subject to no objections being received from Severn Trent Water, the site can be appropriately drained in accordance with Core Policy 9.

### **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. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires at para. 118 that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

I am mindful that the no ecological survey has been deposited with the application. However no demolition of existing buildings is proposed and the site for the proposed **holiday accommodation** facility, given its previous agricultural use and current construction works, is generally hard surfaced and has existing areas of construction. Similarly the proposed area of parking, which currently provides parking for the events is hard surfaced or poor quality grassed area.

It is for these reasons that it is not considered that the proposed development would have a detrimental effect on protected species or their habitats. Notwithstanding this I consider it reasonable to attach informatives should permission be granted reminding the applicant of their responsibilities in terms of Wildlife legislation.

It is therefore considered that on balance, the proposals accord with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

### **CIL**

***The site is situated within the Southwell Rural Community Infrastructure Levy Zone where residential development is charged at £75m<sup>2</sup>.***

## Other Matters

### Planning History and proposed/current use of the site

The comments in relation to permitted buildings on the site are noted. As outlined in the Planning history Section of this report the hydroponics building on the site was deemed to fall within the remit of agricultural permitted development although it is acknowledged that the building was not completed within the permitted timescale. **However, it remains the case that the partially constructed building is in situ and that it is now included within the proposal.** With regards to the stable block, full planning permission was granted in 2005. Condition 8 of this permission together with the Third Schedule within the associated S106 agreement restricted the use of these stables for private and domestic purposes and not for any commercial riding establishment, stud activity or business. Clause 2.5 of this document states that:-

‘Nothing within this agreement shall prohibit or limit the right to develop or change the use of any part of Land in accordance with a planning permission (other than any permission granted pursuant to the Planning Application granted (whether or no on appeal) after the date of this agreement.’

This therefore does not preclude the applicant seeking an alternative planning permission for the site. Notwithstanding the history of the site any application would be and is, as is the case with the current application, assessed on its own merits and against current planning policy.

I note the comments received with regards to the proposal being more akin to a hotel rather than a bed and breakfast establishment. Both of these uses would fall within the same Use Class (Use Class C1 – Hotels, Boarding Houses and guest Houses) as identified within the Town and Country Planning (Use Classes) Order 1987 (As Amended).

I also acknowledge the comments regarding the confusion raised by additional information deposited by the applicant. However, the applicant has confirmed in these statements that it is not their intention to operate any B and B from the site and they have clarified in writing that the description of the proposed development should read ‘Erection of buildings and change of use of existing buildings to form holiday letting accommodation’.

***Comments have also been received which comment that there are 17 rooms and a restaurant (which has the potential for use by non residents) proposed. From the layout and floor plans there are 13 bedrooms (5 in the rear block and 8 (with mezzanine bedrooms) in the U shaped block). The u-shaped block has a shared kitchen and dining room facility to the rear. This is not shown to be a proposed restaurant or bar as has been suggested in comments received. The facilities shown on the proposed layout plans would serve the residents of the holiday lets. Should a bar or restaurant be open on the site which would be open to non residents and general members of the public this would be a change of use and as such would require separate planning permission.***

### Existing and partially constructed structure on site

With regards to the existing use, there are some partially constructed buildings on the site relating to stables and some agricultural buildings together with a two storey **building** which is used for **storage and a small office**. Having visited the site there is currently no evidence to suggest that any of these buildings **are or** have been recently occupied. The partially constructed stables were

historically granted planning permission (not under agricultural permitted development) and as works have commenced the permission remain extant and the building can be completed to the approved scale and dimensions.

***Notwithstanding this all of partially constructed buildings do form part of the proposal. The footprint and height of the currently proposed buildings are the same as previously approved, the change of use relates to the two storey farm building and the other building standing on the site. I am of the view that in terms of built form on the site some weight has to be given to this in terms of the level of built development.***

#### **Information and plans submitted and reconsultation**

***I note the comments received with regards to confusing and contradictory information that has been submitted with the application. The applicant has confirmed the description and has submitted additional drawings for clarification. Reconsultation has been subsequently been undertaken.***

#### **Land Use**

***With regard to the use class of the proposed development as holiday letting accommodation this would fall under Use Class C3.***

***With regards to comments received in relation to the red line boundary and legal agreements to control the use of the land owned by the applicant outside the red line boundary (which does not benefit from planning permission for tourism or business use), as already outlined this is a standalone application seeking permission for holiday let accommodation within the red line boundary. The applicant can undertake events on adjoining land under Permitted Development as discussed within the Appraisal section of this report.***

***With regards to the use of the converted barns adjacent to the site never being used as holiday lets, notwithstanding the matter of the fire regulation breach a search of the web has confirmed that these have historically been holiday lets.***

***With regards to the ownership of the track the applicant has served notice on the owner identified in the land registry plans. Any deeds or covenants etc that prevent any work (including) to the track would be a private legal matter.***

#### **Contamination**

Given the previous agricultural use of the site and alleged dumping of waste, the applicant has submitted a phase 1 desktop study report. I note that both Environmental Health and the Environment Agency have raised no concerns with regards to contamination.

#### **Permitted Rights of Way and access over common land**

The comments received with regards to Rights of Way are duly noted. The applicant has now served notice on the landowner.

#### **Agricultural Permitted Development**

I note the comments received with regards to the use of the site being non-agricultural and therefore the proposed development does not fall within any of the requirements under the Permitted Development Rights for Agriculture and Forestry. The application before members does not relate to any agricultural permitted development but seeks full planning permission under the Town and Country Planning Act 1990 for the proposed development.

#### Adjacent Site

I note that the adjacent site which contains the approved barn conversions which have residential use (4 properties previously used as holiday lets without the need for planning permission) is not included within the red line of the site location. However, two of these properties remain within the ownership of the applicant and have been outlined in blue to indicate this ownership.

***Comments raised with regards to the adjacent buildings not being used as holiday lets for a number of years are discussed within the highways section of this report.***

#### Conclusion and Planning Balance

***The proposal would be relatively sustainable bringing existing and partially constructed buildings into use, meeting a need for small scale tourist accommodation and providing a small number of jobs. The proposals are of an acceptable design and would not unduly impact on heritage assets including the adjacent Conservation Area. The proposals would comply with the NPPF and Development Plan Policies in these regards.***

***However, I note the concerns of the Highway Authority advising that the proposals would result in an intensification of use of the proposed access points onto the A616 and that this would be likely to unduly impact on Highway safety. Without evidence to the contrary, and in attaching weight to the danger identified by highway colleagues being significantly adverse, I consider that these highway safety concerns outweigh the benefits to tourism and employment outlined above and the proposal would be contrary to the NPPF, Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013) which require developments to provide safe and convenient access and be appropriate for the highway network in terms of volume and nature of traffic generated to ensure highway safety.***

***Recommendation:- Refuse planning permission for the following reason;***

***01***

***In the opinion of the District Council and Nottinghamshire County Council as Highway Authority, the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 to the east of Eakring Road which affords restricted visibility for drivers emerging from the access. The proposal would also be likely to result in an unacceptable increase in danger to other users of the highway owing to increased use of the existing access onto the A616 opposite Rufford Lane where there are a plethora of different turning movements in close proximity to one another; and on a bend. The proposal would therefore be contrary to the NPPF, Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013) which seek to provide that***



*developments should provide safe and convenient accesses and be appropriate for the highway network in terms of volume and nature of traffic generated to ensure highway safety.*

BACKGROUND PAPERS

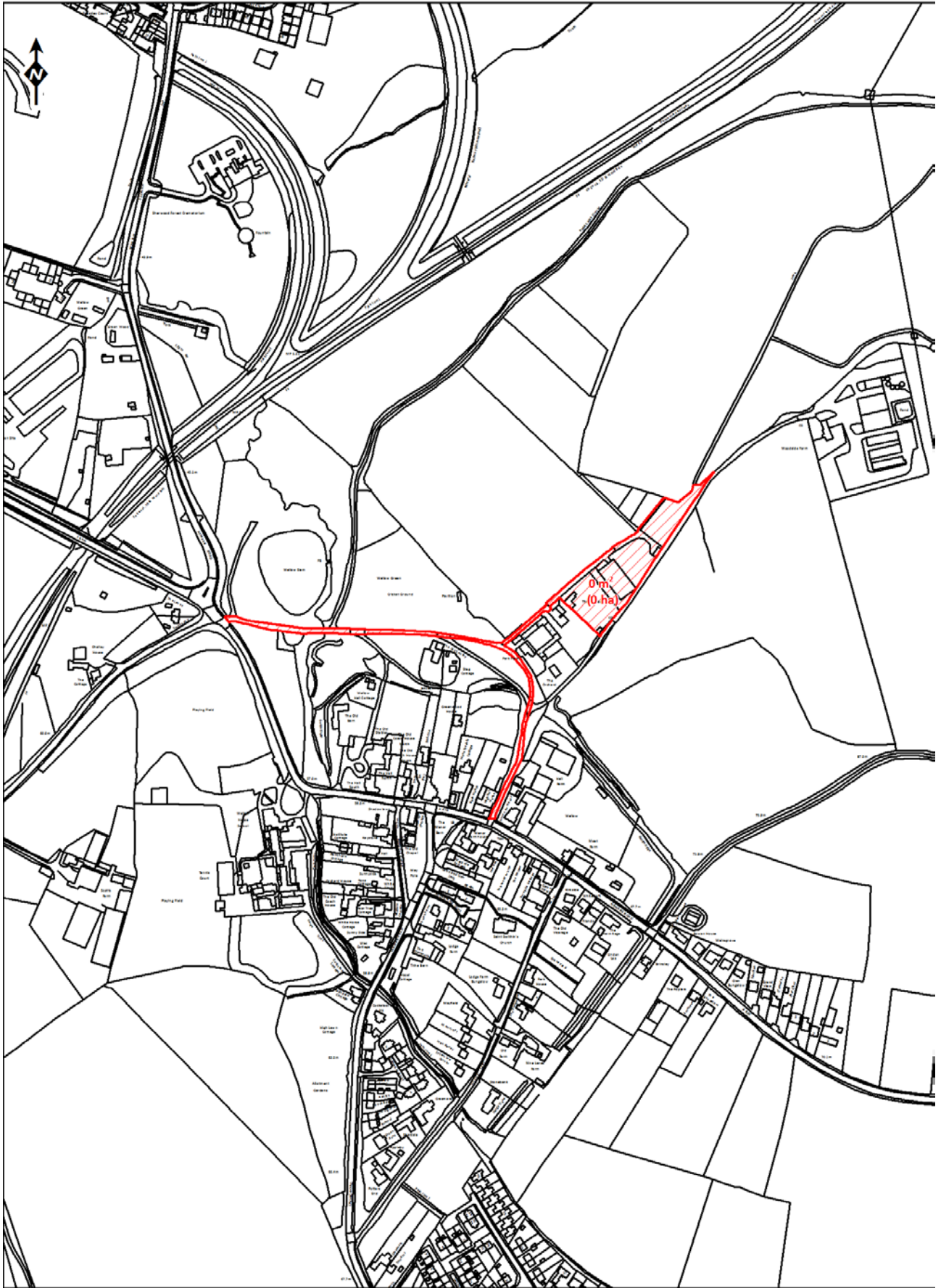
Application case file.

For further information, please contact Bev Pearson on ext. 5840

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

**Kirsty Cole**

**Deputy Chief Executive**



<b>Application No:</b>	<b>17/01193/FUL</b>	
<b>Proposal:</b>	<b>Demolition of garage and creation of a 5 bedroom house with detached double garage, formation of new driveway for the existing dwelling, Little Hollies.</b>	
<b>Location:</b>	<b>Little Hollies The Close Averham NG23 5RP</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs D Burke</b>	
<b>Registered:</b>	<b>29 June 2017</b>	<b>Target Date: 5 September 2017</b>

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

The Site

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

Relevant Planning History

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

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

This application was subsequently dismissed at appeal. The Inspector disagreed with the LPA that

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

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

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

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

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

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

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

1. Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Averham, this falls within the category of an “other village within Newark and Sherwood.” This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be

satisfied before the proposal could be considered to be in compliance. The applicant has not provided sufficient evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3.

2. The site comprises a parcel of land adjacent to Little Hollies and lies within the Averham Conservation Area. The general character of this part of the Conservation Area comprises large spacious plots that span from The Close to Pinfold Lane. In the opinion of the Local Planning Authority the proposal does not reflect that character with the new dwelling appearing cramped and representing an over-intensive development that is out of character with the area. Therefore the proposal is contrary to Core Policy 14 (Historic Environment) of the Newark and Sherwood Core Strategy Development Plan Document and Saved Policy C1 (Development in Conservation Areas) of the adopted Newark and Sherwood Local Plan.

This application was subsequently dismissed at appeal in March 2013.

The Inspector agreed with the LPA on the issue of need stating that;- *“The policy says that new housing in rural areas should help to meet identified proven local needs. Unfortunately the Core Strategy is largely silent on its meaning or how applicants are meant to demonstrate that there is a local need. An Inspector, in allowing a recent appeal in a similar village<sup>2</sup>, interpreted local need for the purpose of that decision as “the specific needs of particular individuals or groups within the local community that would be met by good quality housing with a mix of different sizes, types and tenures”. Within villages, such requirements could relate to the need to provide accommodation for persons working in the area as well as to family circumstances, such as applied in the North Muskham case. The Appellant refers to a requirement to provide a dwelling in order to care for aged relatives. However, there is no evidence to confirm that the relatives are in need of immediate support or that a three bed roomed house is the most appropriate accommodation within which to provide any required care. The North Muskham case involved the construction of a dwelling to enable that appellant to reside close to elderly relatives who were established in that village. This Appellant’s relatives live in Newark, which is a far more sustainable location and with a far wider range of facilities used by elderly persons than is to be found at Averham. The Appellant points out that his relatives have long standing connections with Averham but there is no evidence to support this. I therefore conclude that an identified proven local need for the dwelling has not been identified and that the proposal is contrary to SP 3. Unless there are special local circumstances, development in rural villages, even comparatively sustainable ones such as Averham, is not preferable to development at Newark or within Service Centres and Principal Villages. There is no evidence to suggest that the identified housing needs of Newark District could not be met within the designated settlements or that the District does not have an identified 5 year land supply. The support offered by the Framework does not therefore outweigh the up-to-date Development Plan Policies.”*

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

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

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

This application was subsequently dismissed at appeal in September 2014.

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

*"8. The site is within the built up area of Averham. Two appeals relating to this site have been dismissed in the recent past. In these appeals it was found that the village has a limited range of local facilities but bus services provide access to Newark, Southwell and Mansfield which have a wider range of services and employment opportunities. The parties are agreed that in essence only the criterion of "need" is outstanding in respect of SP3. From the evidence I have seen I have no reason to come to a different view and have therefore considered the appeal on this basis.*

*9. SP3 says that new housing in rural areas should help to meet identified proven local needs. The meaning of local need, or how applicants are meant to demonstrate that there is such a local need, is not clear from the CS. Both parties have drawn my attention to a number of appeals in this respect and I have taken account of them all.*

*10. In September 2013 the Council published the "Spatial Policy 3 Guidance Note" (GN) which recognises that differences in interpretation have arisen in decisions featuring SP3, and seeks to further explain the policy to aid consistency in decision making. In relation to need, the GN indicates that SP3 is intended to serve the public interest rather than that of individuals and consequently the proven local need to which it refers must be that of the community rather than the applicant. It goes on to say that the policy is not intended to cater for individuals' desire to live in particular locations or in particular types of accommodation. This broadly accords with the PPG, which, in advising of material planning considerations, refers to the general view of the Courts as planning being concerned with land use in the public interest.*

*11. I appreciate that the GN has not been the subject of consultation, does not form part of the development plan and therefore is of limited weight. I am also aware that the CS pre-dates the Framework. However, for the reasons set out above I consider that SP3 and the GN generally align*

with the advice in the Framework and in the PPG.

12. Paragraph 14 of the Framework requires that development proposals that accord with the development plan should be approved without delay. I have seen no evidence to suggest that the identified housing needs of Newark and Sherwood District could not be met within the designated settlements or that the District does not have an identified 5 year land supply. Therefore the support offered by the Framework in terms of sustainable development does not outweigh policies SP1 and SP3 of the CS which seek to locate development within Newark and identified settlements as being the most sustainable approach, unless there is a specific local need.”

23. For the reasons set out above and taking everything in the round I conclude that, on balance, a proven local need for the dwelling has not been identified.

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

**16/00859/FUL** This application was for the Demolition of the garage and creation of a 3 bedroom house. Formation of new driveway for the existing dwelling, Little Hollies. This application was refused planning consent and subsequently allowed at Planning Appeal granting consent for the erection of a dwelling at the site.

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

### The Proposal

The proposal is for the demolition of the existing garage and the creation of a 5 bedroom house with a detached double garage and formation of a driveway for the existing dwelling at Little Hollies. The application is in effect an amended house type submission from the extant consent for a 3 bedroom property at the site.

### Departure/Public Advertisement Procedure

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

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth  
Spatial Policy 3: Rural Areas  
Spatial Policy 6: Infrastructure for Growth  
Spatial Policy 7: Sustainable Transport  
Core Policy 3: Housing Mix, Type and Density  
Core Policy 9: Sustainable Design  
Core Policy 14: Historic Environment

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

Policy DM3: Developer Contributions and Planning Obligations  
Policy DM5: Design  
Policy DM9: Protecting and Enhancing the Historic Environment

### **Other Material Planning Considerations**

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

### **Consultations**

#### **Averham, Kelham, Staythorpe Parish Council – - Object to Proposal**

Comment: 1. Scale- The applicant seeks to amend the currently approved design for the application site from 3 bedrooms to 5 bedrooms with an increase in the total floor area of 40% from 147sqm to 207sqm. The P.C. believe this represents an unacceptable increase in scale and an over development of the site which would damage the character of the Averham Conservation Area.

2. Impact- The P.C. believe this would be an over-development of the plot, and would have a negative impact on surrounding properties.

**NCC Highways Authority** – Response received raises no objection to the proposal stating: This proposal is for the erection of a dwelling adjacent Little Hollies, with a new vehicular access from Pinfold Lane and pedestrian access from The Close. This section of Pinfold Lane is adopted public highway with a wide verge. Sufficient parking is provided for Little Hollies.

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

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

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



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

2. The pedestrian access shall be constructed and surfaced in a bound material in accordance with the approved plan to the Highway Authority's specification.

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

3. No part of the development hereby permitted shall be brought into use until the existing site access from The Close that has been made redundant as a consequence of this consent and as shown on plan DB389 A101 is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

4. No part of the development hereby permitted shall be constructed until the parking area for the existing dwelling is provided in accordance with the approved plan. The parking area shall be maintained for the life of the development and shall not be used for any purpose other than the parking of vehicles.

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

**NSDC Conservation Officer** – Given the similarity in design to the 2016 scheme (ref 16/00859/FUL), the detailed comments remain material. However, we have given thought to the increase in dimensions, as well as the addition of a lean-to and rooflights. Overall, we feel that the changes are minor in the context of the whole CA and do not result in any adverse impact.

*Comments in relation to application 16/00859/FUL repeated as follows for clarity:*

"I have given the current application good consideration alongside the extensive site history at this site.

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

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

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

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

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

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

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

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

Overall I think the Inspector makes a fair and thorough assessment of the 2012 application and I am persuaded by their logic. Given the specifics of this site, the resulting new density would not be of character. Loss of greenery and spacing would result, but not from an area specifically identified as contributing positively. Nevertheless the loss of greenery and openness could cause some limited harm, but this would be to a large extent off-set by the demolition of the garage. Overall

then the application is likely to maintain the character and appearance of the Conservation Area and I have no objection, subject to condition (position within the plot, landscaping, loss of the garage, as well as high quality materials). “

**NSDC Access and Equalities Officer** – Makes comments regarding the need to comply with Part M of the Building Regulations which contain standards for accessibility. Recommends careful consideration of the access around the outside of the property.

**Representations have been received from 11 local residents/interested parties which can be summarised as follows:**

- Impact of the proposal upon the character of the Conservation Area.
- Concern as raised in relation to the impact upon the character of generous plots.
- The objections consider that the increased size of the proposal impacts upon this openness along with the detached garage block.
- Visual impact of the new access to Pinfold Lane.
- Impacts upon neighbouring properties from overlooking, overshadowing, oppression, outlook, noise, air quality from vehicle fumes and highways safety have been raised.
- The Village Oven / Bake House should be retained.
- A number of errors in the submission have been raised including a reference to the proposed garage and its opening. The supporting statement indicates that the garage would be sited to rear with the opening facing to the north. This proposed garage would open to the west. Further discrepancies are raised in relation to reference to Pinfold Lane / Pinfold Road within the supporting statement and concern in relation to the removal of hedgerow to The Close

## Appraisal

### *Principle of Development*

The proposal seeks an amended house type for the extant consent of application reference 16/00859/FUL as such the principle of residential development at the site has been established. Given this it is considered that the proposed dwelling is acceptable in principle.

### *Scale and Impact of Development*

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is consented under approval reference 16/00859/FUL and is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling (even in the context of an increased number of bedrooms) is unlikely to materially affect the transport network in terms of increased traffic levels in volume

(this is discussed further in the Highway Safety section of this report). This is in line with the Inspector's previous decision for the site.

#### *Impact upon the character and form of the Conservation Area*

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

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

In the Inspectors consideration of an earlier scheme (12/00705/FUL) there was discussion of the open aspect between properties and the character this affords the locality. The Inspector in considering that proposal provided the following commentary:

*"The ... proposal would be about 5.5 metres from both Little Hollies and Sycamore House. This is within the range of separation distances between buildings on the next four plots to the west and could be preserved by a condition. In such circumstances this appeal proposal would not be out of character with the development immediately to its west."*

As such, while the resulting grouping of houses would be closer than some of the houses on The Close, it has already been established that this spacing is varied and the resulting density would not be out of character with those buildings to the west.

This current proposal seeks to vary the house proposed. The proposal would maintain the consented position in terms of separation between the property proposed and Little Hollies but would extend further into the gap with the property at Sycamore House. The resulting gap would be at approximately 4.85m and would still retain the spacing of properties along this part of The Close. As such there is no significant impact from the proposal in this regard against the consented position.

The proposal is for a larger property increasing the accommodation from the consented position through a single storey forward projection with a simple lean to roof and with an increase in width and height. The resultant property is approximately 1.2m greater in depth (part of which is single storey) and approximately 1.2m increased in width. The proposed eaves heights remain the same as the consented scheme with the ridge height increasing by approximately 0.8m to allow for accommodation in the roof. The proposal also makes a number of fenestration detailing changes

with the following alterations from the consented scheme:

*Front elevation:*

- Addition of single storey lean to style projection.

*Right side elevation:*

- Alteration of window openings to provide a secondary window to a kitchen dining area and a window opening serving a play room.
- At first floor the proposal provides two openings to be obscured glass serving a stairwell and an en suite to the master bedroom.
- In addition a roof light is proposed to the bathroom.

*Left side elevation:*

- The roof slope will also have five additional roof light openings serving bedroom 4 and 5 and the landing/ stairwell.

*Rear Elevation:*

- The rear elevation alterations are the introduction of a larger opening to the Kitchen Diner patio doors.

The visual appearance of the dwelling follows the design principles of the consented dwelling. The increases in footprint are noted but it is considered that these would be relatively imperceptible when built out on site. I appreciate the calculations of the Parish Council in respect of the increases in floor area but given that the majority of the additional space would be provided within the roof space, the impacts on the character of the area would be minimal in comparison to the extant scheme. This view is shared by the comments of internal conservation expertise as referred to above. On this basis officers do not consider that there would be robust grounds on which to resist the revised design in character terms including in the heritage context.

Impact on Amenity

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

None of the previous planning applications have been refused on grounds of residential amenity. The proposal has suitable separation distance to the neighbouring properties for impacts upon the neighbours for oppression and overshadowing. The proposal orientates its main habitable accommodation openings looking toward The Close and Pinfold Lane with only secondary windows, non-habitable openings and roof lights to the side elevations to Sycamore House and Little Hollies.

Objections have been received in relation to overshadowing and oppression upon the outdoor

amenity area to the north of the neighbouring property. In this respect the proposal is situated to the north east of Sycamore House and would result in potential for overshadowing to the morning only. As such the potential impacts upon the residential amenity of the Sycamore House is not considered to be of a significant level to warrant refusal of the scheme on these grounds. With regard to oppression from the massing of the building, it is noted that the proposal projects beyond the northern elevation of the Sycamore House and has been sited closer to the shared boundary. However the proposal achieves 4.8m separation to the adjacent property. The proposed property steps down to single storey for the final metre of a 4.2m projection beyond the rear of The Sycamores. The proposed development is not considered to result in such a mass of built form to warrant resistance on the grounds of oppression.

In addition to the amendments addressed above the proposal would result in the addition of 5 roof lights to the eastern roof slope and a further single roof light to the western roof slope. These are to be located to a high level and would not result in any significant impacts of overlooking upon the neighbouring properties.

Given the above assessment it is not considered that there would be any significant impacts of overlooking, overshadowing or oppression to warrant refusal of the application on these grounds. As such the application is considered to be in accordance with policies SP3 and DM5.

#### Impact on Highways

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

The wider site (the host dwelling and the adjacent application site) currently has two vehicular accesses, one from Pinfold Lane at the rear of the site and one from The Close at the front of the site. This application proposes closing off the vehicular access to The Close and having two vehicular accesses from Pinfold Lane. There will be two pedestrian accesses from The Close. This is in line with the previous application at the site which was not refused on highway grounds. The Highways Authority have been consulted upon the proposed scheme and have not raised any objections. It is therefore considered that subject to the requested conditions that the proposal is acceptable in this respect with Policy SP7 of the Core Strategy and DM5 of the Allocations and Development Management DPD.

#### Conclusion

The proposal site has a fallback position for the erection of a three bedroom dwelling and therefore the development of this site for residential purposes is accepted in principle. The proposal is considered to be acceptable in respect of the potential impacts upon the character of the Conservation Area, Impact upon neighbouring properties residential amenity and highways safety. As such the proposal is considered to be acceptable and is recommended for approval subject to the conditions outlined below. It should be noted that the content of the conditions has

taken account of the commentary with the Inspectors report.

## **RECOMMENDATION**

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

### **Conditions**

1. The development hereby permitted shall be begun not later than 4<sup>th</sup> January 2020.

Reason: In acknowledgement of the extant permission on the site which requires development by this timeframe.

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

- Site Location Plan, Drawing No. DB 389 – A100 Rev A
- Proposed Site / Block Plan, Drawing No. DB 389 – A104 Rev A
- Proposed Dwelling Plans and Elevations, Drawing No. DB 389 – A102 Rev D
- Garage proposal Drawing No. BSA 6X6- A6X6

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

Reason: So as to define this permission.

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

Bricks

Roofing tiles

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

4. No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

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

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

Rainwater goods

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation). In order to safeguard the amenity of neighbours. To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

7. No development shall be commenced until the trees until the trees not shown as being removed on plan No DB 389 – A104 Rev A have been protected by the following measures:

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

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



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

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

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

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

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

10. The boundary treatments demonstrated on the approved plans shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

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

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway and pedestrian safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

### **Notes to Applicant**

1. 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).

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

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

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

The minor access reinstatement works referred to above in Condition 15 involves works on the highway and as such requires the consent of the County Council. Please contact 0300 500 8080 to arrange for this to be carried out.

Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	A Net Area (GIA in Sq. M)	B CIL Rate	C Indexation at date of permission	CIL Charge
C3	236.36	0	236.36	75	220	£22,803.37
<b>Totals</b>						<b>£22,803.37</b>

**BACKGROUND PAPERS**

Application case file.

For further information, please contact Kevin Robinson on ext. 5541.

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

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

Committee Plan - 17/01193/FUL



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**APPEALS A**

**APPEALS LODGED (received between 9 October and 23 October 2017)**

1.0 Members are advised that the appeal listed at Appendix A to this report has been received and will be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**  
That the report be noted.

**BACKGROUND PAPERS**

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant appeal reference.

**Matt Lamb**  
**Business Manager Growth & Regeneration**

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/HGW/505	17/00170/HRN	Far Barn Farm Priory Road Thurgarton Nottinghamshire NG14 7GT	Removal of hedge due to dangerous gradient when working tractors near, hedgerow dying with gaps and no longer supporting habitat for wildlife and reduction of soil erosion.	Written Representation

**APPENDIX B: APPEALS DETERMINED (between 9 October and 23 October 2017)**

There have been no appeals determined during this time period.

**RECOMMENDATION**

**That the report be noted.**

**BACKGROUND PAPERS**

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

**Matt Lamb**

**Business Manager Growth & Regeneration**