

Date: 22nd December 2014

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 6th January 2015 at 4.00 pm.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Minutes of the Planning Committee held on 15 th December 2014.	1 - 8
3. Declarations of Interest by Members and Officers	
4. Declaration of any Intentions to Record the Meeting	

PART 1 - ITEMS FOR DECISION

5. Land at Wellow Road, Ollerton (14/01533/RMAM) (Site Visit: 09:30 hours to 09:40 hours)	9 - 42
6. Northgate Retail Park, Northgate, Newark (14/01591/FUL) (Site Visit: 12:55 hours to 13:00 hours)	43 - 60
7. 1 Taylors Paddock, Tolney Lane, Newark (14/01691/FUL)	61 - 68

- | | | |
|-----|--|-----------|
| 8. | Rolleston Mill, Station Road, Rolleston (11/01805/FUL), (11/01806/LBC) and (11/01807/FUL)
(Members to drive past the site – no actual visit) | 69 - 122 |
| 9. | Willow Hall Farm, Mansfield Road, Edingley (14/01848/FUL)
(Site Visit: 11:45 hours to 12:10 hours) | 123 - 130 |
| 10. | Lilac Farm Cottage, Water Lane, Oxton (14/01910/FUL)
(Site Visit: 10:05 hours – 10:15 hours) | 131 - 136 |
| 11. | Westfield Cottage, Gonalston Lane, Hoveringham (14/01850/FUL)
(Site Visit: 10:35 hours to 10:45 hours) | 137 - 144 |

PART 2 – ITEMS FOR INFORMATION

- | | | |
|-------|--------------------|-----------|
| 12(a) | Appeal Lodged | 145 - 146 |
| 12(b) | Appeals Determined | 147 - 148 |

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

The following items contain exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

NIL

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 15th December 2014 at 2.00pm.

PRESENT: Councillor D.R. Payne (Chairman)
Councillor B. Wells (Vice-Chairman)

Councillors: R. V. Blaney, J. Bradbury, Mrs C. Brooks, J.E. Hamilton, G.P. Handley, D. Jones, G.S. Merry, Mrs S.E. Saddington, M. Shaw and I. Walker.

ALSO IN ATTENDANCE: Councillors: P.R.B. Harris and R. Shillito.

99. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T.S. Bickley, Mrs G.E. Dawn and Mrs L.M.J. Tift

100. MINUTES

Minute No.96 – 32 Queen Street, Balderton (14/01729/FUL) – The Business Manager Development asked that the following wording be included in this minute for completeness. That the application was brought to the Planning Committee due to the application being a finely balanced case and for transparency reasons as the applicant was a Council employee.

AGREED that subject to the above amendment the Minutes of the meeting held on Tuesday, 2nd December 2014 be approved as a correct record and signed by the Chairman.

101. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Members</u>	<u>Agenda Item</u>
Councillors J. Bradbury	Agenda Item No. 5 – Land at Nottingham Road, Southwell (13/00689/FULM) - D.R. Payne and I. Walker Personal Interests – Members of the Trent Valley Internal Drainage Board.

102. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that an audio recording was being undertaken.

103. LAND AT NOTTINGHAM ROAD, SOUTHWELL (13/00689/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of 34 no. dwellings, comprising 8 no, one-bed apartments, 10 no, two-bed houses, 4 no, three-bed houses, 10 no, four-bed houses and 2 no, five-bed houses.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the following: the Planning Case Officer; Environment Agency; Nottinghamshire County Council Ecology; Nottinghamshire Wildlife Trust; and Southwell Civic Society.

The following correspondence was tabled to the Committee Members at the meeting: Newark and Sherwood District Council Press Release, entitled 'Planning applications for Southwell', dated 22 November 2013; Draft STC Neighbourhood Plan Policy So/Ho/3 – Southwell Housing Site 3; and further comments from the Business Manager Development regarding Planning Application 13/00689/FULM and the revised documents including the revised Flood Risk Assessment.

Councillor Dobson, representing Southwell Town Council spoke against the application at this stage, in accordance with the Town Council views, which were contained within the report. He stated that Southwell Town Council were in principle, in favour of the housing development.

Councillor P.R.B. Harris, local Member for Southwell West Ward also spoke on this item and supported the development on this site, which was a site that had been agreed for development. He however suggested that the application be deferred until the flooding issues raised had been addressed. He also raised his disappointment that the Planning Authority did not carry weight with regard to the Neighbourhood Plan. It was felt that there were a number of areas that had not been properly addressed by the Planning Authority, which included the design of the development and also the issue of the flood model. He explained that the proposed field in the 2007 flood event had been covered 20% in water; the 2013 event was 33% coverage. There were also properties on the plan, which should not be included as that area was renowned for flooding. He was also disappointed with the entrance to the site from Nottingham Road as there was an inlet, which was originally designed for this site.

Members considered the application and it was commented that the Planning Officers had done a good job, which was broadly acceptable in the conservation area. The people of Southwell however deserved the best protection and reassurance from this Committee. Following the flooding in 2013 an investigation study and model had been led by Southwell Flood Forum, flood defences had been secured with more to follow. The publication of the NCC Flood Model was however six months behind schedule and the Committee needed to wait for the results of the flood study from Nottinghamshire County Council before a decision could be made.

It was suggested that the application be deferred until the following were completed.

1. The proposal be fully modelled through the flood study and model currently being developed by Nottinghamshire County Council;
2. Adequate conditions or Section 106 be brought to the Planning Committee to ensure ongoing management and maintenance of the watercourse and proposed 'balancing/holding pond' and financing; and
3. Further consideration of STC policy, which required the retention and enhancement of the sites existing landscape screening, unless this was necessitated for flood mitigation benefit and replacement planting would be required.

A Member raised support for the application and commented that the flooding could be adequately addressed. Nottingham Road was the lowest point in Southwell and

would suffer from surface water run off, however the applicant had adequately dealt with this.

AGREED (by 7 votes for, 4 votes against and 1 abstention) that the application be deferred until the following have been completed:

- (i) the proposal be fully modelled through the flood study and model currently being developed by Nottinghamshire County Council;
- (ii) adequate conditions or Section 106 be brought to the Planning Committee to ensure ongoing management and maintenance of the watercourse and proposed 'balancing/holding pond' and financing therefore: and
- (iii) further consideration of the Council's policy, which requires the retention and enhancement of the sites existing landscape screening, unless this is required for flood mitigation reasons. In this event replacement planting is required.

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

Councillor	Vote
T.S. Bickley	Absent
R.V. Blaney	For
J. Bradbury	Against
Mrs C. Brooks	Against
Mrs G.E. Dawn	Absent
J.E. Hamilton	For
G.P. Handley	For
D. Jones	Against
G.S. Merry	For
D.R. Payne	Abstention
Mrs S.E. Saddington	For
M. Shaw	For
Mrs L.M.J. Tift	Absent
I. Walker	For
B. Wells	Against

104. THE BUNGALOW, STATHORPE RAOD, AVERHAM (14/01715/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission for the erection of a 1.5 storey rear extension and a first floor side extension to the dwelling.

Members considered the application and commented that the site visit had been useful, as the 50% increase in the floor plan did look considerably large on the plan, but on site appeared acceptable and would not have any overbearing impact on the neighbouring properties. It was suggested that the second floor window which overlooked Glene Dene be obscure glazed to eliminate any overlooking.

AGREED (unanimously) that planning permission be approved, subject to the conditions within the report including a correction to condition 4 and subject to an additional condition securing obscure glazing to the dormer

bedroom window to the south side of the bungalow, which over looked Glene Dene.

105. LAND ADJACENT WOODBANK CLOSE, EAKRING ROAD, BILSTHORPE (14/01883/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of six detached bungalows. All six dwellings were market housing comprising 2, 2 bedroom dwellings and 4, 3 bedroom dwellings. This was a resubmission of a previous scheme for a similar type and character of development.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Newark and Sherwood District Council's Environmental Health and the Agent.

Members considered the application and it was commented that there was no reason to refuse the application as the development completed an area, which would be left derelict.

It was further commented that this site had two previous applications, which were both dismissed on appeal. The application was against the local plan and Bilsthorpe Parish Council had also objected on the grounds of road safety and parking and over development of the site.

On being put to the vote that the application be approved, the motion fell by 5 votes for and 7 votes against.

AGREED (with 7 votes for and 5 votes against) that full planning permission be refused for the reasons contained within the report.

106. BRIDGEHOLME PADDOCKS, CODDINGTON ROAD, BALDERTON NEWARK (14/00790/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection, which sought full planning permission for the change of use of land to a horse trainer's premise with construction of a new horse walker, conversion of an existing barn to a horse spa and the erection of a new trainers dwelling in association with the facility.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Origin Design Studio Ltd.

Members considered the application and it was commented that the development was close to the A1 and provided a cost effective building. The applicant was a successful businessman wanting to expand his business in the district.

Concerns were raised regarding the business and what would happen should the business fail when permission for a country house had been granted. A restriction on occupancy was suggested in order to prevent the house being sold separately from the business. It was further commented that caution should be taken when granting planning permission outside of the village envelope. The functional and financial test was required; the functional test had been proved but not the financial test. The Council's policy stated that viability accounts would need to be satisfactory before

permission would be granted for a permanent building, temporary permission for a static caravan could be achieved in order to secure accounts, or through livery accounts.

A Member commented that the Council's policies were there for guidance purposes and a blanket rule should not be applied to every application. The applicant was a successful businessman with thousands of pounds worth of livestock, which required twenty-four hour attention and he required an appropriate building to undertake his business. Balderton Parish Council had also submitted their support for the application.

On being put to the vote that the application be refused, the motion fell by 5 votes for and 7 votes against.

AGREED (with 7 votes for and 5 votes against) that contrary to Officer recommendation the application be approved subject to restricted occupancy and any reasonable conditions and/or legal agreement delegated to the Business Manager Development in consultation with the Planning Committee Chairman and Vice-Chairman.

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

Councillor	Vote
T.S. Bickley	Absent
R.V. Blaney	Against
J. Bradbury	Against
Mrs C. Brooks	Against
Mrs G.E. Dawn	Absent
J.E. Hamilton	For
G.P. Handley	For
D. Jones	For
G.S. Merry	For
D.R. Payne	For
Mrs S.E. Saddington	Against
M. Shaw	Against
Mrs L.M.J. Tift	Absent
I. Walker	For
B. Wells	For

107. LAND OFF NEWARK ROAD, OLLERTON (14/01944/VAR106)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the variation of S106 attached to 05/0254/RMAM and 05/02655/RMAM to:

- (i) Change the tenure of the remaining affordable apartment block (plots 127-138) from 3 units of shared ownership and 9 units of discount for sale to 12 intermediate (80% market) affordable rent; and
- (ii) Reduce the outstanding contributions to public open space from £293,486 to £150,000 on grounds of viability.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Ollerton and Boughton Town Council and the Agent.

A Member supported Ollerton and Boughton Town Council's objection and commented that the contribution reduction was unacceptable.

AGREED (with 11 votes for and 1 vote against) that the S106 agreement signed on 6 October 2006 be amended as proposed by the Deed of Variation.

108. LAND NORTH OF CAVENDISH WAY, CLIPSTONE (14/01308/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of 92 dwellings with Associated Access, Parking and Associated Works.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Nottinghamshire County Council Highways.

Members suggested that the contribution split be delegated to the Business Manger Development, in order to secure priority items, in consultation with the Planning Committee Chairman and Vice-Chairman and the two ward Members.

AGREED (unanimously) that:

- (a) full planning permission be approved subject to the conditions contained within the report and completion and engrossment of a S106 Agreement to secure the required level of commuted sum payments and infrastructure provision on the wider site including open space and community facilities provision; and
- (b) the allocation of the contribution be delegated to the Business Manager Development in consultation with the Planning Committee Chairman and Vice-Chairman and the two ward Members.

109. LAND AT CLIPSTONE DRIVE, CLIPSTONE (14/02054/VAR106)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the variation of Section 106 Agreement, attached to 12/00966/OUTM for residential development of up to 180 dwellings including associated roads, sewers and public open space.

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

AGREED (unanimously) that a variation of S106 associated with 12/00966/OUTM to delete the requirement for 30% on site provision of affordable dwellings and to alternatively provide an off-site contribution equating to £238,000, equating to the provision of 7.4 units and 4.1% of the total residential units

overall.

110 RULE NO.30 – DURATION OF MEETINGS

In accordance with Rule No.30.1, the Chairman indicated that the time limit of three hours and proposed a motion to extend the meeting for a further half hour.

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

111. FIELD REFERENCE NO. 6423 OLLERTON ROAD, CAUNTON (14/00442/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a single 500KW wind turbine, with a hub height of 75 metres and a rotor diameter of 54 metres, producing a tip height of 102 metres.

The Senior Planning Officer informed the Committee that a fourth application for a wind turbine had been received in this area. Members were asked to set aside the impact of the fourth application as that application was out for consultation and would be brought before the Planning Committee at a later date if necessary.

Members considered the application and commented on the visual impact for the whole of the area. A Member also commented on a meeting she had attended at the Stathorpe Power Station and the impact the wind turbines were having on the power station.

AGREED (by 10 votes for and 3 abstentions) that full planning permission be approved subject to the following:

- (i) the wording of condition 12 be amended to ensure the wind turbine is decommissioned should the turbine become non-operational, and
- (ii) the remaining conditions contained within the report.

112. YEARSLEY GROUP, BELLE EAU PARK, BILSTHORPE, NEWARK (14/01782/FULM)

The Committee considered the report of the Deputy Chief Executive which sought full planning permission for the erection of a total of 26,520sqm floorspace (GIA) for B8 use (storage and distribution) including 1,750sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works.

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

The Business Manager informed the Committee that the conditions for this application were still being negotiated with the applicant and suggested that appropriate conditions be delegated and determined by Officers in consultation with the Planning Committee Chairman and Vice-Chairman.

Members considered the application and welcomed the opportunity for employment

opportunities in the district. Concern however was raised regarding the increase in traffic this development would create for the A617 and the additional pressure for Kelham bridge given additional HGV movements per day. Kelham bridge was only wide enough for one HGV to cross at a time, which would have an impact on traffic flow. It was commented on the need for Nottinghamshire County Council to build a by-pass for Kelham village.

AGREED (by 11 votes for and 1 abstention) that full planning permission be approved subject to the following:

- (i) the wording of condition 26 be amended to ensure the solar farm is decommissioned should the solar farm become non-operational, and
- (ii) the Business Manager Development be given delegated authority to determine appropriate conditions with the applicant, in consultation with the Planning Committee Chairman and Vice-Chairman.

113. 8 HARRISON WAY, NEWARK (14/01794/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the proposed 1 bed flat, and extension to No. 8 Harrisons Way with associated parking.

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

AGREED (unanimously) that full planning permission be refused for the reasons contained within the report.

The meeting closed at 5.26pm

Chairman

Application No:	14/01533/RMAM	
Proposal:	Approval of reserved matters for Layout, Appearance, Scale, Landscaping, (Access previously determined) in respect of details for residential development comprising of 148 dwellings and associated ancillary works.	
Location:	Land At Wellow Road, Ollerton, Nottinghamshire	
Applicant:	Ben Bailey Homes (Midlands)	
Registered:	29.09.2014	Original Target Date: 29.12.2014
	Extension of Time Agreed Until 08.01.2015	

The Site

The site comprises an agricultural field measuring approximately 5.80 hectares located to the north of Wellow Road. The site is allocated for residential development providing around 125 dwellings (Policy OB/Ho/1 of the Allocations and Development Management DPD 2013) and has more recently been granted outline planning permission for up to 150 dwellings (planning reference 13/00743/OUTM). The site is roughly rectangular in shape and lies to the southern end of Ollerton. Residential properties are located to the south of the site on the opposite side of Wellow Road in the form of a ribbon development, a community hall and residential park homes adjoin the site to the west and woodland at Ollerton Colliery BioSINC adjoins the site to the north on the former Ollerton Colliery spoil heap. The existing residential property at Copper Beeches and agricultural fields adjoin the site to the south eastern boundary. The site is bounded by hedgerow to the boundary with Wellow Road. The site is located within the Urban Boundary of Ollerton and Boughton Service Centre. The Open Countryside lies to the north and north-east of the site.

Relevant Planning History

14/SCR/00014 Housing development at the site has been considered against The Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The proposed residential development meets the criteria and thresholds of Part (10)(b) of Schedule 2 of the 2011 Town and Country Environmental Impact Regulations insofar as it includes an urban development project on land exceeding 0.5 hectares. Therefore the Local Planning Authority (LPA) has applied the selection criteria set out by Schedule 3 of the Regulations and made reference to the guidance set out in Circular 02/99. Taking all matters into account, it is considered that the proposal is unlikely to have complex or significant environmental affects and thus a formal Environmental Statement is not required in this instance.

13/00743/OUTM Outline planning permission was granted in March this year for *“Residential Development of up to 150 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. All items, other than access, are to be reserved.”* Access was determined as part of the outline planning application but layout, appearance, scale and landscaping were not. A Section 106 Legal Agreement was signed as part of the outline planning application securing affordable housing, community facilities, on-site open space and on-site children’s play area, health care facilities and off-site sports contributions.

14/01760/DISCON Request for confirmation of discharge of conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 attached to planning permission 13/00743/OUTM. This application is pending consideration. As some of the conditions are tied closely into this Reserved Matters application, the two applications have been considered in conjunction with one another. A number of the conditions are proposed to be discharged as an informative attached to the decision notice for this Reserved Matters application, should permission be granted.

The Proposal

The proposal is a reserved matters planning application for 148 dwellings and ancillary works. Access has already been determined as part of the outline planning permission. Matters for consideration as part of this current reserved matters application are therefore layout, appearance, scale and landscaping.

The dwellings are all two-storey comprising both detached and semi-detached properties. They are a mix of 1, 2, 3 and 4 bedrooms. 22 affordable units are proposed (in accordance with the percentage secured via the outline consent) and these are located in three different locations, the north-east corner, the north-west corner as well as some towards the centre of the site.

Towards the south-west corner of the site lies an area of public open. This includes a LEAP (Local Equipped Area of Play), open grass and footpaths. A balancing pond / basin is also proposed in this area with a pump station located further north. The applicants have agreed an amendment to the Section 106 legal agreement that was signed as part of the Outline Planning permission in order to provide a commuted sum for additional off-site children's play space.

With regards to the existing hedgerow that forms the front boundary to the site, the part that lies in front of the public open space is to remain. The remainder is to be removed so that adequate visibility splays can be achieved from the previously approved accesses. However, new replacement hedgerow is proposed along this part of the site frontage, set back behind the visibility splays. A landscaping strip is proposed along the northern boundary, behind the rear boundaries of residential curtilages. This is to restrict access directly from the plots to the adjacent SINC to protect wildlife. A small post and rail fence is also proposed between the footpath to the rear and the remainder of the adjacent SINC to encourage people to remain on the designated footpaths and not wander further into the SINC, again in the interest of wildlife. The existing footpath to the west of the site is to remain.

Two phases of development are proposed. The first phase is the eastern part of the site with the second phase being the western portion of the site.

The site density is 25.5 dwellings per hectare. The scheme has been designed so that the western part of the site is of higher density than the eastern part. This is to provide a visual transition from the open countryside that lies to the east of the site (beyond Copper Beeches) and the built up area.

Other documents submitted in support of this Reserved Matters application include a Flood Risk Assessment, Ecology and Tree Survey, Landscape Management Plan, Transport Assessment, Travel Plan, Archaeological Assessment, Geo-Environmental Site Investigations, Geophysical Survey, Construction Method Statement, Design and Access Statement and Planning Statement.

Departure/Public Advertisement Procedure

78 neighbours have been notified directly by letter. A site notice has been posted and an advertisement placed in the local press.

Relevant Planning Policies

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

Allocations and Development Management Document DPD (adopted July 2013)

Policy OB/Ho/1	Ollerton & Boughton - 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

Please Note: All policies listed above can be found in full on the Council's website.

Other Material Considerations

National Planning Policy Framework

Planning Practice Guidance

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

Draft Housing Market and Needs Assessment and Accompanying Sub Area Report

Consultations

Town Council - Support the application in principle but make the following observations;- The indicative layout submitted at outline stage was more in keeping with surroundings, the scheme should include bungalows, there is a disparity in the proposed landscaping and screening, traffic issues, surface water issues, developer contributions must be sufficient.

NSDC Access and Equalities Officer - It is recommended that the developer be advised to provide inclusive access and facilities for all.

NSDC Parks and Amenities Manager - Initially raised concerns regarding the location of the children's playing space, to one corner of the site and located immediately next to a SuDS balancing area which at times may contain water. However, following further information provided by Ben Bailey Homes he is prepared to accept their arguments about the location and nature of the balancing facility.

However, concerns were then raised that the total area of children's playing space is not being provided due to the location of the equipped play area adjacent to the balancing area which means that the normal play space buffer zone surrounding the equipped area is not fully present. There is thus an argument that either the on-site area should be increased or an off-site commuted payment for the shortfall should be made. The applicants have now signed an additional Section 106 legal agreement to pay a commuted sum for off-site children's play space.

NSDC Environmental Health - State no comments.

NSDC Environmental Health (Contamination) - The on-site soils do not present a potential risk to human health for the proposed use as residential dwellings.

NSDC Strategic Housing Officer - Whilst Strategic Housing is disappointed with the reduction of affordable housing contributions set against the Council's policy, based on viability, the proposed location, tenure and design have been agreed and therefore Strategic Housing supports the affordable housing to be provided on site. They would however, recommend that the applicant engages with a Registered provider as soon as possible.

The Highway Authority - Following negotiations and the submission of an amended plan, there are now no objections subject to conditions.

NCC Archaeology - State no comments.

NCC Policy - Provide policy advice.

NCC Conservation Project Support Officer - Ask for a library contribution.

NCC Rights of Way (ROW) - No objection.

NCC Flood Risk Manager - State no comments.

Highways Agency - State no comments.

The Environment Agency - Their initial response asked the case officer to consider whether or not the proposed drainage scheme was sustainable. They raised some concerns with this as pumped systems require energy to function. They also raised concerns that pumped surface water systems have a risk of pump failure which could lead to localised flooding, although this was considered to be managed within the site.

Following this response, various discussions and a meeting were held between the EA, developer and the LPA.

The EA's comments following these discussions are;- The developer undertook a pump failure scenario and confirmed that although there is some flooding of the system, it is maintained and stored within the site boundary within the internal roads and Public Open Space. Whilst a gravity discharge would be their preferred drainage system (instead of a pumped system) they appreciate that raising levels substantially across the site may result in other planning issues. They note that a sizable above ground attenuation basin with additional permanent wetland 'reed bed' areas has been provided. The basin and wetland areas will improve and protect water quality whilst providing habitat and amenity benefits. They suggest conditions to be attached to the grant of any planning permission.

Notts. Wildlife Trust -

Timing of Works

Ground clearance works and the removal of vegetation should take place outside of the bird breeding season between March and September, to avoid disturbance or destruction to nests. If this is not possible, a competent ecologist should undertake a careful, detailed check for the potential of nesting birds and for active birds' nests immediately before the work is conducted.

Retention of Trees

Within the Ecological Appraisal and Tree Survey, dated 30 May 2013, Section 7 gives detailed recommendations on the retention and management of the on-site and adjacent trees. Consideration should be given to the Root Protection Areas (RPA) of the retained trees, with the installation of heras fencing around root areas to prevent accidental damage.

Enhancement of SUDS

We welcome the proposed Sustainable Urban Drainage System (SUDS) within the landscape plan. However, there is the opportunity to enhance the proposed SUDS to benefit wildlife. This includes:

- Plant native aquatic species of local provenance (see attachment).
- Consider, instead of one large (drainage) pond, a bigger pond surrounded by smaller ponds, with a complexity of shallower and deeper ponds (this may require more management).
- Vary the (drainage) pond bank and underwater profile. Create an area where water is always present, with other shallower areas. Vary the bank to create hollows and a variety of ecological niches.
- Include underwater logs and stones (half in and half out) to provide niches for invertebrates.
- Allow sufficient access to the SUDS for maintenance.

Native Planting

We welcome the proposed native hedgerow and hedgerow meadow mix. These species could complement the adjacent Local Wildlife Site (LWS) and would enhance the site for wildlife.

Natural England -

Internationally and nationally designated sites – No Objection

The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh AND Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that the LPA should have regard for any potential impacts that a plan or project may have.

The application does not include a Habitats Regulations Assessment. In advising the authority on the requirements relating to Habitats Regulations Assessment (although this was carried out at Outline stage) Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

This application is in close proximity to Birklands and Bilhaugh AND Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. They therefore advise the authority that these SSSIs do not represent a constraint in determining this application.

They refer to their previous response dated 28 November 2013 and consider that the details submitted for the Reserved Matters application with respect to appearance, landscaping, layout and scale are sufficient to mitigate for potential impacts on the SSSIs as a result of the increased residential units.

Other Advice

The LPA should assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

These remain material considerations in the determination of this planning application and further information should be sought from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Protected Species

Use standing advice

Biodiversity Enhancements

The authority should consider securing measures to enhance the biodiversity of the site from the applicant.

Nottinghamshire Ramblers - No objection to this proposal as long as the integrity of Footpaths 5 and 6 is maintained.

The Coal Authority - Please include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant.

Severn Trent - No objection subject to a condition regarding details of the disposal of surface water and foul sewage have been submitted to and approved by the LPA. However, this condition was attached to the grant of outline planning consent. Severn Trent Water have since confirmed that they now have no objection to the discharge of this condition on the outline planning consent stating *"foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval. Surface water to connect into a Watercourse for which we have no comment."*

Neighbours/Interested Parties:

26 no. of written representations have been received as well as a letter from Ollerton Village Residents Association. Concerns are summarised below:-

Principle

There are more suitable sites for housing development within Ollerton, there are existing properties for sale in Ollerton, there is no demand for these houses, building on agricultural land should only be considered if there are no alternative sites.

Design / Layout / Mix

The design, layout and mix is out of keeping with the surrounding area, out of keeping with the older properties along Wellow Road, density is too high, density towards the western area of the site is too high, do not want 3-storey houses, there are no bungalows proposed, any solar panels on the properties would be out of keeping with the area and would create glare, the proposed affordable housing units should be evenly distributed throughout the site, materials proposed should be in keeping with the surrounding area, the plans submitted at outline stage were better.

Landscaping

Lack of green space, lack of screening, loss of hedgerow to the front of the site, the applicant has vandalised a protected hedgerow and carried out works without consent.

Ecology

The proposal will impact on ecology in the area, the wildlife leaflets proposed to be given to new residents to educate them on ecology in the area will not be successful.

Highway Safety

Increase in traffic, road safety, concerns over access, occupiers of the new dwellings will be reliant on a private car, parking issues, access for fire engines, paths leading from the development onto the main public footpaths would be an ideal place for people racing back and forth – access to the footpath should be from the site entrance on the main road.

Impact on Local Amenities

Impact on local amenities (including doctors, dentists, opticians, schools, police, fire brigade, electricity, internet speeds).

Drainage

The proposed drainage may be inadequate, the area is likely to flood, issues with sewage, safety implications regarding a soak away / bund with a play area next to it.

Impact on Residential Amenity

Overlooking/loss of privacy to existing properties including properties on Wellow Road and Fairfield Park, overshadowing, light pollution, noise during and after construction, Ollerton is a quiet peaceful village with a lot of elderly people, the land may have a restrictive covenant attached to it.

Other Issues

Planning policies have been ignored, neighbours' concerns are being ignored, a recent meeting with the developers showed that they are only interested in making profits and are not concerned about local residents devaluation of properties.

Comments of the Business Manager - Development

Having regard to the provisions of all relevant planning policies, the nature of the proposed development and the consultation responses received, there are a range of issues which need to be considered in the determination of this application.

Principle of Development

The principle of development at the site is already established.

Firstly, the site is allocated for housing development under Policy OB/Ho/1 of the Allocations and Development Management Development Plan Document (ADMDDP). This policy states that the site is allocated for residential development providing around 125 dwellings. It sets out a detailed approach for the bringing forward of the site. This approach requires;

- “• *The preparation of a Master Plan setting out the broad location for development on the site and phasing of new development. This should include appropriate design which addresses the site's gateway location and manages the transition into the main built up area. In order to assimilate the development into the surrounding countryside provision should be made, in accordance with the landscape character, for the retention and enhancement of the site's existing landscape screening;*
- *Assessment of the impact on transport infrastructure, including Ollerton roundabout, and the strategic sports infrastructure as part of any planning application(s);*
- *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 positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;*
- *The incorporation of buffer landscaping as part of the design and layout of any planning application(s) to minimise the impact of development on the adjoining SINC; and*
- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured through conditions attached to any planning permission, including preservation in situ where required to reflect the high archaeological interest of the site.”*

Secondly, the site has an outline planning permission for residential development of up to 150 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. This was granted in March this year (reference 13/00743/OUTM).

Because of the site allocation and the extant outline planning permission, the principle of residential development at the site is established.

Details of access were granted as part of the outline planning permission and a Section 106 Legal Agreement was signed as part of the outline planning application securing affordable housing, community facilities, on-site open space and on-site children's play area, health care facilities and off-site sports contributions. These details are therefore already approved and cannot be considered as part of this current reserved matters planning application.

However, details of layout, appearance, scale and landscaping have not yet been determined and require careful consideration as part of this current planning application. These are discussed in details below.

Layout, Appearance and Scale

The layout, appearance and scale of the proposed development are considered to be acceptable.

Density

Turning first to density, the outline planning permission for the site granted permission for up to 150 dwellings. This represented a density of 26 dwellings per hectare which is slightly below the 30 dwellings per hectare anticipated in Core Policy 3. However, this figure exceeded the figure of around 125 dwellings anticipated in Policy OB/Ho/1. This was considered acceptable as the site included on site public open space, incorporation of public rights of way and accounted for the transition into the open countryside by reducing the density of the development to the eastern end of the site. These features helped to meet the requirements of the allocation policy.

The 148 dwellings proposed as part of this reserved matters planning application is very close to the upper limits granted by the outline planning application and represents a development of 25.5 dwellings per hectare. This is extremely close to the 26 dwellings per hectare that was considered acceptable at the outline stage.

The housing allocation policy (OB/Ho/1) states that the housing development should have an 'appropriate design which addresses the site's gateway location and manages the transition into the main built up area'. It is considered that the layout proposed complies with this criterion of the policy. The south-east corner of the site is the part closest to the adjacent open countryside. This area of the site contains public open space which consists of a LEAP, a grassed area, a footpath and a balancing area. The existing hedgerow forming the front boundary is also proposed to remain in this area of the site. The western part of the site is adjacent to the existing built development in the Service Centre of Ollerton and Boughton. This part of the site consists of a higher density of built development with less open space. This is considered to provide a visual transition between the rural and urban area.

Housing Type and Mix

The predominant house type along Wellow Road comprises two storey dwellinghouses. These are of varying ages and styles. Fairfield Park is a retirement park consisting of single-storey park homes. This is set back from Wellow Road, located to the rear of a public house and community hall.

All dwellings proposed as part of the reserved matters application are two-storey. Following negotiations with the applicant, as detailed below, the scheme now includes a mixture of detached and semi-detached properties of 1, 2, 3 and 4-bedrooms comprising both market and also affordable units. From a visual point of view, the type and mix of dwellings proposed is considered to be broadly in keeping with the surrounding area in accordance with policies CP3, CP9 and DM5.

Both the Town Council as well as a number of nearby residents have raised concerns that the scheme does not include any bungalows. Following these concerns, the planning officer liaised with the Council's Strategic Housing Officer. The Council's draft Housing Market and Needs Assessment identifies what housing type and size is most needed in the Sherwood Sub Area, which Ollerton is a part of. With regards to housing type bungalows were most in demand followed by detached then semi-detached houses. With regards to size, two-bedroom properties were most in demand followed by three-bedroom properties. The original scheme contained no bungalows nor did it contain any two-bedroom market properties. The only two-bedroom properties were the affordable units with all of the market housing being three or four bedrooms. The applicants were made aware of these concerns and were asked to consider amending the scheme.

In line with the above concerns, the scheme was amended to include some two-bedroom market houses. However, the amended scheme does not include any bungalows. The applicants have, however, submitted a written justification as to why bungalows have not been proposed. For the avoidance of doubt the mix and number of units promoted is as follows:

No of Beds	No of Units	%
1	6	4.05
2	18	12.16
3	49	33.11
4	75	50.68

The applicants state that had the authority wished to impose a specific emphasis upon the housing mix, that this should have been subject of a specific condition at outline stage. This is because this would have a direct bearing upon the value of the site and also the market attraction of the resultant dwellings. I attach very little weight to this argument as it is clear to any applicant that it is the reserved matters process that details with the number and type of units.

Notwithstanding this I do have some sympathy with the applicant's case that the mix that is put forward within the proposed layout has arisen as a consequence of a detailed market assessment undertaken on behalf of the company by TW Land Co, a specialist property market company. It has identified the anticipated catchment area, the market gap and the associated pricing. They state that experience elsewhere has shown the historic difficulties often encountered in trying to sell bungalows as those that may aspire for such dwelling are frequently unable to find the disproportionately higher price that such a dwelling type commands ahead of a commensurate house of the same floorspace.

The applicants also state that they do not consider bungalows are required to lessen the potential impact on the amenity of the occupiers of existing neighbouring properties in terms of massing / overshadowing or overlooking. I agree with this statement and this will be discussed in further detail later in this report.

I have taken the above information into account as well as the fact that the applicant has amended the scheme to include two-bedroom market houses. Moreover, it is important to note that the draft Housing Market Needs Assessment is still in its draft stage and has not formally been adopted by the Council. It therefore carries some but not full weight in the decision making process. Given this, and the applicants own market research, together with the knowledge that they will be selling to the market I do not consider that the lack of bungalow provision in itself would justify a reason for refusal. The scheme taken as a whole provides an appropriate and balanced mix of units.

The number of affordable housing units proposed is in line with the Section 106 legal agreement signed as part of the outline planning permission which secured 15% affordables. The affordable housing units are spread throughout the site in three separate locations; the north-east corner, the north-west corner as well as the centre. This integration of the affordable housing units within the scheme is considered acceptable.

Design Details

Following amendments, the detailed design of the proposal is considered to be acceptable. The majority of properties front on to roadways, providing animated street scenes. Properties located on corner plots are double-frontage properties with side elevations containing main aspect windows, again providing interest to the street.

The elevations of the properties themselves contain a number of design details including string courses, corbelled eave details, window headers and cills of varying designs and canopies. Window and door details are in proportion to the properties which they serve.

Plot frontages have been broken up by the use of soft landscaping areas so that frontages are not dominated by block paving. From a visual point of view, the majority of parking spaces relate well to the property that they serve.

Properties are set back from Wellow Road to allow for further landscaping / screening to the front of the site. Landscaping is discussed in further detail later in this report.

As such the proposal is considered to comply with policies CP9 and DM5.

Phasing

It is proposed to develop the site in two phases. The eastern part of the site is the first phase with the western part of the site being the second phase. Concerns with this approach were originally raised by the case officer on the basis that if building were to temporarily cease after phase 1 was completed, it would leave a large vacant space between the existing development and the new. The applicants responded by explaining that the balancing pond is positioned at the eastern end of the site which is lower than the western end. This minimises raising levels and subsequent abnormal foundations. This drainage solution is the most practical given the site is un-suitable for soakaways and it is essential to make the site viable as they are unable to connect into the

combined sewer in Wellow Road (this is discussed in further detail in the drainage section of this report). Also the balancing area requires implementation at the outset as all surface water drains via this. It is therefore not practicable to start at the western side of the site as this will require a substantial amount of infrastructure to link to the lagoon/pump station at the opposite end of the site. Given this justification, I consider that the phasing proposed is acceptable. I equally have no reason to doubt that the latter phase will not come forward, particularly given that this will deliver a slightly higher density scheme for market.

Amenity

A set back from the southern boundary with Wellow Road in addition to the intervening highway ensures an acceptable relationship with existing dwellings on the opposite side of Wellow Road. The shortest distance between an existing property on Wellow Road and a proposed new property is approx. 18 metres. This is considered to be a sufficient distance so as to not cause unacceptable issues of massing / overshadowing or overlooking, particularly taking into account the intervening road and orientation of dwellings.

Adjacent to the south west corner of the site lies a community hall. Separation distances as well as existing high level planting along this part of the site boundary ensures that there is no overlooking or massing / overshadowing onto this property.

To the north west of the site lies a retirement park home. Properties on this park are single storey static caravans. Concerns have been raised by a number of residents regarding the impact of the two-storey dwellings in close proximity to the single-storey static caravans and the impact that these will have in terms of massing / overshadowing and overlooking. After careful assessment, it is considered that this relationship is acceptable. The shortest separation distance between one of the park homes and the nearest two-storey element of a new dwelling is approx. 19 metres, which, on balance, is considered sufficient. Furthermore, proposed properties are orientated at an angle to the park homes, further reducing any perceived direct overlooking. There is also a public footpath and some, albeit limited, screening between the existing and proposed properties. Following concerns raised by residents, the developer has proposed to implement further landscaping along this boundary.

There is a residential property adjacent to the south west corner of the site. This is in close proximity to the public open space and balancing area and is not immediately close to new dwellings. There is therefore no significant impact on this property in terms of massing / overshadowing or overlooking.

There are no residential properties to the north of the site.

Issues of massing / overshadowing and overlooking between proposed properties within the site also require consideration. Following concerns raised by the planning officer regarding separation distances and overlooking one dwelling has been removed from the scheme. Separation distances between proposed dwellings are now considered sufficient so as to not cause unacceptable overlooking or massing / overshadowing issues.

Neighbours have raised concerns regarding noise issues both during and after construction. A condition was put on the outline planning permission restricting hours of work so as to prevent any noise in the evenings and on Sundays and Bank Holidays. Noise during working hours is also controlled by measures outlined in the construction method statement including all plant used on site to be fitted with manufacturer's recommended noise reduction equipment. Whilst a new housing development once built will inevitably cause activity, I see no reason as to why this would be any noisier than any other residential area. I do not consider that noise after construction would cause a nuisance.

For the above reasons, I consider that the objectives of Policy DM5 are achieved.

Landscaping and Ecology

As part of the application both an Ecology and Tree Survey and a Landscape Management Plan have been submitted. A Habitats Regulation Assessment was considered as part of the outline planning application.

Both Natural England (NE) and Notts Wildlife Trust (NWT) have been consulted on the application and neither have raised objections, although NWT have suggested that the balancing area could be improved to enhance ecology and have provided detailed comments regarding native planting.

Potential Special Protection Area

NWT have drawn attention to the fact that in the context of the Public Inquiry into Veolia's application for planning permission for an Energy Recovery Facility at Rufford, an issue has arisen as to whether the substantial population of Nightjar and Woodlark in the Sherwood Forest area justify its classification as an Special Protection Area ('SPA') under the EU Birds Directive, or at least its identification as a potential SPA ('pSPA'). If Sherwood is to be treated as a pSPA, then it is Government policy that the potential site should be treated as if it had already been classified. This would have the result, in the case of applications in the vicinity of the pSPA, including but not limited to Veolia's application, that the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc) Regulations 1994) would have to be applied.

In the case of the proposed Rufford ERF, the Inspector and Secretary of State have agreed that the principal criterion for SPA designation (that of population size in a national context) has been met, and that it is appropriate to treat the area as if it were a pSPA, until such time as JNCC publish the results of the current SPA review. Thus it is NWT's view that the Sherwood area is at least a pSPA, and they are therefore bound to advise any LPA to that effect. There is a 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which the Trust believe the possible adverse effects of any development should be properly considered. This application is situated within that area.

I am mindful that any site which is used by Annex 1 birds is protected under the Directive, whether or not it is inside or outside a protected area. The LPA must endeavour to "prevent pollution or deterioration of habitats" used by Annex 1 birds. Increasing the likelihood of birds being disturbed and/or predated therefore falls into this area of law.

Natural England noted that the proposed development is located in the Sherwood Forest area close to Ollerton Colliery SINC, which forms part of the pSPA and therefore it is appropriate to consider the potential effects of the proposed development on this important bird area and other identified habitats in the vicinity of the site.

Based on the evidence presented during the outline planning application, Ollerton Colliery SINC is not considered to support breeding nightjar and woodlark at the moment, however I note that Natural England acknowledged it may offer suitable habitat for nightjar and woodlark in the future and it is not possible to definitely say whether or not it would form part of a possible future designated site.

Development on this site at outline stage was considered acceptable for a number of reasons and the reasons are the same for this reserved matters application. These included that provision of adequate alternative greenspace is provided on site as well as a contribution to off-site facilities in the area.

Sympathetic design features are proposed to keep the development as far away as possible from the areas important for woodlark and nightjar. This includes the retention of existing footpaths as well as a landscape buffer to the northern boundary. This has been designed to restrict public access and cat access to the areas important for woodlark and nightjar. A hedgerow is proposed to the rear of residential boundaries along the northern boundary of the site. Having spoken to the Parks and Amenities Manager, this is likely to be maintained by the Local Authority or a Management Company but not by individual occupiers. This hedge is to stop residents erecting a direct gateway from their rear gardens onto the SINC to the rear and also to try and discourage cats from using the area to the rear. A small post and rail fence is also proposed to keep people to the public footpath and try to stop them wandering further into the SINC. Whilst such measures do not provide guaranteed certainty of full effectiveness to cover every eventuality there is some merit in adding such measures to a mitigation package for biodiversity not associated with designated sites. A condition was included on the outline planning application for the provision of information to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Details of this leaflet have now been submitted and are considered to be acceptable by both NE and NWT.

In my opinion the proposals will not result in a direct unacceptable impact on the pSPA and any impact would be indirect from recreational pressure. I consider that on balance the mitigation measures set out above will mean that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Internationally and Nationally Designated Sites

With regards to internationally and nationally designated sites, NE has raised no objection to the proposal. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs). NE has advised that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

This application is in close proximity to Birklands and Bilhaugh and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. NE therefore advises that these SSSIs do not represent a constraint in determining this application.

Protected Species

An ecological survey has been submitted as part of this reserved matters application which concludes that no evidence of protected species or habitats that may support significant populations of protected species was identified on the site itself. Using NE standing advice and taking into account advice from NWT on both the previous outline application and this application, I see no reason to disagree with this.

A condition was attached to the outline planning consent requiring the addition of bat boxes and bird nest boxes on site, in order to enhance habitats at the site. The applicants have submitted details of these and this is being finalised with NWT through the discharge of condition application.

Nesting Birds

A condition was attached to the outline planning permission ensuring that ground clearance works and the removal of vegetation should take place outside of the bird breeding season between March and September, to avoid disturbance or destruction to nests. If this is not possible, a competent ecologist should undertake a careful, detailed check for the potential of nesting birds and for active birds' nests immediately before the work is conducted. All conditions on the outline planning permission will still remain and will be required to be complied with.

Existing Trees and New Planting

The submitted Tree Survey gives detailed recommendations on the retention and management of the on-site and adjacent trees. A condition should be attached to the grant of any planning permission ensuring that any retained trees are protected during the construction phase.

With regards to the existing hedge at the front of the site, policy OB/H0/1 of the ADMDPD states that:-

"in order to assimilate the development into the surrounding countryside provision should be made ... for the retention and enhancement of the site's existing landscape screening."

There is a mature hedgerow to the front of the site. The accesses to the site have already been approved and large areas of the hedgerow do have to be removed to achieve the required visibility splays. However, the hedgerow to the front of the public open space, which is located away from the existing accesses, is to remain. Where the hedgerow is to be removed, new hedgerow is proposed to the rear of the visibility splays. This hedgerow will either be managed by the Local Authority or a management company and not by individual occupiers. As such, the hedgerow will be managed in a consistent manner.

The buffer along the northern boundary of the site has already been assessed earlier in this report.

New planting is proposed within the site and to the site boundaries which incorporate some native species. This should enhance the site for wildlife.

Ecology and Drainage Area

NWT welcomes the proposed Sustainable Urban Drainage System (SUDS) within the landscape plan. However, I consider that there is the opportunity to enhance the proposed SUDS to benefit wildlife. A number of measures have been suggested including, the creation of a larger pond surrounded by smaller ponds, varying the drainage pond bank and underwater profile, plant native aquatic species, include underwater logs and stones and allow sufficient access to SUDS for maintenance.

The applicant has incorporated some of these measures into the drainage basin including reed beds. The applicants have explained that for the majority of the year the balancing area will not contain any water at all.

Public Open Space

An area of public open space is proposed to the south east corner of the site. This includes a LEAP, grass area, footpaths and a balancing area for drainage as well as some planting. The Parks and Amenities Manager initially raised concerns regarding the location of the children's playing space, to one corner of the site and located immediately next to a SuDS balancing area which at times may contain deep water. In response to this concern, the applicant submitted further information regarding the location of the play space and the need for the balancing area. The location of the play space was in response to policy OB/H0/1 requiring a rural to urban visual transition. The need for a balancing area is because the applicants consider that this would be the only successful method of draining the site. This is discussed in further detail in the drainage section of this report. More significantly, from a Public Open Space point of view, the applicants explained how for the vast majority of the year the basin will be dry with a dry weather channel. During the 1 in 1 year storm event it is designed to contain just 200mm of water, during the 1 in 30 year storm event it is designed to hold 700mm of water and during the 1 in 100 year (+30% climate change) it is designed to hold 920mm of water. Furthermore, the balancing area would be fenced off from the children's play area. The Parks and Amenities Manager has accepted these arguments about the location and nature of the balancing facility.

However, he still raised concerns that the total area of children's playing space is not being provided due to the location of the equipped play area adjacent to the balancing area which means that the normal play space buffer zone surrounding the equipped area is not fully present. There is thus an argument that either the on-site area should be increased or an off-site commuted payment for the shortfall should be made.

Again, the applicants were made aware of these comments and have now signed a Section 106 legal agreement to pay a commuted sum for off-site children's play space.

As part of the legal agreement connected to the outline planning consent, it has already been agreed that the LPA will maintain the POS on site.

For the reasons stated above, it is considered that the proposal complies with CP12 and DM7.

Highway Issues

Access points to the site have already been permitted through the granting of outline planning consent. However, the internal highway layout, car parking layout and the impact of the proposal on the existing public footpaths all require assessing.

Policy OB/Ho/1 requires that the proposal includes an assessment of the impact on transport infrastructure, including the Ollerton roundabout. Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

The Highways Agency has stated that they have no comments to make on this application. The Highway Authority initially raised some concerns with the scheme including the width of some of the private driveways, space behind parking areas and details of bin collection points. No objections were raised with the level of off-street parking spaces proposed. Following negotiations and minor alterations to the scheme, all of the concerns raised by the Highway Authority have now been addressed and no objection is raised to the application by NCC colleagues subject to conditions set out at the end of this report.

The NCC ROW officer has also raised no objections to the proposal following some clarification from the applications that the existing public rights of way within the site will not be affected by the development.

Following concerns raised by residents, one of the proposed internal footpath links has been removed from the site altogether. One internal footpath link remains but this has adequate natural surveillance from nearby houses, in terms of being designed to minimise crime and anti-social behaviour.

Policy OB/Ho/1 states that development on this site will be subject to an assessment of the impact on transport infrastructure, including Ollerton roundabout. The submitted Transport Assessment has assessed the impact of the proposal on all major nearby off-site junctions. It concludes that the development should not materially affect the operation of the local highway network. Both the Highway Authority and the Highways Agency have assessed the application and have raised no concerns in this respect.

One of the conditions attached to the outline planning consent was for the location of new bus stops along Wellow Road to be agreed and implemented. This has now been agreed by Nottinghamshire County Council and will encourage sustainable modes of transport to potential occupiers of the site.

For the reasons stated above, the proposal is considered to comply with SP7 and OB/Ho/1.

Neighbours have raised concerns regarding light pollution and have enquired as to what street lighting will be used. Precise details of street lighting formed part of a condition on the outline planning consent, and indeed via any adoption agreement with the Highways Authority. Such details have not yet been finalised.

Drainage

In order to meet the requirements of Policy OB/Ho/1 Ollerton & Boughton - Housing Site 1, the application also needs to address the following:

- The positive management of surface water through the design and layout of the development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.
- 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. Core Policy 9 states that, where feasible, new development should use Sustainable Drainage Systems.

Turning first to foul sewage, S106 of the Water Industry Act 1991 enables a developer to require a connection to public sewers, notwithstanding any capacity issues. It is incumbent on the provider to ensure that the public mains sewerage system is able to accommodate the additional demand including additional demand in periods of heavy rainfall from surface water run-off which are not dealt with otherwise by, for example soakaways. As part of the discharge of condition application for the outline planning permission Severn Trent Water have confirmed that they have no objection to drainage at the site stating “foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval.”

The issue of surface water run off at the site has been the subject of detailed discussions and meetings with the both the developer and the Environment Agency. (Both Severn Trent and the NCC Flood Risk Manager have raised no objections to drainage at the site.) Surface water runoff generated at the development site will be managed via a system of surface water gravity drains, which will route runoff to inlet structures at an attenuation pond / basin located at the lowest area of the site (the South East of the site). The proposed site storage attenuation pond will attenuate surface runoff from the residential development. The off-site drainage from the attenuation pond will ultimately be provided by an engineered pump system, which under proposals will pump water from the attenuation pond into the drainage ditch running parallel to the northern boundary of the site. The supporting Flood Risk Assessment states that the existing off site drainage system has sufficient capacity to accommodate the site discharge and the adjacent land reforming runoff.

The EA initially raised concerns with the surface water drainage proposed. They stated that they do not consider pumped surface water systems to be sustainable. This is because they rely on electricity to function. The EA also raised concerns that pump systems do have a likelihood of failure (for example when there is a power cut). This is likely to result in localised flooding.

As such, the EA requested that the developers demonstrate that there are no other technically feasible options to drain surface water from the site via gravity, rather than using a surface water pump. They also asked for a demonstration of the impacts of a pump failure and resulting flooding to the site.

The developer has provided a written demonstration that there are no other technically feasible options to drain surface water from the site. These were discussed in detail at a meeting between the developers, the LPA and the EA. The EA also studied the site and came up with some possible solutions of their own which they also asked the developers to look into. Both the Planning Officers and the EA are satisfied that there are no other technically feasible options to drain surface water from the site.

Other options explored included:-

Infiltration - This option has been discounted due to the infiltration testing undertaken at the site, which confirmed the underlying soils were unsuitable for soakage type systems.

Consideration to additional SUDs features or locating ponds in other areas of the site where a pumped system would not be required – All of these options involved crossing third party land, which the developers do not have consent to do but more significantly involved raising levels at the site by up to 5 metres. The case officer raised major concerns with the raising of the site by such levels for a number of reasons including, the impact on neighbouring amenity, visual amenity and noise and disturbance during construction. Raising of ground levels is also an unsustainable method to achieve a sustainable drainage system.

Gravity outfall to sewer - Consideration has also been given to connecting to the public sewer network. However, this is not feasible due to the levels of the existing network; they are not suitable to achieve the correct design gradients. This option has been discounted because it is neither feasible or sustainable. The EA were not overly happy with the principle of surface water running into the public sewer in any case.

The EA did, however, ask the developers to tweak the proposed pond by including some areas of different level ponds (rather than one large pond of the same level) and also by including some planting. This is also broadly in line with NWT comments and does mean that the drainage incorporates some sustainable elements.

Core Policy 9 states that where feasible proposals should use Sustainable Drainage Systems. In this case, I consider parts of the drainage method to be sustainable. However, more significantly, I am satisfied that there are no feasible alternative methods to drain the site via gravity, rather than using a surface water pump. As such I do not consider the proposal to be contrary to Core Policy 9.

The developers were also asked to demonstrate the extent of flooding in the case of a flood failure. The areas shown as flooding were contained to the on-site public open space and the internal highways only. No flooding was shown outside of the site boundary or to properties or gardens inside the site boundary. The flood levels were shown for a period of 3 days following a pump failure. There is a letter from Severn Trent Water confirming that they will maintain the pump system. There is therefore an ongoing intervention mechanism in place to manage any pump failure. It is considered reasonable that in the event of a pump failure, Severn Trent would be able to attend the pump within 3 days and therefore the flood levels shown were worst case scenario.

Taking into account the limited extent of flooding (contained within the site only and not affecting individual properties or curtilages), the fact that there are no other technically feasible drainage methods, the fact that parts of the drainage system are sustainable, the fact that the site already has a planning consent and the fact that there are now no objections from the EA, Severn Trent or NCC Flood Risk, I am satisfied with the method of drainage proposed.

Archaeology

Issues or archaeology were dealt with at the outline planning application stage. A condition was attached to the grant of outline planning permission requiring the submission of a scheme for archaeological mitigation. This has been submitted as part of the discharge of condition application and the Archaeology Officer has raised no objection.

Land Contamination

Issues of land contamination were dealt with at the outline planning application stage. A condition was attached to the grant of outline planning permission requiring the submission of a contamination survey. This has been submitted as part of the discharge of condition application and the EHO has raised no objection.

Coal Mining

The Coal Authority has raised no objections to the proposal but has asked that their standing advice be included as an informative on the decision notice.

Written Representations

The majority of issues raised are considered in the appraisal above.

Concerns have been raised regarding the fact that there may be a restrictive covenant at the site. This is a legal issue that is separate from the planning system. Planning permission does not override any legal issues associated with the site and this advice can be included as an informative on the decision notice.

Concerns have also been raised that new properties may erect solar panels on their roofs which could cause glare. However, I see no reason as to why standard solar panels that are found on a number of properties throughout the district would cause unacceptable issues of glare.

Concerns have been raised regarding the impact of the proposal on local amenities. A section 106 agreement was signed as part of the outline planning consent securing contributions to some local facilities including health care facilities contributions.

Devaluation of properties is not a material planning consideration.

Developer Contributions

These were dealt with at the outline planning stage and secured by a Section 106 Legal Agreement. I note that NCC have asked for a library contribution but this should have been requested at the outline planning application stage and cannot be sought as part of the determination of this application.

CIL

The site is situated within the Ollerton Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

RECOMMENDATION

That planning permission is granted subject to the following conditions;-

Conditions

01

The development hereby permitted shall begin not later than two years from the date of this decision notice.

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:-

Site Location Plan

Amended planning layout, drawing no. 101 Rev I, received 12/12/14

Amended landscaping layouts, drawing nos. L535/01 Rev C, L535/03 Rev B, L535/04 Rev B, L535/06 Rev B, L535/07 Rev B, L535/08 Rev B received 27/11/14 and drawing nos. L5235/02 Rev C, L5235/05 Rev D, received 16/12/14

Phasing plan, drawing no. WELL PP01, showing phasing only

House type floor plans and elevations, received 01/09/14 except for Kilmington, Hartlebury and Hartlebury alt elevations (superseded by amended plans received 12/12/14).

Coleford semi elevations and floor plans, received 21/11/14

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

Reason: So as to define this permission.

03

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

Bricks

Roofing tiles

Reason: In the interests of visual amenity.

04

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

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

05

No development shall be commenced until the trees and hedges shown to be retained in the submitted arboricultural survey and shown on drawing no. BB.212314.101 Rev I 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 root protection area 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

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

Class A:

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

Class B:

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

Class C:

Any other alteration to the roof of a dwellinghouse.

Class D:

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

Class E:

Development within the curtilage of a dwellinghouse.

Class F:

The provision or replacement of hard standing within the curtilage of a dwellinghouse unless consent has firstly be granted in the form of a separate planning permission.

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

07

The existing hedge along the southern boundary shown to be retained on drawing no. L5235/05 Rev D shall be retained at a minimum height of 1 metre for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of visual amenity

08

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.

09

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 phase it relates to 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 nature conservation.

010

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drive and any parking or turning area shall then be maintained in such hard bound material for the life of the development.

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

011

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway / parking / turning area is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

012

Notwithstanding the provisions of Condition 4 above, the additional hedgerow planting to the front southern boundary, as shown on plan 101 Rev I, L5235/06 Rev B, L5235/07 Rev B, L5235/08 Rev B shall be retained for the lifetime of the development. Any trees/shrubs within the hedgerow which, at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and landscape character to ensure that appropriate screening is maintained.

013

With regards to the proposed drainage scheme;-

- The surface water discharge rate must be limited to no greater than 8.55l/s.
- Finished floor levels are set a minimum 130mm above the local surface water drainage level in a 1% plus climate change pluvial storm pump failure scenario.
- All the surface water generated up to a 1% plus climate change pluvial storm must be stored on site.
- All surface water must be treated by the surface water pond before discharging from the site. The pond should allow for some infiltration to enable cleaning of first flush.

Reason: To ensure satisfactory drainage at the site.

Informatives

01

The grant of planning permission does not override any legal issues that there may be at the site, including any restrictive covenants.

02

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

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

03

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

04

The application is accompanied by a Section 106 Planning Obligation to provide a financial contribution towards the provision of open space off-site. This decision should therefore be read in conjunction with that agreement.

05

A letter regarding the discharge of conditions for the outline planning consent 13 /00743/OUTM is attached below.

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

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

This decision notice constitutes the reserved matters approval. The development hereby permitted shall begin not later than two years from the date of this decision notice.

02 Details submitted pursuant to the first application for approval of reserved matters consent shall include a phasing plan for the development. Once approved in writing by the local planning authority, the development shall be phased in accordance with the approved phasing plan unless changes to the phasing plan are prior agreed in writing with the local planning authority. The relevant phase of development shall be completed in accordance with the details approved under the relevant conditions of this planning consent.

I can confirm that the following details are acceptable;-

Drawing No. WELL-PP-01, Phasing Plan, submitted as part of the reserved matters application 14/01533/RMAM.

This plan is acceptable in that it shows the phasing only. Other details shown on this plan (such as layout) have since been amended and are not approved.

Subject to the strict compliance with the above details, condition 2 of planning permission 13/00743/OUTM is discharged.

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

I can confirm that the following details are acceptable;-

Site Location Plan

Amended planning layout, drawing no. 101 Rev I, received 12/12/14

Amended landscaping layouts, drawing nos. L535/01 Rev C, L535/03 Rev B, L535/04 Rev B, L535/06 Rev B, L535/07 Rev B, L535/08 Rev B received 27/11/14 and drawing nos. L5235/02 Rev C, L5235/05 Rev D, received 16/12/14

Phasing plan, drawing no. WELL PP01, showing phasing only

House type floor plans and elevations, received 01/09/14 except for Kilmington, Hartlebury and Hartlebury alt elevations (superseded by amended plans received 12/12/14).
Coleford semi elevations and floor plans, received 21/11/14

Subject to the strict compliance with the above details, condition 3 of planning permission 13/00743/OUTM is discharged.

04 Any details submitted in relation to reserved matters for landscaping 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 and shall include details of a management plan.

I can confirm that the following details are acceptable:-

Amended landscaping layouts, drawing nos. L535/01 Rev C, L535/03 Rev B, L535/04 Rev B, L535/06 Rev B, L535/07 Rev B, L535/08 Rev B received 27/11/14 and drawing nos. L5235/02 Rev C, L5235/05 Rev D, received 16/12/14, Plant Schedule L5235/09 Rev D, received 16/12/14

Subject to the strict compliance with these details, condition 4 of planning permission 13/00743/OUTM is discharged

05 The development hereby permitted authorises the erection of no more than 150 dwellings.

The reserved matters approval, 14/01533/RMAM complies with this.

06 No phase of the development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) in that phase 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.

The submitted plan 14/615/6973 Rev C does not show the revised layout. Furthermore, the plan only shows proposed floor levels. Both existing and proposed ground levels are also required. Please could you submitted an amended plan to address this. As such, condition 6 of planning permission 13/00743/OUTM cannot, as yet, be discharged.

07 No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme for the provision of mains foul sewage infrastructure for the phase of development in which the building is located have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme for the phase in which the dwelling is located.

I can confirm that the following details are acceptable:-

Engineering layout 14/615/6973, S104 plan 14/615/6979, foul water pumping station details 14/615/6992 and 14/615/6994

Subject to the strict compliance with these details, condition 7 of planning permission 13/00743/OUTM is discharged

08 No phase of the development shall be commenced until a surface water drainage scheme for that phase, 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;
- Appropriate percolation test results that have been undertaken in accordance with BRE 365;
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

The submitted information will require amending in line with the advice from the EA contained in condition 13, in relation to the amended drainage scheme. As such, condition 8 of planning permission 13/00743/OUTM cannot, as yet, be discharged.

09 The surface water drainage scheme must ensure that all finished floor levels are set at least 300mm above the local surface water drainage system level or 300mm above the maximum surface water flood level, or 150mm above adjacent ground levels, whichever is greater.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

This is tied into condition 6 and as such, cannot as yet, be discharged.

010 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:
- o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

I can confirm that the following details are acceptable;-

Phase 1 and 2 Geotechnical and Geo-Environmental Site Investigation prepared by Eastwood and Partners, April 2014.

Subject to the strict compliance with the approved details, condition 10 of planning permission 13/00743/OUTM is discharged.

011 No phase of the development hereby approved shall commence until the required access(es) for that phase, as firstly agreed in writing by the LPA onto Wellow Road are provided with visibility splays of 4.5m x 90m, as shown on site layout dwg no. 09/1776/02 Rev B, and all land within the visibility splays shall be dedicated to the Highway Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

This condition should be noted and complied with.

012 The formal written approval of the Local Planning Authority is required prior to commencement of development in any phase with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage in that phase. All details shall be implemented as approved.

Further details are still required in relation to this condition including details of gradients, surfacing, street lighting and structures. As such, condition 12 of planning permission 13/00743/OUTM cannot, as yet, be discharged.

013 No part of the development hereby permitted shall be occupied until a full residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

The applicant has already been made aware that the Highway Authority has raised concerns with the submitted Travel Plan in an email dated 27/11/14. These concerns require addressing prior to this condition being discharged.

014 No part of the development hereby permitted shall be occupied unless or until a scheme for 4 bus stops (2 each side of Wellow Road) has been provided to the satisfaction of the Local Planning Authority.

I can confirm that the following details are acceptable;-

Plan showing location of bus stops shown by blue stars on plan received by LPA 27/11/14

Subject to the strict compliance with the above details, condition 14 of planning permission 13/00743/OUTM is discharged.

015 Prior to the commencement of the development in any phase, an Arboricultural Method Statement in respect of that phase including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerow to the south western/front boundary other than that required to be removed to facilitate provision of the visibility splay to serve the vehicular access points unless otherwise agreed at reserved matters stage. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development in the phase to which it relates. The development of any phase shall then be carried out in accordance with the approved details for that particular phase. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

I can confirm that the following details are acceptable;-

Arboricultural Statement, received 01/09/14

Subject to the strict compliance with the above details, condition 15 of planning permission 13/00743/OUTM is discharged.

016 Before the development is commenced in any phase, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters of that development phase near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

The applicant has already been made aware that NWT require further details regarding this Discharge of Condition. This information is required prior to this condition being discharged.

017 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.

This condition should be noted and complied with.

018 Before the development is commenced in any phase details of a scheme for archaeological mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the relevant phase shall be implemented in full accordance with the approved details.

I can confirm that the following details are acceptable;-

Archaeological Evaluation Report prepared by Pre-Consult Archaeological Services Ltd, July 2014
Geophysical Survey prepared by Archaeological Project Services, September 2013

Subject to the strict compliance with the above details, condition 18 of planning permission 13/00743/OUTM is discharged.

019 No development shall be commenced in any phase until a Construction Method Statement in respect of that phase 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**

As previously advised, the submitted Construction Method Statement requires amending to include the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate and also to confirm that there will be no loading / unloading of machinery taking place on the public highway.

020 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.

This condition should be noted and complied with.

021 Details submitted pursuant to the first application for approval of reserved matters consent shall include a draft information leaflet to be distributed to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority in consultation with the Nottinghamshire Wildlife Trust, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion.

I can confirm that the following details are acceptable;-

Amended leaflet, received 17/11/14

Subject to the strict compliance with the above details, condition 21 of planning permission 13/00743/OUTM is discharged.

022 Details submitted pursuant to the first application for approval of reserved matters consent shall include details of a soft landscaped buffer to the north eastern/ rear boundary of the site. The soft landscaped buffer shall have a minimum depth of 3.0m unless otherwise agreed at reserved matters stage.

I can confirm that the following details are acceptable;-

Landscape Layout – North Boundary PRoW 35235/01 Rev C

Subject to the strict compliance with the above details, condition 22 of planning permission 13/00743/OUTM is discharged.

Background Papers

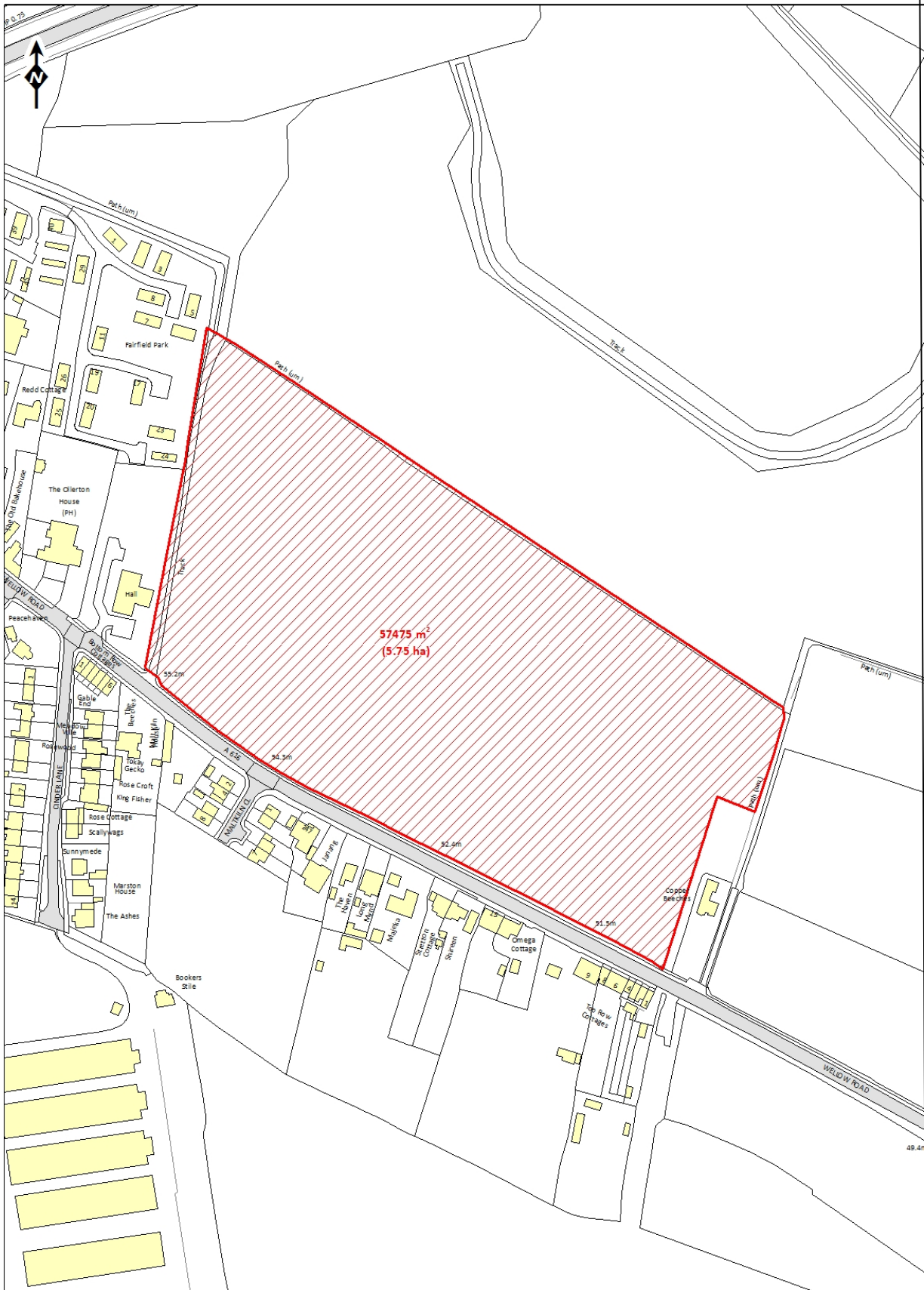
Application case file.

For further information, please contact Claire Turton on 01636 655893

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 14/01533/RMAM



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Application No:	14/01591/FUL	
Proposal:	Erection of two adjoining retail units to accommodate Costa Coffee and Subway	
Location:	Northgate Retail Park, North Gate, Newark, Nottinghamshire	
Applicant:	Limes Development Ltd	
	10.09.2014	Target Date: 03.11.2014
Registered:	Extension of Time for Decision Agreed until 08.01.2015	

Description of Site and Surrounding Area

The site comprises part of the Northgate Retail Park which accommodates a number of retail/bulky goods units (all occupied) with associated parking immediately in front of these. The Retail Park is located on the western side of North Gate and vehicular access is taken from both the south (shared with the Brewery and Maltings) and to the north (off Trent Lane) of the units.

The site lies within the Newark Conservation Area and is adjacent to the Grade II listed Warwick & Richardson's Brewery building. Whilst land to the west lies within Flood Zone 2, the application site is outside and therefore falls within zone 1, at lowest risk of flooding. The site lies outside of the town centre (it is approximately 470m from the edge of the defined town centre) as defined by the Development Plan.

The area where the proposed units would be located is currently customer parking with soft landscaping along the southern boundary comprising trees and shrubs. The access to this parking area (to the south-west) is currently marked 'NO HGV's and servicing to existing units takes place to the rear by separate access. There is a control (height restriction) barrier to the car park which is not currently in use.

Relevant Planning History

The following is a summary of the relevant planning history.

OUT/961189 – Class A1 retail with associated car parking and servicing provision, Class A1 fast food retail with associated car parking and servicing at Northgate Brewery Site was approved by Committee on 1st July 1997. This included a standalone fast food retail building located to the site frontage comprising 280sq m of floor space.

98/51296/RMA – Class A1 retail with associated car parking and servicing provision, class A3 fast food retail with associated car parking and servicing. Approved 25/08/1998.

04/01241/FULM – The refurbishment and extension of adjacent Warwick & Richardson Brewery & Maltings to form 49 residential units and 3 retail units and the refurbishment and extension of Maltings to form bar/café/ restaurant plus associated parking was approved 23rd December 2004. This permission has been implemented.

04/02724/OUTM – Variation of condition of outline consent OUT/961189 to allow subdivision of retail unit. (This application related to the Northgate retail park where full planning permission was sought for Class A1 Retail with associated car parking and servicing provision, Class A3 fast food retail with associated car parking & servicing provision, Class A3 fast food retail with associated car parking and servicing.) It was approved under delegated powers on 26th January 2005.

09/00419/FULM – Variation of condition 5 of 04/02724/OUTM to subdivide former 'Big W' store into 4 individual units, together with addition of mezzanine floor space, and alterations to front (south-east) elevation of existing building. Approved 27th May 2009 under delegated powers. Key conditions were:

- Condition 2 which restricted the range of goods to be sold from the premises to A1 (non-food) DIY, building and decoration products, car parts and accessories, garden improvement products and accessories, electrical goods, cycles, furniture, floor coverings, carpets, pets products, sports goods, discount club selling (discount clothing and household goods (excluding food sales) sold through a club membership formula); and
- Condition 3 which, aside from allowing the Big W to be subdivided into four units, prevented further subdivision and required each retail unit (except the stand alone A3 unit) to be a minimum of 696 sq m (7,500sq ft) in floor space.

The Proposal

Full planning permission is sought for the erection of two retail units contained within a single building within the existing front car park. Originally the proposal sought flexible uses under Classes A1, A3 and A5. However following concerns raised by Officers, the scheme has now been amended which names specific operators; being Subway and Costa Coffee. The applicant has confirmed agreement to restrict its occupation to these known end users.

The units would be sited east of the units containing TK Maxx and Home Bargains close to the southern site entrance off Northgate. Unit F would have a gross internal area of 145.85 sq m and Unit G has a gross internal area of 116.1 sq m comprising a total floor space of 261.95 sq m.

Unit F would be occupied by Costa Coffee whilst Unit G would be occupied by Subway.

The building proposed is single storey in scale and of a contemporary design. Each unit would be contained within an inverted trapeze shaped block constructed of dark silver cladding composite roofing and aluminium windows and doors. These would be linked together by a modest block section of red engineering brick.

In order to facilitate the development, the reconfiguration of part of the existing car park (431 spaces at present) would be necessary resulting in the loss of 26 spaces overall leaving a car park capacity of 405 spaces.

Access to the site would be via the existing entrances to the Retail Park. A servicing/loading area is shown to the east of Unit G. The application submissions suggest that both units would be serviced by light vans only, and the loading bay can accommodate a 7.5t box/parcel/van. It goes on to say that all deliveries would be via the main front doors with the requirements of the proposed tenants as follows:

- Subway: General deliveries twice a week usually before 8am;
- Costa Coffee: Food deliveries on a daily basis, usually early a.m. dry goods delivery on fortnightly basis, timing dependant on delivery route due to multi-drop off.

Opening hours have been clarified as:

- Subway 07.00-23.00 seven days per week and;
- Costa Coffee 06.30-20.00 Monday to Fridays, 06.30 to 19.00 on Saturdays and 07.00-18.00 on Sundays.

A bin storage area to be screened by a wall and fencing would be located beyond, close the junction with Northgate. The transport statement suggests that refuse lorries would collect the bins from within the car park before 08.30hours.

Cycle stands/loops (4 in no.) are proposed close to the entrance to Unit G.

The Planning Statement submitted in support of the application indicates this scheme would provide for approximately 25 full and part time jobs.

Upon request details of the air conditioning plant/abatement systems have been provided by the applicant.

Departure/Public Advertisement Procedure

Occupiers of 78 neighbouring properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press, expiring on 10th October 2014.

Planning Policy Framework

The Development Plan

Core Strategy DPD 2011

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 8 – Retail Hierarchy
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment
- NAP 1 – Newark Urban Area

Allocations and Development Management DPD 2013

- 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
- Policy DM11 – Retail and Town Centre Uses
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012 and its Technical Guidance
- National Planning Policy Guidance Suite, on-line resource (March 2014)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Consultations

Newark Town Council – Object on the following grounds:-

- Over intensification of the site
- Removal and loss of 38 car parking spaces
- Increased traffic impact on the Town Centre
- No arrangements for managing an increase in litter

On 26th November 2014 this objection was reaffirmed in relation to the amended details and additional information received.

Nottinghamshire County Council (Highways Authority) – Comment as follows:

“This proposal is for the construction of two adjoining restaurant units within the car park of the existing retail park. There will be a loss of 26 car parking spaces as a result of this proposal.

The information submitted states that the proposed development is required under flexible uses A1, A3 and A5, with the current proposal expected as A3 use. With regard to this, the expected servicing arrangements for the A3 use is to be by Light Goods Vehicles only with deliveries taking place outside of peak operating hours. Whilst this may be acceptable for A3 and A5 use I am concerned that this would be unsuitable for A1 use.

It is stated that refuse collection will take place from the car park aisle outside of peak operating hours and ‘normally’ outside of opening hours. The layout of the site will require a refuse vehicle to manoeuvre within the car park to enable exiting in a forward gear, therefore, it is essential that this is carried out safely and without cars present, i.e. outside of opening hours.

Could these issues be clarified with the applicant?”

17/12/14 - In response to the amendments/clarification received the following Highway comments have been made:

“The agent has submitted an amended plan (dwg. No. 12185-103) showing the loading area for shared use adjacent Unit G, which is suitable for the light goods vans expected to service both units. Deliveries are expected 1-2 times per week by both units, therefore, this is considered appropriate.

As stated in my previous comments, refuse collections are to take place before 0830hrs, prior to the opening of the existing retail units.

In view of the above, there are no highway objections to this proposal.”

Highways Agency – Offers no objection.

“The proposed development is not expected to have a material impact on the closest strategic route, the A46. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency has no objections to the proposal and I enclose our TR110 form for your records.”

Newark Civic Trust – Object as follows:

“The proposed building is a futuristic creation which would look alien to its surroundings and would be harmful to the setting of the adjacent listed Warwick’s and Richardson’s Brewery building.

The submitted design and access statement – particularly the section on heritage impact - is rejected. It states that it would be wrong to undertake a pastiche and that:

“The proposed development offers a contemporary design which complements the setting of Northgate Brewery.”

This is untrue – the choice of location in front of the brewery is entirely the wrong one and the choice of blue/grey aluminium cladding along with its angular form and positioning would detract from the brewery and draw attention away from this heritage asset. Consideration should be given to siting the development in the northern corner of the retail park.

The D&A statement goes on to describe the predominant red brick, terracotta and stone materials of the brewery and that:

“Such materials would be incongruous to the contemporary nature of the proposed design.”

This is like saying that it’s not the proposed design which is wrong, but the context of the listed buildings and the conservation area in which they sit.

It goes on to say the development would complement the street scene and preserve/enhance the Conservation Area. Again this must be countered, as its futurist style has no connection with the prevailing built environment. Further, the loss of several well established trees along the frontage would be harmful.

This is also a building which doesn’t know which way to face and bin stores and service arrangements could end up fronting the road and facing the brewery.

We are of the opinion that the development would be contrary to DM5 and DM9 on matters of design and local distinctiveness and heritage impact.

Should the Council be minded to approve the application it is recommended that hours of opening should be tied largely to the current hours of the retail park to prevent night issues and congregations of car racers.

It is noted that only B&W plans are available to view on line. “

Nottinghamshire Police – No response has been received.

NSDC (Conservation) – “Thank you very much for chasing up additional information to help illustrate the appearance and impact of the proposal 14/01591/FUL. I have found the artist’s impression and photos of other similar units very helpful.

The application site is within the Newark Conservation Area and directly adjacent to the Grade II listed North Gate Brewery and Maltings. Historically this area was given over to industry, being home to many large breweries and maltings, but North Gate Brewery is now unfortunately the last survivor in this area, with many significant buildings lost in the late C20. Historic maps show that the land between North Gate and the River Trent was lined with large industrial units. While these tended to sit flush to the Trent rather than North Gate, North Gate Brewery sits on the pavement edge and on the application site once sat another large unit set back slightly from the pavement edge.

Despite the current lack of street frontage development where the car park currently is, this wasn’t the traditional or historic layout for this area and is purely the result of industrial clearance and the development of the retail park.

It is not therefore out of character to have a structure along the street frontage in this area.

The setting of North Gate Brewery and its maltings has been compromised by the loss of the former industrial buildings and by the development of the retail park, which is of a totally generic design and has reinforced the loss of street front development.

As a general principle I do not object to a proposed new unit here as a reintroduction of street frontage buildings is actually more traditional than the existing land use arrangement here. While the proposed unit doesn’t fully address North Gate it is now in the position of needing to address both North Gate and the newly created access street leading into the retail park and I think the structure successfully creates this kind of entrance/corner building.

The artist’s impression suggests that the majority of the northern façade of North Gate brewery will remain visible. While some will now be partially obscured by the proposed new building I do not think this harms the setting of the building as I would reiterate that this view of the façade is only the result of modern clearance and did not historically enjoy expansive views. Notwithstanding this, I do accept that the brewery was designed with a decorative facade and was meant to impress and I am happy that the majority of the façade remains visible and only becomes obscured towards the element where the new-build commences. This artist’s impression seems to be borne out by my own map-based exercise in terms of visibility.

The proposed design is wholly modern in its approach but uses a complementary palette of materials (presuming it to be those seen on the photograph) of red brick, cedar cladding and grey standing seam metal roofing, which are all colours, materials and features used successfully at North Gate Brewery and in this historic Victorian area generally. Certainly the design is much better than the large generic metal sheds which comprise the retail park. I am happy for the proposed new building to be a stand-alone design, but feel given its scale it does not compete with the Brewery in terms of status and impact.

The only part of the proposal I would strongly suggest revising is the proposed projecting sign which sits above the building. This I think would disrupt the profile of the building and present an unwanted distraction seen in front of the decorative façade of North Gate brewery. There is scope for a fascia sign equivalent above the door or perhaps on the sloping roof section which would provide adequate impact but keep within the building’s profile.

If this element could be removed and subject to conditions over materials I have no objection and feel the proposal would not harm the setting of the listed building or the character and appearance of the conservation area, thus meeting S66 and S72 of the Planning (Listed Building and Conservation Areas) Act 1990.

I trust these comments have been helpful.”

NSDC (Environmental Health) –Requested details of the proposed odour abatement systems and any exterior lighting. Details of the plant has been provided and the EHO has now confirmed that it is acceptable and no conditions are required in terms of noise or odour.

NSDC (Waste) - Comments as follows.

“Investigations would need to take place to ascertain whether or not the LGV access is denied for car park infrastructure reasons or just car parking issues. If the surface cannot withstand 32,000kg vehicles then it is a non-starter. However even if LGV’s can access the site the car park area would be very tight once cars are parked and this would be in no way an ideal way in which to access the site. Obviously these are commercial properties and as such will be able to select their own waste collection service provider and as such I cannot comment on what another collector would wish to see.

In addition the waste management plan and the store drawing shows 3 x 1100litre containers. Knowing the two companies involved I doubt very much whether this would be sufficient for their residual waste needs. Also having dealt with the two companies I am aware that they are both keen to look at recycling options as well as straight disposal. This makes the plan for an odd number of containers is rather strange as it would mean a commercial version of communal recycling. As the two waste streams are priced very differently it would be extremely difficult for a provider to price for the collection. In addition if both companies were subsequently tied in to national agreements and had to opt for different collectors sharing bins would be an impossibility.”

NSDC (Access and Equalities) – General observations received.

Two neighbours/interested parties have made representations to date. These objections are summarised as follows: –

- These food outlets will affect the trade of an adjacent small family run business which is their livelihood.
- Concern that the competition will force the existing business to close.
- When the existing business opened up there was no one else selling food but now everyone wants to do it.
- This will bring more congestion to the area, which is very busy already.
- There is no need for more coffee shops as there is one already situated in Warwick Brewery and that's one too many.
- The world doesn't need another Subway.
- The kind of clientele that is plaguing this area will only worsen.
- First it's Costa & Subway, next it'll be pound shops and maybe even a fireworks shop.

Comments of the Business Manager - Development

Background

This application had originally sought permission for flexible uses to include A1, A3 and A5. However revisions to the application have been made during the course of the application following concerns regarding further A1 retail at this site and the consequential impacts upon the ability to service these units and the impact they would have upon the vitality and viability of the Town Centre. The application now seeks permission for two retail units to accommodate two specific end users named as national brands 'Costa Coffee' and 'Subway'. The application is therefore assessed on this revised basis.

Principle

The proposal is for a 'town centre' use in an 'out of centre' location. The site is some 470m from the edge of the defined 'town centre' boundary and consequently is not 'edge of centre' as defined by the NPPF. In accordance with Paragraph 24 of the NPPF, such applications need to address the sequential approach to site selection.

The applicants Planning Statement states that *'A requirement for A3 restaurant facilities to serve customers of Northgate Retail Park has been identified. The proposed development will provide an ancillary function to the Park and will be predominantly used by existing customers. This need is location specific to NRP. Notwithstanding this a sequential assessment has also been undertaken.'*

The Statement does not say who has identified the requirement for A3 restaurant facilities although it is assumed that it is the applicant/owner of the NRP. The sequential assessment the applicant has provided in my view is somewhat flawed. This is for three reasons; 1) they have not evidenced that there is a need for the flexible uses, 2) its scope is limited and does not include existing vacant units within the town such and 3) because it states that each of the units they have looked at would not meet the identified location specific need which the development seeks to address. I consider that certainly in the case of A1 retail, there are likely to be other suitable sites within the town centre. There would be no reason why an A1 use would need to be located at NRP as this would not better cater for existing customers with a differing offer. However this Sequential Assessment relates to flexible uses that are no longer being sought and therefore I have disregarded this to a large degree.

I take the view that Costa Coffee and Subway (the intended end users) would both be akin to A3 (cafes) Uses in the context of this development, albeit I note that Subway tend to operate from A1 (shop) premises and require an A1 consent for their usage. Regardless of its use classification, in this instance it is assumed that given the design and size of the unit, Subway would have an eat-in facility and would therefore operate similar to a café A3 use.

In the case of Unit F (Costa Coffee), it is considered that restricting occupation to an A3 use only is sufficient control (see Condition 3) rather than the named user. This would allow an alternative café/restaurant operator without the need for consent should it be required in the future. Unit G (Subway) would however be restricted (by Condition 2) to the named user given that they are often more akin to an A1 use.

There are currently no food and drink establishments at NRP (albeit there is 'Flavours' café within the adjacent Brewery building) and I can see how two units occupied by national brands Costa Coffee and Subway would provide an improved and extended offer to existing customers using the site. In order to do this they would clearly need to be located on or close to the site and as such the sequential approach becomes defunct. To provide such units elsewhere would not fulfil an existing demand.

The NPPF provides that for units of 2,500 sq m or less (unless otherwise specified by the LPA), an Impact Assessment is not required. This is also reflected in Policy DM11 of the Council's Allocations and Development Management DPD. As the proposal seeks a combined total floor space of 262sq m, an Impact Assessment is not required in this case.

In summary I consider that the provision of the retail units to be occupied by Costa Coffee and Subway would be acceptable. However given that the sequential test has not been robustly demonstrated and through agreement with the applicant, it is recommended that a condition be imposed to restrict occupation (see Conditions 2 and 3) in order to protect to viability and vitality of Newark Town Centre.

Design and Impact upon the Historic Environment

DM5 (Design) provides that the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. DM9 (Protecting and Enhancing the Historic Environment) seeks the continued protection or enhancement of heritage assets. The NPPF echoes this with two of its core principles being to always secure a high quality design and to conserve heritage assets in a manner appropriate to their significance.

The application site lies within the Newark Conservation Area and is directly adjacent to the Grade II listed North Gate Brewery and Maltings. Historically this area was industrial and historic maps show that another large unit once sat on this site, slightly set back from the pavement edge. The Conservation Officer states that it is not out of character to have a structure along the street frontage in this area and does not object to a proposed new unit as a reintroduction of street frontage buildings is actually more traditional than the existing land use arrangement here.

Given its position within the site, the building needs to address Northgate, the road leading into the retail park as well as providing active frontages to the car parking area. I share the Conservation Officers view that the structure successfully creates this kind of entrance/ corner building.

The proposed development comprises a contemporary single storey design. Materials are specified as being a dark silver wall cladding (covering the majority of the building), black aluminium seamless panels surrounding aluminium glazed frontages (facing Northgate and towards TK Max) and full height windows facing north-east and south-west. Cedar cladding would be used for the reveals. A relatively small section of red brickwork visually connects the two units centrally.

The majority of the northern façade of the listed brewery will remain visible and whilst some of it would be partially obscured by the proposed new building, I share the Conservation Officers view that it would not harm the setting of the building because of its low scale and massing and because historically there were not expansive views of the brewery building in any event.

In line with the advice of the Conservation Officer, revisions have been sought and received removing the proposed projecting frame (upon which signage would have been attached) above the building. The proposed design is wholly modern in its approach and uses a complementary palette of materials, some of which (the dark silver cladding) is new for the area. With regards the metal cladding this is a standing seam detail and would reflect the traditional lead roofs and in colour will match the slate roofs of the brewery and any visible lead so this is considered to be acceptable. I note the objection from Newark Civic Trust on design grounds. Clearly design and visual perception is subjective but in my view the proposal comprises a design which is sensitive and appropriate to its context. It is of its time, does not try to replicate adjacent buildings which allows visual receptors to read the evolution of the site. I am also satisfied that the development does not compete with the brewery in terms of impact and status.

The position of the bin store projecting forward of the new units towards Northgate is relatively prominent. There is no scope to set this further back however I consider there is scope to improve its design with the use of brick wall/fencing on all elevations rather than just one elevation. This matter can be adequately controlled by condition. Details of the appearance of the extraction and plant equipment to face onto the brewery have been requested and are awaited. It is expected that these will be sited at ground floor level and could be treated so that they are not prominent against the backdrop of the buildings. A condition is proposed to deal with this.

Overall I am satisfied that the proposal is of a good, bold design that would not harm the setting of the listed building or the character and appearance of the conservation area, thus meeting S66 and S72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the identified policies of the Development Plan.

Highway Matters

SP7 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. Policy DM5 also reflects this.

Unlike the existing retail units at the Park, which are serviced at their rear, these new units would be serviced from the main customer car park.

The agent has submitted an amended plan showing the loading area for shared use adjacent Unit G, which is suitable for the light goods vans expected to service both units. Deliveries are expected twice a week for Subway, usually before 8 a.m. (when the adjacent retail units open) whilst Costa Coffee has deliveries on a daily basis usually during the early morning but timings depend upon delivery routes. Dry goods for Costa are delivered fortnightly. Given the limited deliveries specified by the known end users, given that a loading bay is available and nature of the delivery vehicles, I consider it unlikely that this would cause conflict with customer vehicles and I do not consider that it would be necessary or appropriate to control delivery times. The occasional delivery outside of the likely hours stated, would be unlikely to cause highway or amenity issues in my view. However I suggest that a condition (no.12) is imposed to require the loading area to be kept available for loading at all times.

In relation to refuse/waste collections, it is noted that these would take place before 08.30a.m prior to the opening of the retail stores. Given the nature of vehicles involved (which could be larger) I consider that this should reasonably be conditioned (C13) to require refuse collections outside of majority of the core trading times to minimise conflict with customer cars in the interests of highway safety. This is an approach endorsed by NCC Highways Authority. In relation to the size of the bin store as currently designed, the applicants have confirmed that this can accommodate 8 bins which should provide sufficient flexibility for the occupiers.

The level of car parking that would remain as a result of the development (405 spaces) is adequate to serve the enlarged retail park. The Highways Authority raise no objection to the scheme and therefore I take the view that the proposal accords with the Development Plan in relation to highway matters.

Impact on Amenity

Residential properties lie to the south-east and south-west (predominantly the terraces along Northgate and Currie Road) which are over 40 metres away and there are apartments within the adjacent converted Maltings building which is over 50 metres to the south-west. I consider that these distances are sufficient to avoid impacts such as loss of privacy, overshadowing and overbearing impacts as well as the low level noises from the plant equipment which would be sited on the southern boundary of the proposed building.

The proposal seeks the ability for the units to be open to members of the public from 06.30 until 23.00. It should be noted that the existing retail units at the park are not restricted by an opening hours condition and some units choose to open early and stay open until later than average high street branches. For example Next is ordinarily open until 8pm and opens in the early hours of the morning for their sale events, and Boots operates a midnight pharmacy service. Given the nature of the proposed uses and the flexible trading hours of the retail units it is anticipated that proposals will draw upon, it is not considered necessary to control hours of opening as these are unlikely to give rise to unacceptable impacts such as noise and general disturbance to neighbours.

It is considered that the proposed units would constitute a compatible mix of uses suitable for the area in accordance with CP9 and accords with DM5 in this regard.

Other Matters

Impact upon existing businesses

It is noted that an interested party/local resident has raised concerns regarding the impact upon their established food outlet in close proximity to the site. Whilst I sympathise with their concerns, competition within the market is not a material planning consideration and cannot be given weight.

Security by Design

Nottinghamshire Police have chosen not to offer comment on the scheme. However I am satisfied that the proposal would be unlikely to give rise to unacceptable impacts in terms of anti-social behaviour and accords with Section 17 of the Crime and Disorder Act 1998.

Extant Use

There was previously some uncertainty as to whether planning permission remained extant for a fast food unit (280 sq m) on the other side of the car park that was never been built out. This could have been relevant as it could potentially have impacted upon (by further reducing) the number of car parking spaces available for the remainder of the retail park. However following legal advice taken, it appears that there is no extant permission capable of implementation. In any event, and for the avoidance of any doubt, I am exploring with the applicants a legal agreement to ensure that this is not implemented (irrespective of my view on behalf of the Authority that it can no longer be) if this scheme comes forward.

Conclusion

In conclusion the principle of two retail units for Costa Coffee and Subway are considered to be acceptable and would be unlikely to adversely impact upon the vitality and viability of the town centre. The proposal would preserve the character and appearance of the Conservation Area and not unduly affect the setting of the adjacent listed building. Impacts upon the highway and amenity are also considered to be acceptable. The proposal is considered to accord with the Development Plan and the application is recommended for approval.

RECOMMENDATION

Approve, subject to the following conditions:

Conditions

01

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

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

02

The premises comprising Unit G shall be only be occupied by Subway unless otherwise agreed through the granting of a separate planning permission.

Reason: In order to protect the vitality and viability of the Town Centre and to ensure that other impacts (such as deliveries) can be properly assessed by the Local Planning Authority and in recognition that Subway requires to operate within an A1 Use consent.

03

The premises comprising Unit F shall be used for a café falling within Use Class A3 and for no other purpose, including any other use falling within class A3 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to protect the vitality and viability of the Town Centre and to ensure that other impacts (such as deliveries) can be properly assessed by the Local Planning Authority.

04

There shall be no amalgamation or sub-division of units unless consent has first been granted for such works by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of the creation of larger unit or smaller units in the interests of maintaining the vitality and viability of the Town Centre.

05

The premises hereby approved shall only be open to members of the public during the hours of 06.30 and 23.00 on any day of the week.

Reason: To define the permission in line with the applicant's intentions and in the interests of residential amenity.

06

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

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

proposed finished ground levels or contours;

means of enclosure (full elevation details including materials/finish)

hard surfacing materials;

minor artefacts and structures for example, bollards, furniture, refuse or other storage units;

Reason: In order to provide an attractive setting for the adjacent listed building, in the interests of visual amenity and biodiversity.

07

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

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

08

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 including the cladding.

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

09

No development shall be commenced until details of any external lighting within the application site have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

010

Prior to first occupation of each of the two units hereby approved, full details (including elevation details, their treatment including colour finish and location) of any means of extraction equipment or plant equipment (such as air conditioning units) to be sited externally shall be submitted to and approved in writing by the Local Planning Authority. The scheme implemented shall be as approved.

Reason: In the interests visual amenity and of protecting the setting of the adjacent listed building.

011

Notwithstanding the details of the bin store shown on drawing number 12185-106 (by The Harris Partnership) this is not approved and prior to first occupation of the units hereby approved, full details of an alternatively designed bin store (including full elevation details including the materials to be utilised) shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall be erected on site prior to first occupation and shall be retained as a bin store for the lifetime of the development.

Reason: In the interests visual amenity and of protecting the setting of the adjacent listed building.

012

Prior to first occupation of any of the units hereby approved the loading bay shown on drawing 12185-103 shall be provided in accordance with details to be first agreed in writing as part of condition 6 (or otherwise) and thereafter the loading bay shall be kept available for deliveries for the lifetime of the development unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: In the interests of reducing conflict between pedestrians and customer vehicles using the adjacent car park in the interests of safety.

013

No refuse collection shall take place within the application site outside the hours of 20.00 to 08.30.

Reason: In the interests of reducing conflict between pedestrians and customer vehicles using the adjacent car park in the interests of safety.

014

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

12185-102 Revision B Proposed Site Plan

12185-103 Proposed Site Plan

12185-104 Proposed GA Plan

12185-105 Revision A Proposed Elevations

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

Reason: So as to define this permission.

Notes to Applicant

01

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

02

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

03

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

The proposed development has been assessed and it is the Council's view that **CIL IS PAYABLE** on the development hereby approved as is detailed below. Please note that this is Draft CIL Calculation and that a final version will not be issued until all pre-commencement conditions are discharged and this will be contained within the CIL Regulation 65 Liability Notice which will be issued once these conditions are discharged. As such this figure may be subject to change to take account of indexation at that time

			A	B	C	
Dev Types	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
Retail	262	N/A	262	£125	235	£34,982.95

Notes:

As a Reasonable Authority we calculated this CIL liability figure utilising the following formula which is set out in Regulation 40 of the CIL Regulations

CIL Rate (**B**) x Chargeable Floor Area (A) x C (BCIS Tender Price Index at Date of Permission)
220 (BCIS Tender Price Index at Date of Charging Schedule)

CIL payments are indexed in line with the "All-in Tender Price Index of Construction costs" produced by the Building Cost Information Service which is a measure of building costs inflation. The figure for (C) in the above calculation is based on the figure for 1st November of the preceding year. Therefore an application granted in 2013 would use that for 1st November 2012. Where the BCIS information says that the level of indexation is a forecast the District Council refer to the most up to date confirmed figure.

As a Reasonable Authority the Council have calculated the amount of CIL payable based on the information about the level of new floorspace to be created contained within the planning application form that was submitted to the District Council

Your attention is drawn to the attached **CIL Liability Notice** which confirms the amount of CIL payable. It should be noted that it is the responsibility of the person(s) who will pay the charge to serve an 'Assumption of Liability Notice' on the Council prior to the commencement of development. If this does not occur under Regulation 80, the Council may impose a £50 surcharge on each person liable to pay CIL.

You may request a review of the chargeable amount set out within the Liability Notice however this must be done within 28 days from the date of which it is issued.

CIL Rate (**B**) x Chargeable Floor Area (A) x C (BCIS Tender Price Index at Date of Permission)
220 (BCIS Tender Price Index at Date of Charging Schedule)

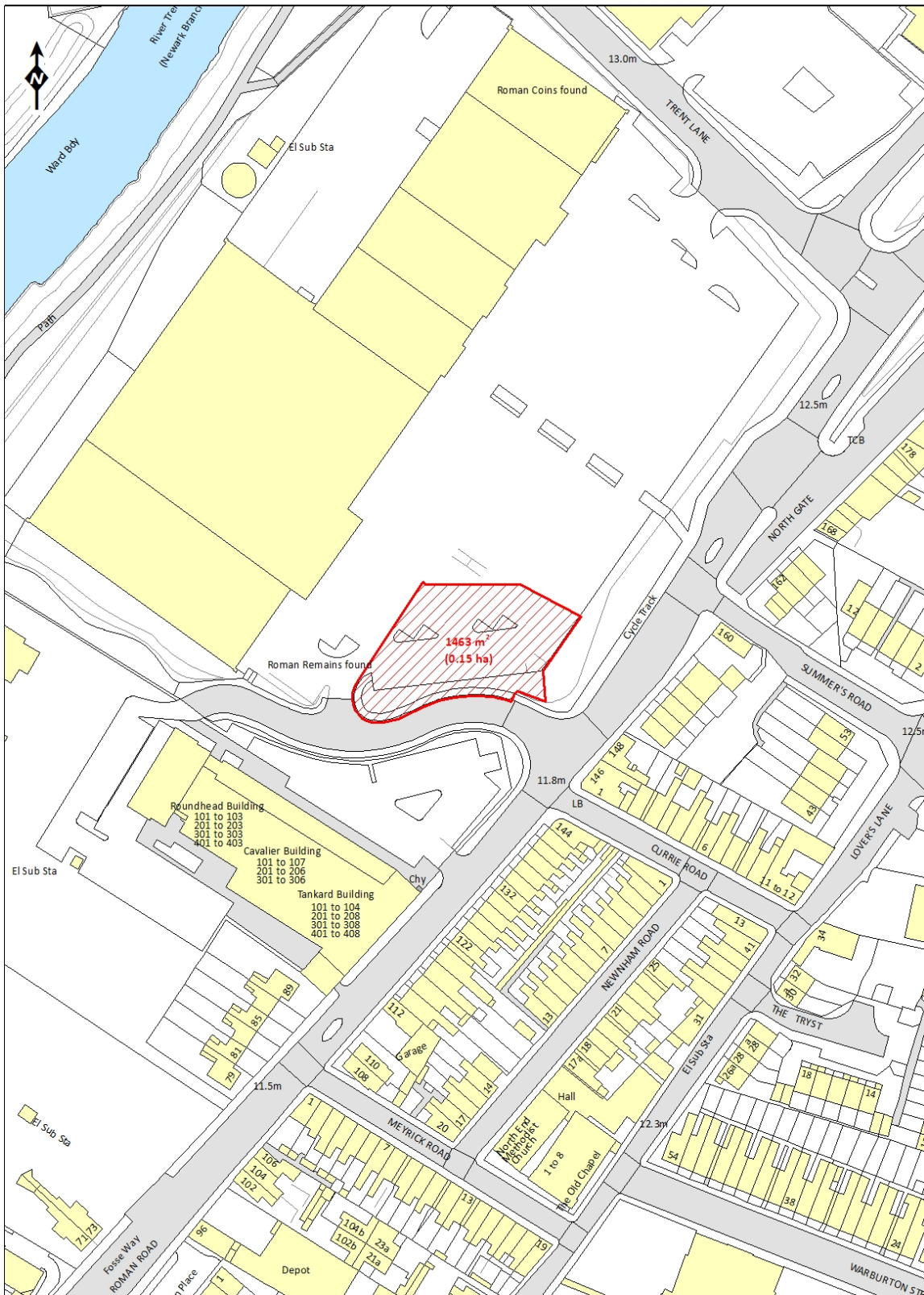
Background Papers

Application case file.

For further information, please contact Clare Walker on 655834.

K.H. Cole
Deputy Chief Executive

Committee Plan - 14/01591/FUL



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Application No:	14/01691/FUL	
Proposal:	Erection of amenity block	
Location:	1 Taylors Paddock, Tolney Lane, Newark, Notts.	
Applicant:	Mr & Mrs R Taylor	
Registered:	16.10.2014	Target Date: 11.12.2014
	Extension of Time Agreed Until 12.01.2015	

The Site

The land is located to the south of the northern spur of Tolney Lane at the western end of the existing development site. The site lies outside of the Newark Urban Area, as defined by the Allocations and Development Management DPD, and so it is located within the open countryside for the purposes of planning policy. The site itself is within flood zone 2 and the front of the site (only around the access) is within flood zone 3 as defined by the Environment Agency flood map data.

The site is currently occupied by a touring caravan with a small brick building used as a utility and W.C which is shared by the applicants son and family who also live on the site. This building is due to be demolished should planning permission be gained for the proposed amenity block.

Relevant Planning History

14/00069/FUL - Change of use from gypsy and traveller caravan site to form residential development site. Erection of 1 No. bungalow – Refused 06.03.2014 under delegated powers on grounds that (1) there was no justification for a dwelling outside the settlement boundary and (2) flood risk, due to unsafe means of egress in flood event.

08/00670/FUL - Change of use of land for residential caravan site – Approved 10.06.2009

07/00278/FUL - Use of land as travellers caravan park – Refused 29.06.2007

The Proposal

Full planning permission is sought for the erection of a detached brick building to provide an amenity block with the subsequent demolition of the existing smaller one. The building is located to the south of the application site.

The amenity block measures approximately 8.3m wide by 6m deep with a ridge height of approximately 4.7m. The internal layout comprises of a kitchen/dining space and a shower room with W.C.

Departure/Public Advertisement Procedure

Occupiers of 6 neighbouring properties have been individually notified by letter.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy DPD (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
- Core Policy 5 – Criteria for Considering Sites for Gypsies & Travellers and Travelling Showpeople
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 13 - Landscape Character

Allocations and Development Management DPD (adopted July 2013)

Policies relevant to this application:

- Policy DM5 – Design
- Policy DM8 – Development in the Open Countryside
- Policy DM12 – Presumption on Favour of Sustainable Development

Please Note: All policies listed above can be found in full on the Council's website.

Other Material Considerations

National Planning Policy Framework (NPPF) 2012

Planning Practice Guidance (PPG) 2014

Designing Gypsy and Traveller Sites – Good Practice Guide (May 2008)

Consultations

An additional round of consultations took place due to the existing utility building not being on the plans.

Newark Town Council - Object to the proposal on the following grounds:

- It is a permanent building on a flood plain
- The size is excessive for the purpose identified in the application
- It is out of proportion to the caravan it would serve

Environment Agency – Standing advice applies.

NSDC Environmental Health – Whilst we have no objection to the proposed amenity block care does need to be taken to ensure adequate spacing from the site boundary. In this case the amenity block would have to be positioned a minimum of 3 metres from any boundary.

English Heritage – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Neighbours/Interested Parties - No neighbour comments received.

Comments of the Business Manager - Development

The main planning considerations in the assessment of this application relate to (1) the principle of the development, (2) flood risk, (3) impacts on the countryside and (4) impacts on amenity. These are discussed below.

Principle of Development

Firstly Members should be aware that the existing brick amenity block as shown on the plans is currently unauthorised and should you resolve to approve this application, the applicant has agreed to a condition to ensure its demolition within 3 months following completed construction of the new amenity block. The existing block contains a utility and bathroom and is shared with another family on the site. The facilities contained within the existing amenity block will be amalgamated within the proposed amenity block.

The site is located outside of the main built up area of Newark as defined within the Council's A&DM(DPD). The site is therefore located within the open countryside where new development is strictly managed. Also of some relevance is Policy CP5 which sets out criteria for the allocation of gypsy and traveller pitches. Criteria 2 states:

"The site is reasonably situated with the access to essential services of mains water, electricity supply, drainage and sanitation and to a range of basic and everyday community services and facilities – including education, health, shopping and transport facilities..."

The principle of the use of the land as gypsy and traveller caravan pitches has already been approved and is therefore established in planning terms and is not the subject of this application consideration. However in approving the use as a pitch there would be a reasonable expectation that the pitch would require an amenity block in order to accord with CP5.

It is advised by the document Designing Gypsy and Traveller Sites Good Practice Guide that it is essential for an amenity building to be provided on each pitch. This is backed up by the advice given by Environmental Health colleagues who acknowledge the amenity requirements for caravan site licences. Whilst it is accepted that the site already has an amenity block, this falls short of the minimum standards required for a site licence. The good practice guides states

"The amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/ shower room; a kitchen and dining area" (para 7.17).

The existing amenity building only provides a utility and small W.C./shower room which fails to comply with the criteria for a site licence. In my view the proposed improved amenity block would provide the pitch with a decent standard of amenity that is expected and this accords with the intentions of CP5. The amenity block has been re-sited beyond 3m from the site boundary in accordance with advice received from Environmental Health colleagues.

Flooding

The site is located within flood zone 2. This means the site is at medium risk from flooding. The NPPF states that *'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'* (para 100).

The Environment Agency calculates the 1 in 100 year flood level for the site to be 12.57 AOD, and with the climate change modification this figure rises to 12.94 AOD. The area sited for the amenity block is located on land higher than these figures at between 12.95 and 13.07 AOD as the site rises from north to south. These levels are acceptable as the building would be located on land above the lowest of the flood levels. The agent has confirmed that the internal finished floor level of the building would be 13.54 AOD which is above the recommended 600mm from 1 in 100 annual probability of river flooding. It is considered that the building, subject to the imposition of appropriate conditions, is considered to be acceptable and compliant with Core Policy 10 of the Adopted Core Strategy, the NPPF and PPG.

Impact on the Countryside

Clearly some weight needs to be attached to the provision of this additional amenity building and the need to serve the occupiers of the site. However, weight also needs to be attached to the impact of the mass and scale of the built form given its location in the open countryside.

Whilst it is acknowledged that the change of use has been established on this site, the A&DM(DPD) still identifies this site as being located within the countryside, and approximately 250 metres away from the defined urban boundary of Newark. However the existing character and appearance of this plot, which is developed and surrounded by developed land, doesn't reflect the inherent character of the open countryside. The plots to the west of Tolney Lane are more reflective of its countryside status as they are located in open fields. The proposed built form is a duplicate of many other amenity blocks approved by this Authority and most recently at Hiram's Paddock (approximately 300m west of the application site) which Members resolved to approve in June 2014, and the scale is considered to be proportionate and acceptable in terms of harm on the open countryside. I have considered the use of landscaping conditions but do not consider these are necessary given the site context.

It is therefore considered that the proposal is compliant with Spatial Policy 3 of the Core Strategy, policy DM8 of the ADMDPD, the NPPF and PPG which are both material planning considerations.

Impacts on the Amenity of Nearby Residents

The site is located within an established gypsy and traveller area where the necessity of providing an amenity block is a common theme to gain a site licence from the Council's Environmental Health Service. The proposed building has been re-sited approximately 3m from the southern boundary, 12m from the western boundary and 8m from the eastern boundary, in accordance with Environmental Health colleagues advice. I consider that due to the use, scale and siting the proposal would not have any detrimental impacts upon amenity to neighbouring land users and would not result in unacceptable loss of privacy or over-bearing impacts. Furthermore no representations of concern have been received to date. For all these reasons the proposal is considered to be in accordance with Core Policy 9 and DM5 of the Local Development Framework and the NPPF and its guidance.

Other Matters

The site is located outside of the defined conservation area. The site is not located in close proximity to the Scheduled Ancient Monument and the application will have no bearing on the status or the integrity of the Monument which comprises of earthworks.

In light of the comments received from NSDC Environmental Health, the amenity block has been relocated 3m from the site boundaries, to enable a licence to be granted on the site for the caravan.

Conclusion

Each material planning consideration has been discussed in detail above and I conclude that the proposal accords with National Planning Policy Framework and Planning Practice Guidance, Core Policies 5, 9, 10 and 13 of the Adopted NSDC Core Strategy and DM5, DM8 and DM12 of the ADMDPD. There are no material considerations that would outweigh this policy stance. I therefore recommend that the application be approved planning permission subject to the imposition of appropriate conditions.

RECOMMENDATION

That full planning permission is approved.

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 site location plan and the approved plan reference 1691.A.1b (Proposals) 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

Reason: In the interests of visual amenity.

04

The building hereby approved shall not be used for any over-night sleeping accommodation.

Reason: To prevent any use of the buildings for permanent residential usage which would result in an increased flood risk to potential inhabitants of the building, or other third parties.

05

The buildings hereby approved shall have a minimum internal finished floor level of 13.540m AOD.

Reason: To ensure the users of the proposals are considered to be safe in terms of flood risk up to a severe event.

06

Within 3 months of substantial completion of the amenity block hereby approved, the existing smaller brick amenity building on the site shall be demolished and the ground restored in accordance with a scheme to be submitted to and approved by the local planning authority.

Reason: In the interests of visual amenity and impact upon the countryside.

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

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

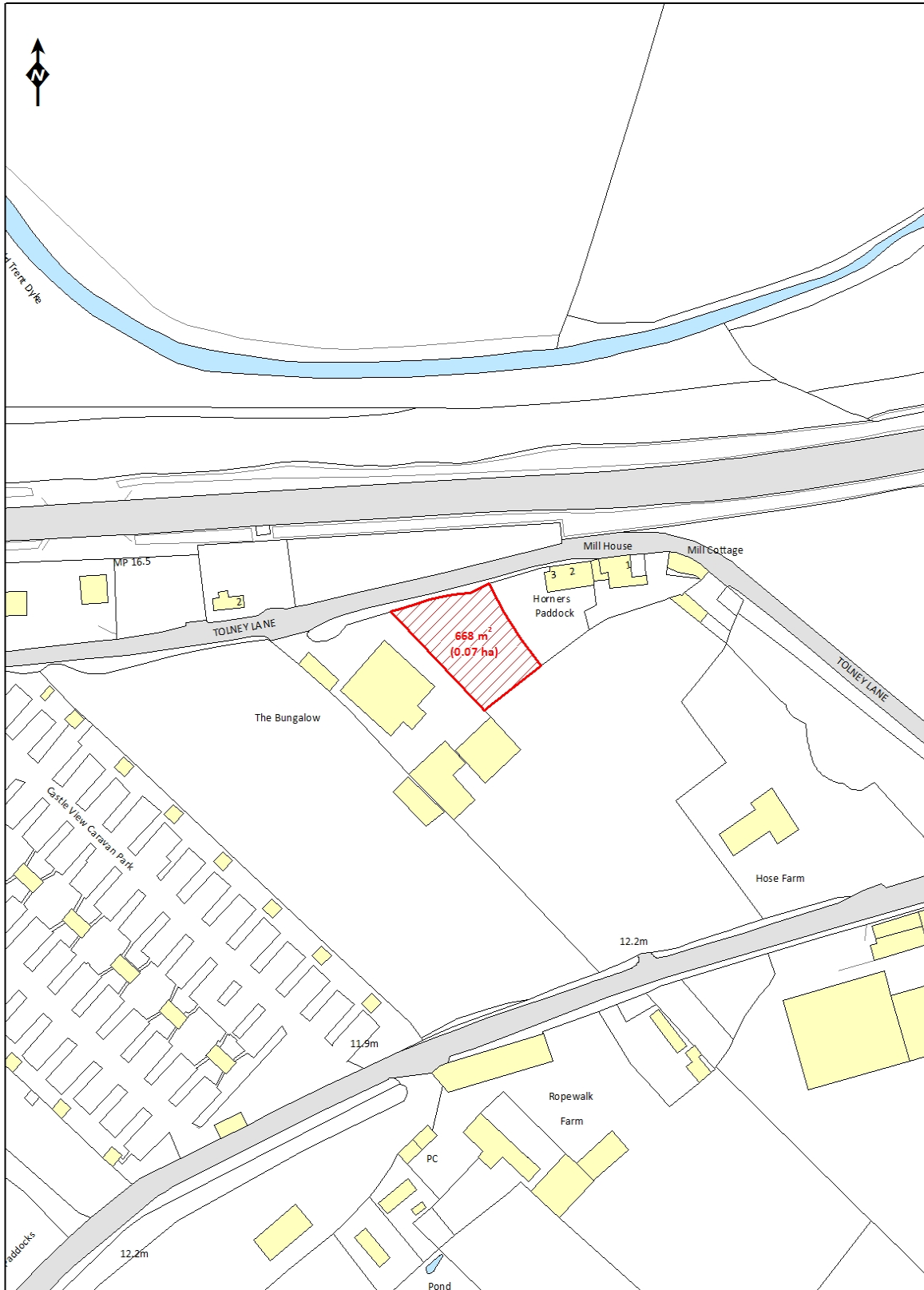
Application case file.

For further information, please contact Lynsey Tomlin on 01636 650000

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 14/01691/FUL



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Application No:	(1) 11/01805/FUL, 11/01806/LBC; and (2) 11/01807/FUL	
Proposal:	(1) Conversion and Repair of Mill (and Granary) to create dwelling; and (2) Conversion and Repair of Stables to create dwelling	
Location:	Rolleston Mill, Station Road, Rolleston, Newark, Nottinghamshire	
Applicant:	Ian Murray	
Registered:	02.02.20112	Target Date: 02/04/2012

Update

Members may remember that this application was brought before the Planning Committee in 2012. At the meeting of May that year, the applications were approved subject to completion of a Section 106 agreement (for the two full applications) to ensure that the primary access was through Southwell Racecourse and the unmanned crossing to the south of the site was reserved as an occasional access. In the time that has passed the applicant has been liaising with the racecourse in order to formalize these access arrangements. However, the applicant has been unable to come to a satisfactory arrangement with regards the access through the Racecourse and as such the proposal before you now is for the sole access to the site to be provided via the unmanned crossing accessed from Station Road situated directly to the south of the site.

Consultation between the applicant the Local Planning Authority and with Network Rail and NCC Highways Authority has been undertaken to assess the viability of this option. For clarity all original consultees, neighbours and interested parties have also been re-consulted on this amendment to the scheme and their responses are detailed and discussed below.

It should also be noted that given the passage of time, the Development Plan has changed and the changes and implications are also considered below in an updated appraisal section.

The original committee report from May 2012 is attached as an Appendix to this report for ease of reference which sets out the site context and planning history.

Revised Consultations

Network Rail- No objection subject to condition

Further to your e-message of 14th November, and in line with the comments made by the applicant (20th August) in respect of the removal of the holiday let we can now support the application on the proviso that a condition is put in place preventing the use of the dwellings as holiday lettings. Case law on whether use of dwellings as holiday lets requires planning consent is obscure on this point, so we would welcome a condition which backs up the supportive comments of the applicant to preclude use as holiday lets. In addition we would wish to see safety literature as regards level crossings made available to new residents moving in to the properties. This latter request can be treated as an informative to any consent issued.

In addition, the previous comments relating to fencing, soundproofing, construction method statement, landscaping and external lighting remain relevant. However now we can confirm we have no objection to the proposal in principle we see no reason why a favourable decision cannot be made in respect of the proposal.

NCC Highways Authority- No objection subject to condition

The applicant has submitted details relating to the appeal decision of this application site in December 2003, in particular the proposed access, which is now included as an emergency access within this proposal. As such, it is recommended that the following conditions be imposed on any permission granted:

1. Within two months of the date of permission, a scheme to alter the boundary treatment each side of the proposed emergency access shall be submitted to the Council for approval. This scheme shall include:

The complete removal of the hedge to the west of the new access as far as the nearside end of the bridge abutment and to the east of the new access for a distance of 20m from the centre line of the access.

The replacement of the removed length of hedge by an alternative form of boundary sited a minimum of 2m from edge of carriageway.

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

- 2 The gates at the access shall open inwards only, be set back 5m from the highway boundary, and constructed in accordance with details which have been first submitted to and approved in writing by the LPA. The approved gates shall be retained for the life of the development.

Reason: In the interests of highway safety.

3. The emergency access shall be constructed and surfaced in a bound material in accordance with the approved plan 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.

Note to Applicant

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

Environment Agency- No objection

Rolleston is at risk of flooding from the River Greet. During the planning application stage the Environment Agency raised the need for a means of safe emergency access and egress during times of flooding. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions and we recommend you consult your Emergency Planner.

The revised proposal does take the occupants south into the village of Rolleston, which has experienced flooding in recent years, notably 2012. Flooding did occur on Station Road, which resulted in a road closure. The village has taken measures to reduce the risk of flooding in the future, however there remains a residual risk of overtopping or failure during times of flood. We therefore recommend that the Emergency Planner reviews the proposed access and egress arrangements and confirms whether or not the occupants will be safe, and whether there is an increased burden on the Emergency Services.

NSDC Emergency Planner- No objection subject to the following conditions:

- 1) The new development must not increase the burden on emergency services
- 2) The access and egress routes are sufficient and safe for residents to exit their property in a flooding situation (Including vehicle access).

I would recommend that the residents' sign up for the Environment Agency flood alerts, and look into the possibility of having a household emergency flood plan.

I would also recommend that the residents/developer look into flood defence products to increase their resilience. Should all of these factors be taken on board I would be happy for the development to go ahead from an emergency planning perspective.

Society for the protection of Ancient Buildings (SPAB) - No formal comments to make regarding the updated access.

Rolleston Parish Council- Subject to the removal of their concerns regarding 'over intensification of the site' their previous comments remain unchanged. (In summary support the conversion of the Mill & Granary subject to a number of areas being suitably addressed). The specific concerns raised in this re-consultation detail that the parish considers that the revised access and Emergency access details presented were not acceptable.

Environmental Health- No comments to make

Nottinghamshire Wildlife Trust- We note that the ecological surveys carried out in support of this application are now over four years old. Natural England Standing Advice¹ states that surveys for protected species should be no more than 2-3 years old and ideally from the most recent survey season and we would therefore recommend that they be updated.

We would suggest that particular attention should be given to updating the survey of the building referred to as number 2 in the EMEC (2010) report for suitability for bats. Any deterioration of this building in the interim period may have increased its suitability for roosting bats. An up to date survey would confirm this and inform any required mitigation.

As a minimum, we request that, should the application be approved, a pre-start check of the site is carried out by a suitably qualified ecologist to ensure that the development will not impact any protected species which may now be using the site.

Natural England- Observations

Ramblers Association- Object

It appears that Rolleston Mill is crossed by 2 rights of way - Rolleston Footpath 8 leading to Southwell via the River Greet and Footpath 9 leading to Upton. It is not clear to me from the plans how the integrity of these footpaths is to be preserved.

Planning Policy Framework

Planning policy has changed since the previous applications were considered with the fall of the Regional Plan and Local Plan and the adoption of the Allocations and Development Management Development Plan Document in July 2013.

The following policies are considered the most relevant to the current applications.

The Development Plan

Newark and Sherwood Core Strategy (Adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3- Rural Areas
- 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
- Core Policy 14 - Historic Environment

Newark and Sherwood Allocations & Development Plan Document (adopted July 2013)

- Policy DM3 -Developer Contributions and Planning Obligations
- Policy DM5- Design
- Policy DM7- Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM9- Protecting and Enhancing the Historic Environment
- Policy DM12- Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- National Planning Policy Guidance Suite on line resource, March 2014
- Conversion of Traditional Rural Buildings Supplementary Planning Document 2014

Updated Comments of Business Manager- Development

It is considered that all matters relating to the application have previously been agreed by members with the exception of the access. Whilst the development plan has changed somewhat, the main thrust policy remains constant and in my view there Development Plan does not fundamentally change the consideration with regard to other issues beyond those discussed below.

Access

The consultee comments received relating to the access shall be discussed in detail and for clarity points raised in the re-consultation clarified where necessary.

The applicant has in the previous three years attempted to establish a right of way across the Racecourse with the owners but with no success. The applicant has therefore sought to establish another access to the site across the unmanned railway crossing situated to the south of the development site.

On-going discussions have occurred between the Local Planning Authority, the applicant and with Network Rail and NCC Highways Authority to establish the feasibility of using the unmanned level crossing as a permanent access route for the proposed 2 new dwellings. Confirmation of acceptance of this access route has been provided by both these consultees subject to the imposition of a number of conditions.

Network Rail have requested a condition to ensure that the properties are not used as holiday lets. The applicant has stated throughout the discussions her intent to use the two properties which form the basis of this application solely as residential dwellings and a condition (no. 20) to this effect shall be added to any forthcoming permission. The applicant has further stated her intent to revert the existing holiday let at Mill Farm Cottage (the adjacent dwelling) to solely residential usage. However, given that Mill Farm Cottage does not form part of this application it is not possible to impose a condition requiring the use of this building solely as residential use. However, the applicant has been made aware that the use of this building can be reverted to solely residential use without the need for a formal application given that both uses fall within the same use class category (C3).

This access route across the unmanned crossing is currently used by Field Cottage and Mill Field Cottage the two properties situated to the north east of the development site. The safety of the residents of the two new dwellings which will result through the conversion of the mill and the stable have been considered and given the acceptance of Network Rail for the use of the crossing Officers have no objection to this proposal.

From Station Road to the level crossing two routes have been indicated by the application. The eastern route will be the principle access and this is a shared access used by Field Cottage and Mill Field Cottage. A further 'Emergency Flood' access route has been proposed to the west which was previously approved on appeal in 2003. It is understood that this Emergency Flood route has a 1 in 1,000 year possibility of flooding. The access track will remain gated and only be used to provide safe egress on the occasion that a flood event occurs and the main access track becomes inaccessible. NCC Highway Authority have requested a number of conditions relating to the gates and visibility splays relating to this Emergency Flood access route and these shall be added to any forthcoming permission.

The parish council's comments with regards to the proposed access being unsafe are noted; however NCC Highways Authority and Network Rail are offering no objection to the proposed use of the unmanned crossing as the access route to the properties.

Other Matters

Given the passage of time, Nottinghamshire Wildlife Trust (NWT) have raised concern that the ecological surveys are now out of date. NWT raised no objection to the ecological survey work submitted as part of the original application in 2012. As such and in line with guidance from NWT it is recommended that a survey of the buildings be undertaken by a suitably qualified ecologist for the presence of bats prior to the commencement of any development. The applicant has indicated their acceptance at this approach and this can be secured by condition.

The Environment Agency have offered no objections to the proposal subject to the acceptance of the Emergency Planner. It is unlikely that the scheme would increase the burden on the emergency services and given that there would be an alternative egress route in the event of a flood, it is considered that the conditions stipulated by the Emergency Planner would be met.

The comments from the Ramblers Association are noted and the concerns they raise were addressed in the original report to committee. For clarity; a flood attenuation wall running on the existing fence line along the northern perimeter of the site shall be constructed prior to the commencement of development. It is not anticipated that this wall will block either footpath by way of its diminutive height of approximately 300mm. In discussion with the applicant, a style or step will be provided to cross this wall and the details of which shall be submitted as part of a condition (14) attached to any forthcoming permission.

Conclusions

The applications before you were approved at committee in May 2012, subject to the applicant entering into a Section 106 agreement securing access through the Racecourse. The applicant has been unable to secure such an access. As such it is now proposed that access be provided to the site over the unmanned railway crossing situated to the south, which currently already serves two other dwellings. In consultation with NCC Highways and Network Rail no objections have been raised to the use of this route subject to the addition of a number of conditions to any forthcoming permission.

It is considered that whilst the proposed new access may be less desirable than the previously sought access (through the racecourse) it is nevertheless still acceptable from both a rail and highway safety perspective and flood risk matters can be adequately addressed. Furthermore the proposal would bring about the re-use of important heritage assets which could deteriorate if a new active use is not found for these. Therefore in conclusion the proposals are considered to be acceptable and are recommended for approval subject to the revised conditions shown below. It should be noted that the proposed conditions for the listed building application remain unchanged from the original recommendation.

RECOMMENDATIONS

Application No. 11/1805/FUL (Conversion of the Mill)

Approval, 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 drawing numbers 1989 005 Rev F (Elevations and Sections), 1989 13 (Site Location plan showing Mill access) 1989 12A (Mill Site Location Plan) and 09563-100 Rev B (Breach Assessment and Flood Mitigation Plan) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

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.

Samples of bricks and roofing tiles to be used in any repairs

The glazed enclosure to the new staircase

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

Rainwater goods

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity.

04

No development shall be commenced until details of a programme of historic building recording have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

05

No development shall be commenced until details of the mortar to be used for re-pointing (including materials and ratios, colour, texture and pointing finish) shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

06

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. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

07

No development shall be commenced until details of the extent of the re-pointing of the building, have been submitted to and agreed in writing by the local planning authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

08

No development shall be commenced until a methodology for undertaking repair works has been submitted to and approved in writing by the local planning authority. This shall include, but is not limited to, a full schedule of works which addresses the repair and rebuild of external walls, the retention of the internal floors, the boarding over existing stairs, hatches and fixtures and fittings such as wheel gear . Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

Reason: To safeguard the special architectural and historic interest of the building.

09

No development shall be commenced until a scheme for the extent of retention and maintenance of the heritage asset has been submitted to and approved in writing by the Local Planning Authority. Any amendments required as a result of further historic building analysis and surveys should firstly be agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented on site as approved.

Reason: In order to protect the special, architectural and historic interest of the building whilst providing a degree of flexibility for the developer as more detailed analysis takes place on site through the progression of the conversion.

010

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.

Sections through showing the proposed finished ground levels/contours of the access road

Means of enclosure;

Car parking layouts and materials;

Hard surfacing materials;

Reason: In the interests of visual amenity, safeguarding the setting of the listed building and biodiversity.

011

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

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

012

No development shall commence until an updated survey has been undertaken in respect of bats. This survey should be undertaken by a suitably qualified person or company and should clearly describe the impact of the proposal on bats, how that conclusion has been arrived at and any proposed mitigation works. The proposed mitigation measures shall be carried out in full in accordance with a timetable to be agreed as part of the survey.

Reason: To comply with Policy DM7 of the Development Plan Document, and in accordance with the Ecology Report that formed part of the planning application.

013

No development to the building shall be carried out during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

014

The development hereby permitted shall not be commenced until such time as a scheme to provide flood protection by the construction of a flood wall along the existing fence line along the northern perimeter of the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the materials (including mortar mix) and shall include the provision of a style to cross the public right of way. Thereafter the approved flood wall shall be constructed on site prior to first occupation and shall be retained for the lifetime of the development.

Reason: To provide a level of protection to the site in the event of a breach the River Greet's banks occurring to the north of the development, to ensure that the wall is appropriate for the setting of the listed building and to provide an appropriate crossing of the public right of way.

015

The development hereby permitted shall not increase impermeable area and thus not increase surface water runoff from the site

Reason: To prevent the increase in flood risk elsewhere.

016

The development hereby permitted shall not be commenced until such time as a scheme to raise floor levels as high as is practicably possible and incorporate flood resilient measures. Thereafter the approved scheme shall be implemented in the development.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

017

Prior to the commencement of development a scheme to alter the boundary treatment each side of the proposed emergency access shall be submitted to the Council for approval. This scheme shall include:

- The complete removal of the hedge to the west of the new access as far as the nearside end of the bridge abutment and to the east of the new access for a distance of 20m from the centre line of the access.
- The replacement of the removed length of hedge by an alternative form of boundary sited a minimum of 2m from edge of carriageway.

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

018

The gates at the access shall open inwards only, be set back 5m from the highway boundary, and be constructed in accordance with details which have been first submitted to and approved in writing by the LPA. The approved gates shall be retained for the life of the development.

Reason: In the interests of highway safety.

019

The emergency access shall be constructed and surfaced in a bound material in accordance with the approved plan 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.

020

The conversion hereby approved shall be used as a dwellinghouse and for no other purpose, including any other use falling within class C3 (such as a holiday let) of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of highway and railway safety at the request of Network Rail.

Note to Applicant

01

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

02

The Council's Emergency Planner recommends that the residents' sign up for the Environment Agency flood alerts, and look into the possibility of having a household emergency flood plan. It is also recommended that residents/the developer look into flood defence products to increase their resilience.

03

The Environment Agency make the following comments as an informative. "The drawings demonstrate that the development proposes to reinstate the wheel and potentially raise the upstream water level through the incorporation of new stop logs. Please note that under the terms of the Water Resources Act 1991, and the Midland's Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Greet designated a 'main river'. Within the consent process you will be required to demonstrate that your proposals will not increase flood risk and that there are no other detrimental effects due to either the permanent or temporary works.

Also, please note that Water Framework Directive and the Eel Regulations promote the improvement of fish passage. The Eel Regulations require the incorporation of measures for Eel passage if renovations to river obstructions are undertaken. Our Fisheries Officers would like to support you through this consideration. Please contact Steve Lawrie, Fisheries Officer, on 0115 8463665, to discuss the requirements of these regulations and a positive way forward.

Please contact David Woolley, Development and Flood Risk Officer, on 0115 8463742, if you wish to discuss consents for works affecting watercourses in greater detail.'

04

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

05

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

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

For residential conversions the existing floor space is usually not included in the calculation but CIL is usually only payable on any new floor space created through extensions to the building etc. However, for the existing floor space to not be included in the calculation, the building has to be in lawful use. Part 5, Regulation 40 Paragraph 10 of the CIL regulations states that "a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 36 months ending on the day planning permission first permits the chargeable development." From my knowledge, the building has been vacant for more than 36 months and therefore may not meet the above criteria. The onus would be on you to demonstrate otherwise if necessary.

			A	B	C	
Dev Types	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
Residential (C3)	262	0	262	£75	235	£20,989.77

CIL Rate (B) x Chargeable Floor Area (A) x C (BCIS Tender Price Index at Date of Permission)

(BCIS Tender Price Index at Date of Charging Schedule) 220

06

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area

Office tel: (0115) 993 2758 to arrange for these works to be carried out.

07

Safety literature as regards level crossings should be made available to new residents moving in to the converted Mill.

Application No: 11/01807/FUL (Conversion of Stables)

Approval, 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 drawing numbers 1989 007 Rev E (Elevations and Section) 1989 009 Rev A 1989 13 (Site location plan- Mill Access) 1989 12B (Site Location Plan) and 09563-100 Rev B (Breach Assessment and Flood Mitigation Plan) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

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.

Samples of bricks and roofing tiles to be used in any repairs

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

Rainwater goods

Extractor vents

Flues

Reason: In the interests of visual amenity.

04

No development shall be commenced until a methodology for undertaking repair works has been submitted to and approved in writing by the local planning authority. This shall include a full schedule of works which addresses the repair and rebuild of external walls and the retention of the lime ash floor and the retention of the troughs. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

Reason: To safeguard the special architectural and historic interest of the building.

05

No development shall be commenced until details of the mortar to be used for re-pointing (including materials and ratios, colour, texture and pointing finish) shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the architectural and historic interest of the building.

06

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. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

07

No development shall be commenced until details of the extent of the re-pointing of the building, have been submitted to and agreed in writing by the local planning authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

08

No development shall commence until an updated survey has been undertaken in respect of bats. This survey should be undertaken by a suitably qualified person or company and should clearly describe the impact of the proposal on bats, how that conclusion has been arrived at and any proposed mitigation works. The proposed mitigation measures shall be carried out in full in accordance with a timetable to be agreed as part of the survey.

Reason: To comply with Policy DM7 of the Development Plan Document, and in accordance with the Ecology Report that formed part of the planning application.

09

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.

Sections through showing the proposed finished ground levels/contours of the access road means of enclosure;

car parking layouts and materials;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

010

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

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

011

No development to the building shall be carried out during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

012

The development hereby permitted shall not be commenced until such time as a scheme to provide flood protection by the construction of a flood wall along the existing fence line along the northern perimeter of the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the materials (including mortar mix) and shall include the provision of a stile to cross the public right of way. Thereafter the approved flood wall shall be constructed on site prior to first occupation and shall be retained for the lifetime of the development.

Reason: To provide a level of protection to the site in the event of a breach the River Greet's banks occurring to the north of the development, to ensure that the wall is appropriate for the setting of the listed building and to provide an appropriate crossing of the public right of way.

013

The development hereby permitted shall not increase impermeable area and thus not increase surface water runoff from the site

Reason: To prevent the increase in flood risk elsewhere.

014

The development hereby permitted shall not be commenced until such time as a scheme to raise floor levels as high as is practicably possible and incorporate flood resilient measures. Thereafter the approved scheme shall be implemented in the development.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

015

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 south-west or north-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 and in the interests of retaining the character and appearance of the building.

016

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

Class A:

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

Class B:

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

Class C:

Any other alteration to the roof of a dwellinghouse.

Class D:

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

Class E:

Development within the curtilage of a dwellinghouse.

Class F:

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

Class G:

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

Or Schedule 2, Part 2:

Class A:

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

Class C:

The painting of the exterior of any building.

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

Class E:

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

Class F:

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

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) to ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside and to ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted agricultural building.

017

Prior to the commencement of development a scheme to alter the boundary treatment each side of the proposed emergency access shall be submitted to the Council for approval. This scheme shall include:

- The complete removal of the hedge to the west of the new access as far as the nearside end of the bridge abutment and to the east of the new access for a distance of 20m from the centre line of the access.
- The replacement of the removed length of hedge by an alternative form of boundary sited a minimum of 2m from edge of carriageway.

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

018

The gates at the access shall open inwards only, be set back 5m from the highway boundary, and be constructed in accordance with details which have been first submitted to and approved in writing by the LPA. The approved gates shall be retained for the life of the development.

Reason: In the interests of highway safety.

019

The emergency access shall be constructed and surfaced in a bound material in accordance with the approved plan 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.

020

The conversion hereby approved shall be used as a dwellinghouse and for no other purpose, including any other use falling within class C3 (such as a holiday let) of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of highway and railway safety at the request of Network Rail.

Note to Applicant

01

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

02

The Council's Emergency Planner recommends that the residents' sign up for the Environment Agency flood alerts, and look into the possibility of having a household emergency flood plan. It is also recommended that residents/the developer look into flood defence products to increase their resilience.

03

The Environment Agency make the following comments as an informative. "The drawings demonstrate that the development proposes to reinstate the wheel and potentially raise the upstream water level through the incorporation of new stop logs. Please note that under the terms of the Water Resources Act 1991, and the Midland's Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Greet designated a 'main river'. Within the consent process you will be required to demonstrate that your proposals will not increase flood risk and that there are no other detrimental effects due to either the permanent or temporary works.

Also, please note that Water Framework Directive and the Eel Regulations promote the improvement of fish passage. The Eel Regulations require the incorporation of measures for Eel passage if renovations to river obstructions are undertaken. Our Fisheries Officers would like to support you through this consideration. Please contact Steve Lawrie, Fisheries Officer, on 0115 8463665, to discuss the requirements of these regulations and a positive way forward.

Please contact David Woolley, Development and Flood Risk Officer, on 0115 8463742, if you wish to discuss consents for works affecting watercourses in greater detail.'

04

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

05

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

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

For residential conversions the existing floor space is usually not included in the calculation but CIL is usually only payable on any new floor space created through extensions to the building etc. However, for the existing floor space to not be included in the calculation, the building has to be in lawful use. Part 5, Regulation 40 Paragraph 10 of the CIL regulations states that “a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 36 months ending on the day planning permission first permits the chargeable development.” From my knowledge, the building has been vacant for more than 36 months and therefore may not meet the above criteria. The onus would be on you to demonstrate otherwise if necessary.

			A	B	C	
Dev Types	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
Residential (C3)	262	0	262	£75	235	£20,989.77

CIL Rate (B) x Chargeable Floor Area (A) x C (BCIS Tender Price Index at Date of Permission)

(BCIS Tender Price Index at Date of Charging Schedule) 220

06

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

07

Safety literature as regards level crossings should be made available to new residents moving in to the converted Mill.

Application No: 11/01806/LBC (Conversion of Mill)

Approval subject to the conditions shown on the recommendation sheet attached to the Appendix.

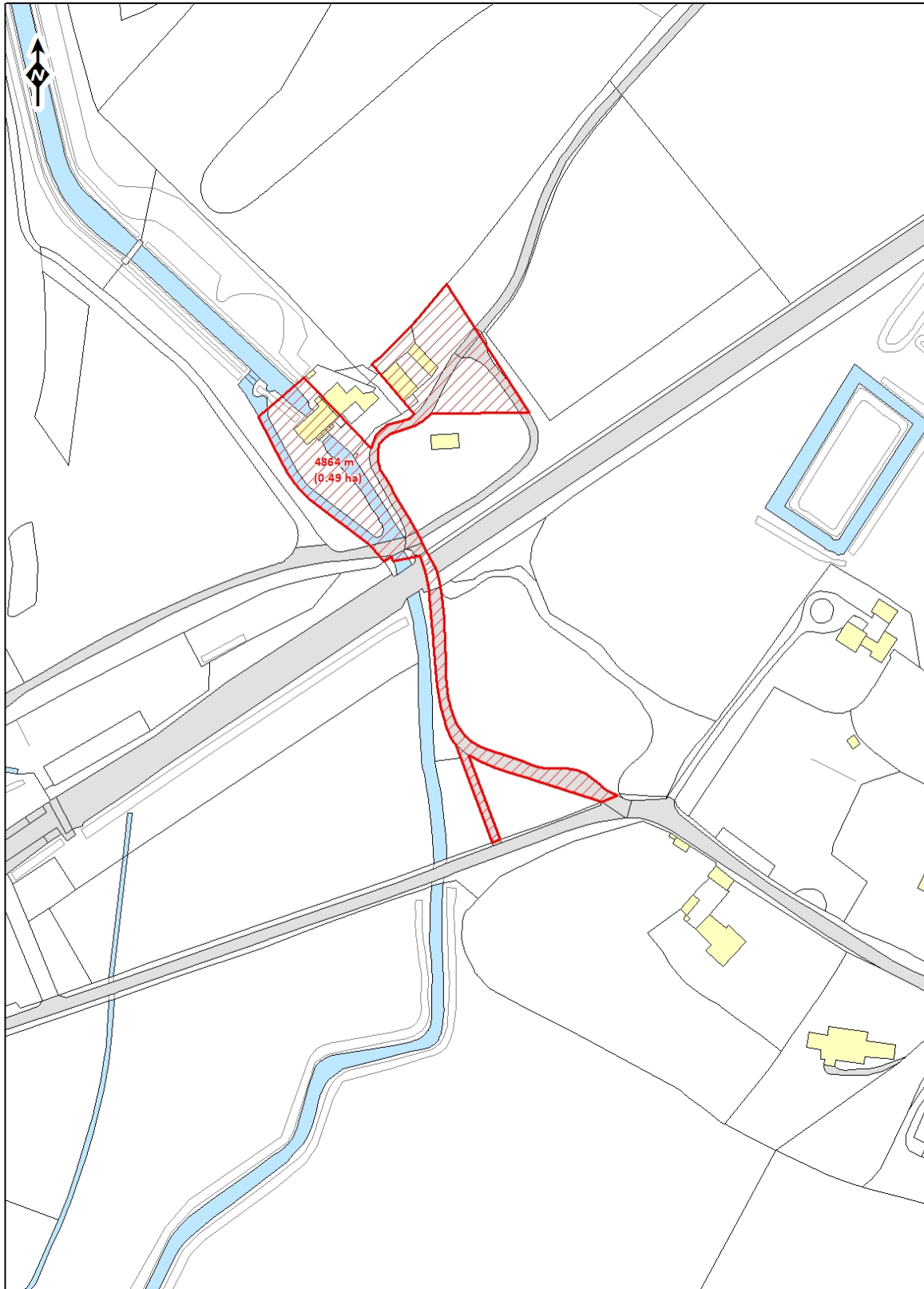
Background Papers

Application case file.

For further information, please contact James Mountain on 01636 655841.

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

K.H. Cole
Deputy Chief Executive



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COMMITTEE REPORT - MAY 2012

Application No:	(1) 11/01805/FUL, 11/01806/LBC; and (2) 11/01807/FUL
Proposal:	(1) Conversion and repair of Mill (and Granary) to create dwelling; and (2) Conversion and repair of Stables to create dwelling
Location:	Rolleston Mill, Station Road, Rolleston, Newark, Nottinghamshire
Applicant:	Ian Murray
Registered:	02.02.2012 Target Date: 02/04/2012

The Site

The site lies in the open countryside within the parish of Rolleston. The site is remote from the village and divorced from the settlement by the Nottingham to Lincoln railway line. To the north is a public golf course and Southwell Racecourse. The site lies within flood zone 3.

The Mill Farm complex comprises a group of buildings. The watermill, granary and bridge is a Grade II listed building with many of its inner workings (fixtures and fittings) intact. This is a late eighteenth century building of red brick with a pan tile roof.

Mill Cottage adjoins the Mill and is a holiday let. This is curtilage listed by virtue of its physical attachment to the Mill.

To the east of Mill Cottage is a former Stable building, which comprises a two storey building with a narrow gable with single storey lean to additions to the rear, which were last used for the keeping of pigs.

To the south-east is a former cart shed/barn which has recently fallen down due to inclement weather.

Access to the site is via the entrance of Southwell Racecourse by bearing east onto an unmade track that leads to the Mill Farm complex. On approach from Rolleston one has to cross the manned railway line to get to the site. There is also an alternative un-manned 'occupational crossing' via a gate over the railway. This access leads through the site and beyond to the north-east serving Field Cottage and Millfield Cottage.

Relevant Planning History

04/00164/FUL – Change of use from residential (cottage) to holiday lets. Approved 24th May 2004. This permission has been implemented.

05/02436/FUL & 05/02437/LBC - Conversion, alterations and extensions of Mill to form restaurant, conversion, extensions and alterations to stables and barn to form dwellings and erection of two houses. Applications withdrawn.

10/01706/FUL & 10/01707/LBC - Conversion and repair of barn to create dwelling. Applications refused on 7th March 2010 under delegated powers due to (1) flood risk, (2) failure to demonstrate that the barn was capable of conversion and (3) due to large unjustified extension.

10/1708/FUL & 10/01709/LBC – Conversion and repair of Mill to form dwelling. Applications refused on 7th March 2010 under delegated powers due to flood risk and the failure to demonstrate that the building could be converted without substantial alterations, rebuilding and significant harm to the listed building.

10/01710/FUL & 10/01711/LBC - Conversion and repair of Stables to create dwelling. Applications refused on 7th March 2010 due to (1) flood risk, (2) failure to demonstrate that the stable block was of generally sound structural condition and capable of conversion without substantial rebuilding and alterations; and (3) relationship between this and the cottage would not create a satisfactory standard of amenity.

11/01810/FUL & 11/01811/LBC – Rebuild of barn to create dwelling. The full application was refused on 2nd April 2012 under delegated powers for the following reasons; (1) the proposal constituted a new build dwelling in an isolated, unsustainable countryside location, contrary to the Development Plan and the NPPF and (2) the application (being a new building) failed the Sequential Test for flooding as set out in the NPPF. The application for listed building consent has not been determined because it is not required.

The Proposal

Mill & Granary

Both full planning permission and listed building consent are sought for the repair and conversion of the Mill and Granary building to create a new, four bedroom dwelling.

At ground floor the mill would comprise an open plan kitchen and dining area with a living area in the attached granary. The cloakroom would retain the wheel gear as the w.c. is separate. The existing steep staircase is to be retained as a relic and a new staircase is to be provided, enclosed by a glazed screen to keep the sense of openness.

At first floor a further living area would be provided with a master bedroom, two further bedrooms and bathroom. At second floor a fourth bedroom, en-suite and dressing room are created within the bin stores with one bin store to retain intact which can be viewed from the existing mezzanine above which what has been described as a 'den'. The vast majority of the inner fixtures and fittings are to be retained. The proposal requires the insertion of 5 new conservation roof lights and 3 new window openings at high level.

Parking for two vehicles would be provided off the private access road, in front (south) of the Mill and Granary.

Stables

Full planning permission is sought for the repair and conversion of the Stable block to create a new residential dwelling. The accommodation would comprise a hall, cloakroom, kitchen/utility, study and shower room with a dining room and lounge within the single storey lean to at the rear. At first floor there would be two bedrooms, an en-suite and bathroom. The scheme primarily utilizes existing openings and proposes four conservation roof lights with a new glazed arrangement at the rear (north-east elevation) in the single storey lean to section.

Parking for two vehicles would be provided to the east of the Stables, directly off the access road. The edged red line area (site area) has been drawn widely around the site encompassing land to the north-east and land to the south of the access road.

Other/General Comments

According to the applicants, the primary access to the site would be from the Southwell Racecourse entrance. Access via the unmanned railway crossing has been included in the edged red line of the application sites. However this is not, according to the applicant, intended to be used regularly but would be relied upon during a flood event for emergency access/egress.

The applications are accompanied by a Structural Survey, Flood Risk Assessment, Ecological Survey and Design and Access Statement.

Departure/Public Advertisement Procedure

Occupiers of three neighbouring properties have been individually notified by letter. Site notices have also been displayed on site and the applications have been the subject of Press Notices in the Newark Advertiser.

Planning Policy Framework

The Development Plan

Please Note: All policies listed below and any supplementary documents/guidance referred to can be viewed on the Council's website.

East Midlands Regional Plan – Regional Spatial Strategy (RSS) (adopted March 2009)

Members will be aware of the Coalition Government's commitment to revoking Regional Strategies and their associated targets which came into effect in July 2010. Since that time a High Court judgment has held that the powers the Government relied upon to achieve this could not be used to revoke all Regional Strategies in their entirety and therefore they have been re-established as part of the Development Plan.

The Government still intends to revoke Regional Strategies through the Localism Bill, which has begun its passage through parliament. The Government had stated that this intention to revoke Regional Strategies was a material consideration. The Court of Appeal has concluded that at the moment, the Government's intention to revoke Regional Spatial Strategies may only be worthy of weight as a material consideration in very few cases. This application is not such a case. The current legal position is that pending formal abolition, regional strategies remain as part of the statutory development plan and the relevant policies for this application are set out below:

- Policy 1 - Regional Core Objectives
- Policy 2 - Promoting Better Design
- Policy 3 - Distribution of New Development
- Policy 27 - Regional Priorities for the Historic Environment
- Policy 29 - Priorities for Enhancing the Region's Biodiversity

Newark and Sherwood Core Strategy (Development Plan Document)

- 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 8 - Retail Hierarchy
- Core Policy 9 - Sustainable Design
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 14 - Historic Environment

Newark and Sherwood Local Plan

- Policy H27 (Housing Development in the Countryside)
- Policy C10 (Alterations, Extensions and Changes of Use to Listed Buildings)
- Policy C11 (Setting of Listed Buildings)
- Policy C12 (Under-utilisation of Historic Buildings)
- Policy NE2 (The Conversion of Rural Buildings)
- Policy NE17 (Species Protection)
- Policy PU1 (Washlands)

Other Material Considerations

National Planning Policy Framework

Members will be aware of the recent publication of the National Planning Policy Framework and the subsequent deletion of the relevant Planning Policy Statements. The NPPF is clear that the planning system will remain, as it has done previously, plan-led. It goes on to re-affirm that planning law requires that applications for planning permission must be determined in accordance with the development plan (in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004) unless material planning considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

Supplementary Planning Document: The Conversion of Rural Buildings

Consultations

Unless otherwise stated the consultation responses relate to all three applications. Please note that comments made in respect of the amended plans will be reported to Members as late items.

Members will note that the recommendation in relation to the Stables proposals is contrary to the Parish Council views. However, in the interests of completeness given that both the proposals on the agenda relate to the same wider site all matters are presented to the Planning Committee for determination. This is in accordance with the request for referral to Committee by Cllr R V Blaney.

Rolleston Parish Council (In relation to the Mill & Granary proposals) – Support, subject to following reservations;

- Concerns regarding access
- Lack of means of escape from bedrooms 3 and 4 and master suite
- Erection of a wall which would block a public right of way.

In relation to the LBC a further concern:

- The likely future request for the windows to be altered; currently the roof lights appeared to be higher than eye-level and future attempts to remedy the lack of outlook was anticipated.

Rolleston Parish Council (in relation to the Stable proposals) – “Object on the grounds of:

1. Over-intensification of the site
2. Concerns regarding Access to the Site, both during construction and when built
3. The proposed erection of a wall which would block the public right of way

As a general observation, the Council did however appreciate that the proposed plans delivered a sympathetic renovation of the stable block”

‘Other (General) Observations relating to the development of this Site

The Cottage. Whilst in receipt of plans labelled ‘Cottage & Elevations as Existing’, no information/plans have to date been received for consideration of any PROPOSED plans for the renovation of the Cottage.

Unmanned Railway Crossing at Rolleston Mill. The Parish Council has noted that Network Rail were being consulted in respect of the unmanned crossing and the proposed development of the Mill Site. In this regard they would like to add that over the last two months Councilors’ have noted on six occasions the need to shut the crossing gates, left opened or not properly secured. The Parish Council would be writing to Network Rail in this regard but would like to flag up this potential, serious safety hazard.’

Nottinghamshire County Council (Highways Authority) – Comment as follows:

In relation to the Mill & Granary: “The application site is to be accessed from the racecourse, using the existing access, and is located approx. 400m from the public highway. The proposed dwelling has 4 bedrooms and the plans submitted show that only 2 parking spaces are to be provided. However, in view of the distance from the application site to the adopted public highway, there is unlikely to be any significant impact on the public highway. Therefore, there are no highway objections to this proposal.”

In relation to the Stables: ‘The application site is to be accessed from the racecourse, using the existing access, and is located approx. 400m from the public highway. The proposed dwelling has 2 bedrooms and sufficient parking is provided (2 spaces). In view of the distance from the application site to the adopted public highway, there is unlikely to be any significant impact on the public highway. Therefore, there are no highway objections to this proposal.’

Nottinghamshire County Council (Rights of Way) – No response has been received

Environment Agency- Comment as follows:

"I refer to the amended information received on 5th January 2012 and further information (breach assessment flood plan) received on 22nd February 2012.

The above proposed change of uses are all located within an area at risk of flooding from the River Greet. We understand that the Mill, Stable and Barn are all to be developed for residential use. As the site is located within an area at risk of flooding, a Flood Risk Assessment (FRA) has been produced for the proposed development.

The FRA has shown that modelled flood levels vary through the site, due to the presence of a weir and overflow channel. The 1 in 100 year plus climate change modelled flood level upstream of the Mill is 16.25m AOD and downstream of the Mill is 15.46m AOD. According to the mapping produced by our River Greet Model, the site is defended from this flood event. Therefore, the site is at risk from flooding if a failure/breach of the flood defences occurs. Ground levels generally fall to the east from 15.2m AOD (approx.)

The FRA has undertaken a simple breach analysis. This has confirmed that this development poses a 'Danger to Most' using the simple approach from FD2320. Therefore, finished floor levels in the stable & barn, and the site's access & egress routes could be significantly affected during such an event. However, looking at the topographic survey, details of the banks of the watercourse and photographs the probability of breach is low.

Assuming that the site is accessed from the south, the downstream flood level should be considered as more appropriate (15.46m AOD). Therefore, flood levels experienced around the southern area of the site (access and egress route) could be approximately 500mm. To overcome this, it has been proposed to raise the access road to a level greater than 15.22m AOD, and thus flood levels are not expected to be greater than 300mm on this route. However there are lower points within the curtilage, which we advise are raised, so occupants can achieve safe access and egress to and from the properties.

If flooding occurs due to a breach of the defences north of the Mill, it is proposed to reconstruct a wall along the northern perimeter to provide protection to the site from flooding this flood event. The proposed wall ranges from 16.5, adjacent to the river, to 15.5m AOD to the eastern extreme of the site. The details of construction of the wall have not been provided and we will require confirmation that the wall will be impenetrable from flood water.

The Mills floor level is set at 16.8m AOD, 550mm above the 1 in 100 year plus climate change modelled flood event. The floor levels for the stable and barn are significantly below the modelled flood level (15.46m AOD) at 14.85 and 14.75m AOD respectively. We would recommend that floor levels are raised above the modelled flood level. However, if the LPA were minded to approve the application then we would recommend that there is no sleeping accommodation on the ground floor and the incorporation of flood resilient measures as provided in Appendix F of the FRA.

Safe access and egress is required during all extreme events and should not increase the burden on the Emergency Services. You have provided the Nottingham and Nottinghamshire Local Resilience Forum (LRF) Emergency Planning Guidance, which confirm that the Fire Service and Police are not permitted to travel through any flood water due to unseen hazards. Therefore, access for the Emergency Services to the site could be limited during either a breach of the River Greet's flood defences, or flooding from the River Trent, Marlock Dyke and/or Halloughton Dumble. It is our understanding that Newark and Sherwood's Emergency Planner has "no comment" on the above applications; however we do recommend that the LPA confirm that the Emergency Planner has No Objections to this development.

Environment Agency Position

If the LPA were minded to approve the above applications, the following planning conditions should be imposed:

Condition:

The development hereby permitted shall not be commenced until such time as a scheme to provide the development with safe access and egress from the dwelling to an area outside of the floodplain has been submitted to, and approved in writing by, the local planning authority.

Reason: To provide the site with a safe means of escape during extreme flood events.

Condition:

The development hereby permitted shall not be commenced until such time as a scheme to raise floor levels as high as is practicably possible and incorporate flood resilient measures.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

Condition:

The development hereby permitted shall not be commenced until such time as a scheme to provide flood protection by the construction of a flood wall along the existing fence line along the northern perimeter of the site has been submitted to, and approved in writing by, the local planning authority.

Reason: To provide a level of protection to the site in the event of a breach the River Greet's banks occurring to the north of the development.

Condition:

The development hereby permitted shall not increase impermeable area and thus not increase surface water runoff from the site

Reason: To prevent the increase in flood risk elsewhere.

Informative

The drawings demonstrate that the development proposes to reinstate the wheel and potentially raise the upstream water level through the incorporation of new stop logs. Please note that under the terms of the Water Resources Act 1991, and the Midland's Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Greet designated a 'main river'. Within the consent process you will be required to demonstrate that your proposals will not increase flood risk and that there are no other detrimental effects due to either the permanent or temporary works.

Also, please note that Water Framework Directive and the Eel Regulations promote the improvement of fish passage. The Eel Regulations require the incorporation of measures for Eel passage if renovations to river obstructions are undertaken. Our Fisheries Officers would like to support you through this consideration. Please contact Steve Lawrie, Fisheries Officer, on 0115 8463665, to discuss the requirements of these regulations and a positive way forward.

Please contact David Woolley, Development and Flood Risk Officer, on 0115 8463742, if you wish to discuss consents for works affecting watercourses in greater detail.”

NSDC Emergency Planner – Comments as follows:

“Taken individually Emergency Planning would not make a comment on these applications as we do not believe we could sustain an objection to the individual development and therefore we will make no comment. Taken as a whole these constitute a large increase in the number of resident families in a parish liable to become cut off and isolated as a consequence of significant flooding, as occurred as recently as November 2000. The Emergency services struggled to support the residents in these villages in November 2000 especially residents who required medication, medical support and assistance with lack of food and heating. As is often the case in these smaller rural parishes many of the residents are retired people who need additional support of this kind. These developments taken as a whole will increase the support requirements placed upon the emergency services and the residents will add to the number of community members asking for improved flood defences the fact remains that the access roads leading to and from this Parish remain at risk of flooding.

Please consider the attached LRF Guidance with these applications.”

Natural England – Offer standing advice and comment as follows:

“We have noted that in the protected species survey dated May 2010 by EMEC Ecology they recommended in paragraph 5 “However, it is advised that a follow up survey should be undertaken within any proposed development plan”. We would encourage the authority to ask the applicant to provide further information that clearly describes the impact of the proposal on protected species and any proposed mitigation together with evidence to show how they concluded what the impacts will be.

Nottinghamshire Wildlife Trust – No objections and comment as follows:

“Thank you for consulting us on planning applications detailed above. We welcome the provision of a Protected Species Survey (EMEC Ecology 2010) as this allows protected species to be properly considered in the determination of this planning application. This is in line with PPS9 which states that protected species are a material planning consideration and that planning decisions should be based on up to date ecological information. We are satisfied with the surveys methodology and evaluation of protected species at the site. The report states that no protected species were found within the application site. We therefore have **no objection** to the application in principle and fully support the survey reports recommendations in Section 6 of the report. We would also like to highlight the following comments.

Although no evidence of bats was found we would like to point out that bats can change roosting sites frequently throughout the year, including the winter season, therefore the negative result of the survey for the building should only be considered reliable for a short period of time. We would also be grateful if you could make the applicant aware of their legal obligations regarding any bats that might be found during works to the building, should the proposal be approved. Should a bat(s) be discovered, work should be stopped immediately and the ecologist contacted. Failure to comply is an offence under the Wildlife & Countryside Act 1981 (and as amended) and the Conservation (Natural Habitats &c.) Regs. 1994 (and as amended), which makes it an offence to recklessly kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time).

In order to avoid impacts on nesting birds we recommend that all external works to the buildings, and any vegetation removal, be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds. As you will be aware all birds' nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). If nests are found, then work will have to be delayed until the young have fledged. This is in line with BJ Collins recommendations in section 5.5 of the report.

We fully support Section 6.1.3 of the report which recommends the control of the invasive species Japanese Knotweed.

We would also ask that consideration is given to enhancing the built environment. We recommend that brick boxes are incorporated into the new development to provide nesting opportunities for house sparrows and swifts. The house sparrow is on the red list of birds of conservation concern. This list includes those species that have declined by 50% or more in the UK breeding population over the previous 25 years. The swift population in the UK has declined by 26% during the period 1994-2006 and is a bird of conservation concern in Nottinghamshire. This species has a long association with man made structures and the renovation and demolition of older buildings is likely to have contributed to this decline (see www.londons-swifts.org.uk for further information). We also request that access for bats is incorporated into the new development. A range of bat tubes and access panels are now available that will provide roosting opportunities for those species of bat that inhabit buildings. Swift, house sparrow and bat boxes are available from Schwegler (see www.schwegler-natur.de/)."

Network Rail – No objections subject to certain requirements being met.

"Thank you for your letters of 07/02/2012 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the amendment to the original application to use the user-worked level crossing known as Rolleston Mill for the access/egress for the development in the event of flooding, providing vehicular use of Rolleston Mill level crossing is limited to the authorised users and their invitees. It is noted that under normal circumstances the primary access to the development remains as the original application i.e. via the public road level crossing adjacent to Rolleston Station. However, we would have serious concerns if this was to change and will need to be consulted again. In this event we would need detailed information as to the expected increase in usage of the Rolleston Mill level crossing."

Further Comments have been received, particularly in relation to the fact that there would be no means of control regarding the unfettered use of the unmanned railway crossing:

“Having consulted our Senior Town Planner on the issue, he believes that our original responses to the application still apply. The reduction of the application to just the Mill and Stables will reduce the original level of risk expected from the development on the level crossing. The primary route should continue to be via the racecourse but we do note that the LPA has no way of controlling the use of the unmanned crossing and a condition would therefore be unenforceable. Should you require any further information please feel free to contact me”

HM Railway Inspectorate/Office of Rail Regulation– No response

Nottinghamshire Building Preservation Trust – Comment as follows in relation to the **Mill & Granary Proposals**:

“The NBPT is concerned that the application for the conversion to residential use does not appear to include full details of the existing building, in that the Survey drawing no. 1989/001/REVB shows the rooms on the Ground Floor including the Granary, the first floor over the Granary and the second floor in the mill building as ‘inaccessible at the time of survey’.

The Trust believes that the original features and details are not fully recorded and that this lack of information will affect the proper and informed consideration of the applications. Of particular concern is the lack of information on the second floor and roof where one would expect to find grain bins and machinery. A cross section through the mill building would also help in understanding the relationship between the existing floor levels and existing features.

This building is one of the last water mills in the country in original condition and believed to be complete with its original machinery. Any loss of these features would be unacceptable to the NBPT and the omission of the necessary information should not be allowed to happen.

The Trust therefore requests that a decision on the application is deferred until the information on the interior details and fittings is provided and that no decision on the adjacent property is made until a comprehensive application for the use of the site is made covering the conservation of the mill and its machinery including the mill wheel.”

Lincolnshire Mills Group – Comments as follows in relation to the **Mill and Granary Proposals**:

“The Lincolnshire Mills Group (which includes Nottinghamshire) is very concerned about the proposals above. Rolleston watermill is a very rare survivor in Nottinghamshire in that it retains all its milling equipment including the water wheel from the time it ceased to function as a cornmill. The drawings provided by the architect do not show details of the layout of the granary floors or the second floor of the mill building. This information is vital before a full evaluation of the building and their conversation can be assessed and discussed.

It is our opinion that this building with its machinery is too important a historic monument to be lost. It is the last of many former water powered mills in the Newark, Southwell area and could be feasibly put back into working order in the future. We strongly urge that any future development of the site should be on the understanding that the mill should be retained as a conserved entity to form an attractive feature. In this format it could be re-used as a field study centre, visitor attraction or store/activity space for the new development.

We also urge that a full recoding of the mill and the granary should be undertaken before any conservation takes place.”

Society for the Protection of Ancient Buildings – Comment as follows in relation to the **Mill and Granary Proposals**:

“The mill is an unusually complete survivor of a water-powered corn mill, one of the few examples in the county retaining its waterwheel and a full set of machinery, with the potential to be restored to working order.

We feel that the current application for domestic conversion will severely limit the opportunities for conservation and repair of the structure and its working parts. Furthermore, the proposed works may well result in avoidable harm to, or destruction of, the surviving historic fabric of the mill.

From the information currently available to us, we wish to make a strong objection to the proposed conversion works. You should receive a letter confirming our objection shortly.

The SPAB Mills Section would like to request a time extension to the planning application in order to examine the proposals in more detail. This would allow a representative of our Society to visit the mill and prepare a report on its condition and significance, which can be referred to when a decision on the application is made.”

NSDC Environmental Health – No objections but will need a contingency plan should contamination be revealed.

One neighbour/interested party has made the following summarised comments/concerns:

- Access must be retained for services (oil tankers/post van/emergency services etc) to Field Cottage and Mill Field Cottage – this is the only access road.
- Concern regarding damage to access road from construction vehicles etc.
- Parking (The Cottage is holiday let and often has 6-8 cars outside) concerns that there would be insufficient spaces at just two per dwelling and its informal nature.
- Currently the only access is over a poorly maintained unmanned railway crossing. Plans show access via the racecourse but access gate is currently locked, no evidence is provided that this is a valid access.
- Overbearing and intensity of development changes character of what was a working flour mill with attached cottage
- Whilst desirable to retain the mill this should not be at the expense of the character of the area.

Comments of the Director - Growth

I consider the main issues in assessing these applications relate to (1) the principle of residential conversion, (2) flood risk, (3) design, layout and listed building Impacts impacts, (4) highway and access, (5) amenity issues and (6) ecology matters.

Principle of Residential Conversion

The starting point for assessing these schemes against saved Policy NE2 is whether the applicant has looked first at securing commercial uses for the sites. This is a particularly difficult site to develop because it is remote from the village of Rolleston and is divorced from this settlement by a railway line making access difficult. These constraints severely limit the options for re-use in terms of finding a commercial alternative use for the buildings.

I accept that these concerns and issues are genuine and I consider that a residential use in both the principal listed building and the traditional Stable would be appropriate as a matter of principle. The site is in the countryside and in an unsustainable location. However, the desire to retain this important listed building and the traditional Stable, in my view outweighs the sustainability issues for what is a limited number of dwellings in this rural location. For these reasons I consider that the principle of conversion to residential use is acceptable in line with Policies SP3, NE1, NE2 and H27 of the Development Plan.

Flood Risk

The site lies within Flood Zone 3, at highest risk of flooding. As a residential use is classed as 'more vulnerable', the development is required to pass the Exception Test as set out in the NPPF. I shall firstly deal with proposal (1); the conversion is of a listed Mill. Relatively few traditional rural buildings are sufficiently important to have the status of being listed as buildings of special architectural or historic interest. There is a strong presumption in favour of the preservation of such buildings. In the case of proposal (2) the Stables, whilst not listed, is a good example of a traditional rural building of merit and worthy of retention. The best way of preserving the intrinsic character of such buildings is to find alternative uses. Given the access restrictions to the site there are no other feasible uses. Therefore there are no other sites that could deliver these requirements. However part C of the Exception Test does require that the Flood Risk Assessment must demonstrate the development will be safe without increasing the risk of flooding elsewhere and where possible reduce flood risk overall.

The EA have provided detailed comments on the scheme. The site is defended from the 1 in 100 year flood event plus climate change and therefore the site is at risk from flooding if the defense fails or is breached. The development poses a 'Danger for Most'. The finished floor levels in the Mill are raised (550mm above the 1 in 100 yr plus cc) although the sites access and egress routes could be significantly affected during a flood event (500mm of water) although it is acknowledged that the breach probability is low. In order to address this matter the applicants propose to raise the access road through grading, reducing flood waters to 300mm. Furthermore a new wall (approximately 300mm in height) is proposed to be erected along the northern site boundary. This is required to protect the occupants of both the Mill and the Stables in terms of their access and egress, if there was a breach upstream of the site. However the wall only provides protection from a breach upstream. If there were to be a breach within the site, there is still a risk of flooding to the properties, and as the stable floor levels are same as the surrounding ground levels, then it would be vulnerable to flooding, although the depths of which are unknown.

Safe access and egress is required during all extreme events and should not increase the burden on the Emergency Services. The Fire Service and Police are not permitted to travel through the flood waters due to unseen hazards. The Emergency Planner has commented on these schemes (and the other application for conversion of the barn which was submitted concurrently but has now been refused) saying that taken individually he has 'no comment' as he does not believe he

could sustain an objection. The implication is that taking all three schemes together (i.e the Mill, Stables and Barn), there would be concerns that it would increase the burden on emergency services. This matter therefore requires careful consideration and needs to be weighed in the balance. In respect of this, the application for the barn conversion has been refused as the barn is no longer capable of conversion. This leaves these two conversions to be considered; the Mill/Granary and the Stables.

In the case of the Mill/Granary I take the view that the conversion of the listed building should be given significant weight in balancing these considerations. As the Stables are not listed, I give this less weight but still consider that this building positively contributes to the setting of the farm complex and it is desirable to retain this building in some form. The floor levels in the Mill are already elevated and this is accessed by external steps. It is acknowledged that the Stables would be more vulnerable to flooding than the Mill because of the lower floor levels. However taking into account the low probability of flooding, that the burden on the Emergency Services would be reduced given that the number of residential units has reduced from 3 to 2 and in any event, the Emergency Planner does not consider we could sustain an objection, I consider that on balance the proposals are acceptable in terms of flood risks and they do not increase the risk of flooding elsewhere.

Design, Layout and Listed Building Impacts

In relation to the Mill and Granary, following a request for more survey work to be undertaken, particularly in respect of the upper floors, revised plans have been submitted showing amendments to the scheme and the treatments of the fixtures and fittings of the building. The interested parties (SPAB, Lincolnshire Mill Groups and NBPT) have been consulted on these amended plans and their comments will be reported as late items. The proposals have been carefully assessed by our specialist conservation officer.

The scheme as amended has gone to great lengths to preserve what is actually a very well preserved water mill and granary. Nearly all the original fixtures, fittings and plan form are being retained and important repairs to the building will have to be carried out as part of the conversion. It is also important that the building has a new viable use in order to help conserve the building long term. The only compromise is on the 2nd floor with the grain bins (basically small rooms created by c7ft high timber stud walling) where there will be openings made through them to create useable rooms. However, I am satisfied that with one bin being retained as a relic that the exact form and function of this part of the milling process can be understood, and the overall plan form of the other bins at this level is being retained.

The conversion to living space also necessitates the need for natural light and as such three new gable windows are proposed as well as five new rooflights. These openings are modest and no more than necessary to use the building effectively and as such, subject to simple detailing, these are acceptable.

There has been a real effort to retain all the interesting mill features and the new stairs would be enclosed by a glazed screen in order to retain the openness of the space and meet building regulations. In my view the scheme has been sensitively designed and I am now satisfied that the scheme would not have a harmful impact upon the integrity of the listed building, subject to appropriate conditions to control the finer details, the methodology and extent of repairs. The proposal therefore accords with Policies 27, CP9, CP14, NE2 and C10 of the Development Plan.

With regard to the Stables, the changes to the external fabric of the building are minimal with the scheme utilizing existing openings in the most part. I am satisfied that subject to conditions controlling the finer detailing, that the scheme retains the character of this rural building, preserves the setting of the listed buildings in close proximity and thus meets the aims of Policies 27, CP9, CP14, C11 and NE2 as well as the SPD on the conversion of rural buildings.

Highway and Access

In the case of the Mill, the Highways Authority observe that only two car parking spaces are to be provided for a four bed house, where normally three spaces would be required. However given the distance from the public highway this would not cause any issues and as such they raise no objections to the scheme. They are satisfied that the level of parking for the Stables is satisfactory.

No response has been received from the Department for Transport (HM Railway Inspectorate/Office of Rail Regulation) in respect of these applications. However Members will note that Network Rail raise no objections in principle to the scheme, subject to their own restrictions.

The applicant is relying on being able to take access over the unmanned occupational crossing during a 1 in 100 year flood event and as such has included this within the edged red line of the application sites. The applicant continues to advise that the primary access would be via the Racecourse and that this would be negotiated with the owners of the Racecourse should permission be granted.

In planning terms there is no mechanism of controlling that the eventual occupiers do not use the occupational crossing at other times. For example I understand that on Sundays the manned Rolleston crossing is closed off due to the racecourse being in use. This would mean that the occupiers wanting to travel to the village of Rolleston (or indeed to the east) would need to go all the way round via Southwell to the west. Clearly there would be a temptation for occupiers to use the occupational crossing and the LPA has no way of controlling this use of the unmanned crossing. This is because a condition would be enforceable and would not meet the tests of the Conditions Circular 11/95 or the newly published NPPF. Network Rail have been made aware of this risk and their further comments (as set out in the consultation section of this report) continue to raise 'no objection' to the applications. Given that the risk is low and in the absence of any objections from statutory consultees I conclude this proposal meets with Policy SP7 of the Development Plan and there are no grounds for refusal on this basis.

Members will note that the Rights of Way Officer has been consulted on both planning applications. This is due to the proposal to erect a new flood defense wall along the northern site boundary which would cross a public right of way. No response has been received from the ROW Officer. However the wall is only approximately 300mm height and I take the view that this could be crossed with a stile. As such I do not consider that there would be a need for the applicants to formally apply to divert the public footpath.

Amenity

With regards to amenity, I consider the mill and granary would be capable of creating an attractive living environment that meets the needs of privacy. The attached cottage, rented for holiday lets, would not have an adverse impact on a permanent residential use here given that the relationship between the two buildings enable the creation of private amenity space and without any loss of privacy. I do not consider that the four new second floor windows would have any adverse impact in terms of loss of amenity. I am therefore satisfied the proposal accords with Policy H21.

In terms of the Stables, amended plans have been submitted showing a revised reconfiguration of the ground floor layout. The kitchen has now been re-sited to the south-west elevation and its living area would now enjoy increased privacy by being located to the north-east side overlooking its private curtilage. I am now satisfied that the proposal creates an attractive living environment for occupants and that the relationship with the holiday let (Mill Cottage) is satisfactory.

It should be noted that the edged red line for the Stables application is extensive and includes land to the north-east of the Stables as well as land to the south of the access road. I consider that the extent of the curtilage is too generous and that the curtilage (garden area) for the Stables should be contained to the north of the access road to avoid the domestication of the wider complex. As such I propose a condition to restrict the extent of the curtilage.

Ecology

Neither the Natural England nor the Wildlife Trust have raised objections to the proposal in terms of ecology. Subject to conditions, I am satisfied that protected species would be afforded adequate protection, meeting the requirements of Policy NE17 of the NSLP.

Other Matters

Paragraph 4.1 of the Design and Access Statement indicates the application includes demolition of some outbuildings to the Cottage. The scheme has been amended and the outbuilding that was going to be demolished will now be retained and incorporated into the Mill/Granary conversion. The Parish Council's comments have been noted and it should be noted that the Cottage does not form part of the application sites.

Conclusions

For the reasons I have set out above I consider that all three applications accord with the relevant planning policies and there are no material considerations that indicate a decision should be made to the contrary.

RECOMMENDATION

That full planning permission is granted for both the conversion of the Mill & Granary and the Stables to create residential dwellings and that listed building consent is granted for the associated works and repairs to the Mill & Granary Building; subject to the conditions shown below.

Recommendation Sheet

Application No: 11/01805/FUL

Applicant: Mr Ian Murray
16 Lime Close
Tarpoley
Cheshire
CW6 0TW

Agent: Allan Joyce Architects - Mr Cara De Angelis
16-20 Bath Street
Nottingham
Nottinghamshire
NG1 1DF

Proposal: Conversion and repair of Mill to create dwelling

Site Address: Rolleston Mill Station Road Rolleston Newark On Trent

Recommendation: APPROVE

With the Following Conditions/Reasons

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 drawing numbers 1989 005 Rev F (Elevations and Sections), 1989 010 Rev C (Block Plan and Location Plan Showing Landscape Proposals)1989 12 (Site Location Plan) and 09563-100 Rev B (Breach Assessment and Flood Mitigation Plan) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

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.

Samples of bricks and roofing tiles to be used in any repairs

The glazed enclosure to the new staircase

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

Rainwater goods

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity.

04

No development shall be commenced until details of a programme of historic building recording have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

05

No development shall be commenced until details of the mortar to be used for re-pointing (including materials and ratios, colour, texture and pointing finish) shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

06

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. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

07

No development shall be commenced until details of the extent of the re-pointing of the building, have been submitted to and agreed in writing by the local planning authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

08

No development shall be commenced until a methodology for undertaking repair works has been submitted to and approved in writing by the local planning authority. This shall include, but is not limited to, a full schedule of works which addresses the repair and rebuild of external walls, the retention of the internal floors, the boarding over existing stairs, hatches and fixtures and fittings such as wheel gear . Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

Reason: To safeguard the special architectural and historic interest of the building.

09

No development shall be commenced until a scheme for the extent of retention and maintenance of the heritage asset has been submitted to and approved in writing by the Local Planning Authority. Any amendments required as a result of further historic building analysis and surveys should firstly be agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented on site as approved.

Reason: In order to protect the special, architectural and historic interest of the building whilst providing a degree of flexibility for the developer as more detailed analysis takes place on site through the progression of the conversion.

010

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. Sections through showing the proposed finished ground levels/contours of the access road

Means of enclosure;

Car parking layouts and materials;

Hard surfacing materials;

Reason: In the interests of visual amenity, safeguarding the setting of the listed building and biodiversity.

011

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

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

012

No development shall commence until a follow up survey has been undertaken in respect of bats. This survey should be undertaken by a suitable qualified/experience person or company and should clearly describe the impact of the proposal on bats, how that conclusion has been arrived at and any proposed mitigation works. The proposed mitigation measures shall be carried out in full in accordance with a timetable to be agreed as part of the survey.

Reason: To comply with Policy NE17 of the Development Plan, and in accordance with the Ecology Report that formed part of the planning application.

013

No development to the building shall be carried out during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

014

The development hereby permitted shall not be commenced until such time as a scheme to provide flood protection by the construction of a flood wall along the existing fence line along the northern perimeter of the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the materials (including mortar mix) and shall include the provision of a style to cross the public right of way. Thereafter the approved flood wall shall be constructed on site prior to first occupation and shall be retained for the lifetime of the development.

Reason: To provide a level of protection to the site in the event of a breach the River Greet's banks occurring to the north of the development, to ensure that the wall is appropriate for the setting of the listed building and to provide an appropriate crossing of the public right of way

015

The development hereby permitted shall not increase impermeable area and thus not increase surface water runoff from the site

Reason: To prevent the increase in flood risk elsewhere.

016

The development hereby permitted shall not be commenced until such time as a scheme to raise floor levels as high as is practicably possible and incorporate flood resilient measures. Thereafter the approved scheme shall be implemented in the development.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

017

The development hereby permitted shall not be commenced until such time as a scheme to provide the development with safe access and egress from the dwelling to an area outside of the floodplain has been submitted to, and approved in writing by, the local planning authority.

Reason: To provide the site with a safe means of escape during extreme flood events.

Note to Applicant

01

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

02

The Environment Agency make the following comments as an informative. "The drawings demonstrate that the development proposes to reinstate the wheel and potentially raise the upstream water level through the incorporation of new stop logs. Please note that under the terms of the Water Resources Act 1991, and the Midland's Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Greet designated a 'main river'. Within the consent process you will be required to demonstrate that your proposals will not increase flood risk and that there are no other detrimental effects due to either the permanent or temporary works.

Also, please note that Water Framework Directive and the Eel Regulations promote the improvement of fish passage. The Eel Regulations require the incorporation of measures for Eel passage if renovations to river obstructions are undertaken. Our Fisheries Officers would like to support you through this consideration. Please contact Steve Lawrie, Fisheries Officer, on 0115 8463665, to discuss the requirements of these regulations and a positive way forward.

Please contact David Woolley, Development and Flood Risk Officer, on 0115 8463742, if you wish to discuss consents for works affecting watercourses in greater detail.'

03

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

04

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

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.

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

In the opinion of the Local Planning Authority, the development hereby permitted accords with the policies listed below and there are no other material issues arising that would otherwise outweigh the provisions of the Development Plan.

From the East Midlands Regional Plan (adopted 2009)

- Policy 1 - Regional Core Objectives
- Policy 2 - Promoting Better Design
- Policy 3 - Distribution of New Development
- Policy 27 - Regional Priorities for the Historic Environment
- Policy 29 - Priorities for Enhancing the Region's Biodiversity

From the Newark and Sherwood Local Plan (adopted 1999)

- Saved policies Policy H27 (Housing Development in the Countryside)
- Policy C10 (Alterations, Extensions and Changes of Use to Listed Buildings)
- Policy C11 (Setting of Listed Buildings)
- Policy C12 (Under-utilisation of Historic Buildings)
- Policy NE2 (The Conversion of Rural Buildings)
- Policy NE17 (Species Protection)
- Policy PU1 (Washlands)

From the Newark and Sherwood Core Strategy Development Plan Document (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 8 - Retail Hierarchy

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

Core Policy 14 - Historic Environment

Recommendation Sheet

Application No: 11/01806/LBC

Applicant: Mr Ian Murray
16 Lime Close
Tarporley
Cheshire
CW60TW
England

Agent: Mr Cara De Angelis
16-20 Bath Street
Nottingham
Nottinghamshire
NG1 1DF
United Kingdom

Proposal: Conversion and repair of Mill to create dwelling

Site Address: Rolleston Mill Station Road Rolleston Newark On Trent

Recommendation: APPROVE

With the Following Conditions/Reasons

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The development hereby permitted shall not be carried out except in complete accordance with drawing numbers 1989 005 Rev F (Elevations and Sections), 1989 010 Rev C (Block Plan and Location Plan Showing Landscape Proposals) 1989 12 (Site Location Plan) and 09563-100 Rev B (Breach Assessment and Flood Mitigation Plan) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

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.

Samples of bricks and roofing tiles to be used in any repairs
The glazed enclosure to the new staircase
External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
Rainwater goods
Extractor vents
Flues
Meter boxes
Airbricks
Soil and vent pipes

Reason: In the interests of visual amenity.

04

No development shall be commenced until details of a programme of historic building recording have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

05

No development shall be commenced until details of the mortar to be used for re-pointing (including materials and ratios, colour, texture and pointing finish) shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

06

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. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

07

No development shall be commenced until details of the extent of the re-pointing of the building, have been submitted to and agreed in writing by the local planning authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

08

No development shall be commenced until a methodology for undertaking repair works has been submitted to and approved in writing by the local planning authority. This shall include, but is not limited to, a full schedule of works which addresses the repair and rebuild of external walls, the retention of the internal floors, the boarding over existing stairs, hatches and fixtures and fittings such as wheel gear . Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

Reason: To safeguard the special architectural and historic interest of the building.

09

No development shall be commenced until a scheme for the extent of retention and maintenance of the heritage asset has been submitted to and approved in writing by the Local Planning Authority. Any amendments required as a result of further historic building analysis and surveys should firstly be agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented on site as approved.

Reason: In order to protect the special, architectural and historic interest of the building whilst providing a degree of flexibility for the developer as more detailed analysis takes place on site through the progression of the conversion.

010

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.

Sections through showing the proposed finished ground levels/contours of the access road

Means of enclosure;

Car parking layouts and materials;

Hard surfacing materials;

Reason: In the interests of visual amenity, safeguarding the setting of the listed building and biodiversity.

011

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

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

Note to Applicant

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010 (LBC APP ONLY)

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents or Conservation Area Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters.

In the opinion of the Local Planning Authority the proposal accords with the NPPF which is a material planning consideration. There are no other material considerations which indicate a decision should be made to the contrary.

Recommendation Sheet

Application No: 11/01807/FUL

Applicant: Mr Ian Murray
These Four Walls Ltd
16 Lime Close
Tarpoley
Cheshire
CW60TW
England

Agent: Mrs Cara De Angelis
16-20 Bath Street
Nottingham
Nottinghamshire
NG1 1DF
United Kingdom

Proposal: Conversion and repair of stables to create dwelling. Includes the demolition of modern stable structure opposite (of no architectural merit).

Site Address: Rolleston Mill Station Road Rolleston Newark On Trent

Recommendation: APPROVE

With the Following Conditions/Reasons

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 drawing numbers 1989 007 Rev E (Elevations and Section) 1989 009 Rev A (Site Location Plan) and 09563-100 Rev B (Breach Assessment and Flood Mitigation Plan) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

Notwithstanding the submitted plan (1989 10 Rev B -Block Plan and Location Plan) the extent of the garden curtilage for the Stables shall be limited to that as shown (edged in green) on the attached plan.

Reason: In the opinion of the Local Planning Authority the applicants proposed curtilage (drawn much wider) was considered to harm the rural character and was disproportionate to the size and nature of the dwelling. This condition is necessary to make the scheme acceptable in planning terms.

04

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

Samples of bricks and roofing tiles to be used in any repairs

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

Rainwater goods

Extractor vents

Flues

Reason: In the interests of visual amenity.

05

No development shall be commenced until a methodology for undertaking repair works has been submitted to and approved in writing by the local planning authority. This shall include a full schedule of works which addresses the repair and rebuild of external walls and the retention of the lime ash floor and the retention of the troughs. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

Reason: To safeguard the special architectural and historic interest of the building.

06

No development shall be commenced until details of the mortar to be used for re-pointing (including materials and ratios, colour, texture and pointing finish) shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the architectural and historic interest of the building.

07

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. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

08

No development shall be commenced until details of the extent of the re-pointing of the building, have been submitted to and agreed in writing by the local planning authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

09

No development shall commence until a follow up survey has been undertaken in respect of bats. This survey should be undertaken by a suitable qualified/experience person or company and should clearly describe the impact of the proposal on bats, how that conclusion has been arrived at and any proposed mitigation works. The proposed mitigation measures shall be carried out in full in accordance with a timetable to be agreed as part of the survey.

Reason: To comply with Policy NE17 of the Development Plan, and in accordance with the Ecology Report that formed part of the planning application.

010

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.

Sections through showing the proposed finished ground levels/contours of the access road means of enclosure;
car parking layouts and materials;
hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

011

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

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

012

No development to the building shall be carried out during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

013

The development hereby permitted shall not be commenced until such time as a scheme to provide flood protection by the construction of a flood wall along the existing fence line along the northern perimeter of the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the materials (including mortar mix) and shall include the provision of a style to cross the public right of way. Thereafter the approved flood wall shall be constructed on site prior to first occupation and shall be retained for the lifetime of the development.

Reason: To provide a level of protection to the site in the event of a breach the River Greet's banks occurring to the north of the development, to ensure that the wall is appropriate for the setting of the listed building and to provide an appropriate crossing of the public right of way.

014

The development hereby permitted shall not increase impermeable area and thus not increase surface water runoff from the site

Reason: To prevent the increase in flood risk elsewhere.

015

The development hereby permitted shall not be commenced until such time as a scheme to raise floor levels as high as is practicably possible and incorporate flood resilient measures. Thereafter the approved scheme shall be implemented in the development.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

016

The development hereby permitted shall not be commenced until such time as a scheme to provide the development with safe access and egress from the dwelling to an area outside of the floodplain has been submitted to, and approved in writing by, the local planning authority.

Reason: To provide the site with a safe means of escape during extreme flood events.

017

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 south-west or north-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 and in the interests of retaining the character and appearance of the building.

018

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

Class A:

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

Class B:

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

Class C:

Any other alteration to the roof of a dwellinghouse.

Class D:

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

Class E:

Development within the curtilage of a dwellinghouse.

Class F:

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

Class G:

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

Or Schedule 2, Part 2:

Class A:

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

Class C:

The painting of the exterior of any building.

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

Class E:

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

Class F:

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

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) to ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside and to ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted agricultural building.

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

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

02

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

03

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

04

The Environment Agency make the following comments as an informative. "The drawings demonstrate that the development proposes to reinstate the wheel and potentially raise the upstream water level through the incorporation of new stop logs. Please note that under the terms of the Water Resources Act 1991, and the Midland's Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Greet designated a 'main river'. Within the consent process you will be required to demonstrate that your proposals will not increase flood risk and that there are no other detrimental effects due to either the permanent or temporary works.

Also, please note that Water Framework Directive and the Eel Regulations promote the improvement of fish passage. The Eel Regulations require the incorporation of measures for Eel passage if renovations to river obstructions are undertaken. Our Fisheries Officers would like to support you through this consideration. Please contact Steve Lawrie, Fisheries Officer, on 0115 8463665, to discuss the requirements of these regulations and a positive way forward.

Please contact David Woolley, Development and Flood Risk Officer, on 0115 8463742, if you wish to discuss consents for works affecting watercourses in greater detail.'

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

In the opinion of the Local Planning Authority, the development hereby permitted accords with the policies listed below and there are no other material issues arising that would otherwise outweigh the provisions of the Development Plan.

From the East Midlands Regional Plan (adopted 2009)

Policy 1 - Regional Core Objectives
Policy 2 - Promoting Better Design
Policy 3 - Distribution of New Development
Policy 27 - Regional Priorities for the Historic Environment
Policy 29 - Priorities for Enhancing the Region's Biodiversity

From the Newark and Sherwood Local Plan (adopted 1999)

Saved policies Policy H27 (Housing Development in the Countryside)
Policy C10 (Alterations, Extensions and Changes of Use to Listed Buildings)
Policy C11 (Setting of Listed Buildings)
Policy C12 (Under-utilisation of Historic Buildings)
Policy NE2 (The Conversion of Rural Buildings)
Policy NE17 (Species Protection)
Policy PU1 (Washlands)

From the Newark and Sherwood Core Strategy Development Plan Document (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 8 - Retail Hierarchy
Core Policy 9 - Sustainable Design
Core Policy 12 - Biodiversity and Green Infrastructure
Core Policy 14 - Historic Environment

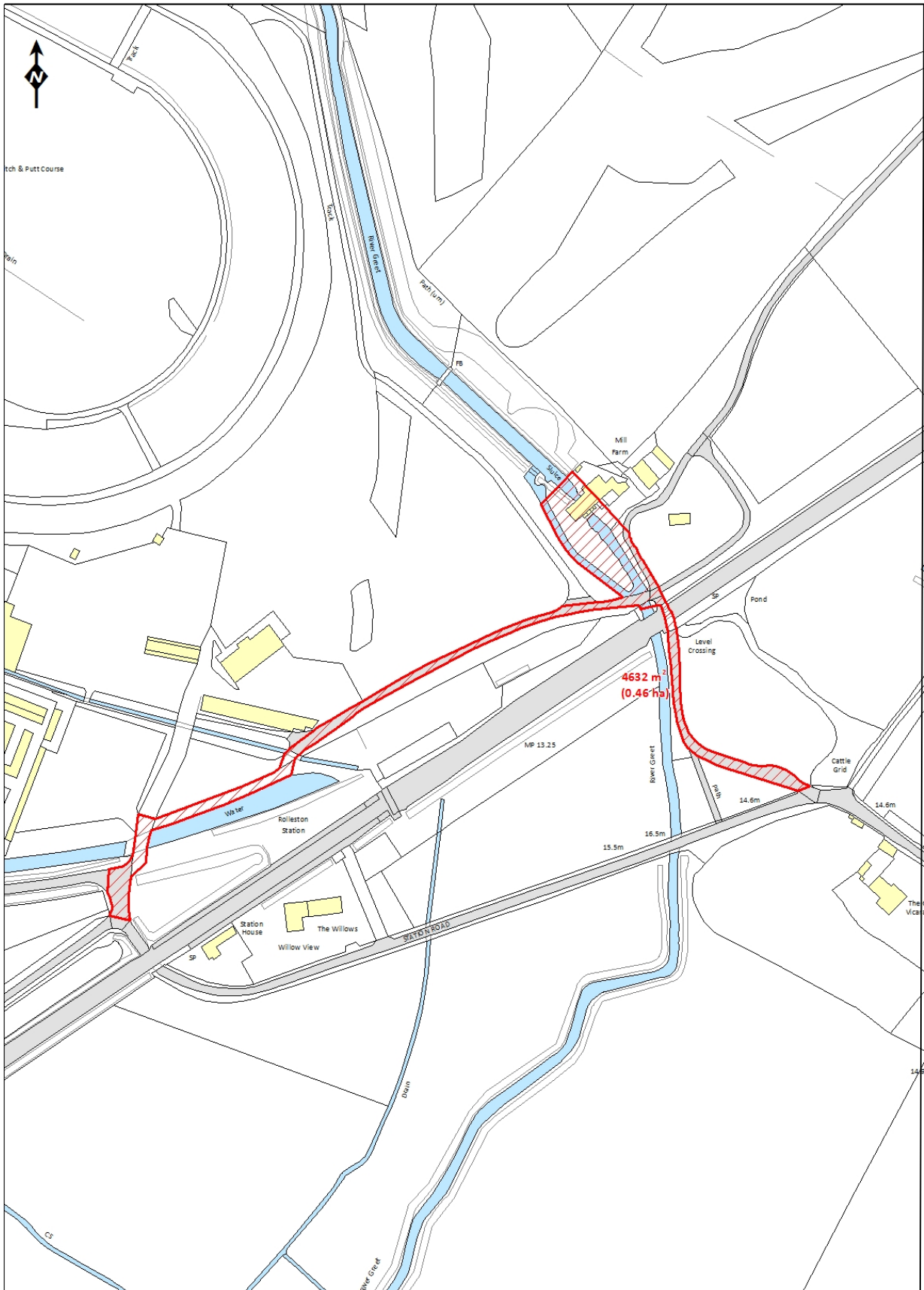
Background Papers - Application case file.

For further information, please contact Clare Walker on 01636 655841.

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

Colin Walker
Director - Growth

Committee Plan - 11/01806/LBC



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Application No:	14/01848/FUL	
Proposal:	Prefabricated Self Build Two Bedroom Bungalow	
Location:	Willow Hall Farm, Mansfield Road, Edingley, NG22 8BQ	
Applicant:	Mr & Mrs A&J Tyler	
Registered:	14th November 2014	Target Date: 9th January 2015

Description of Site and Surrounding Area

The site comprises a field located in the open countryside located towards the south west of the main built-up area of the village of Edingley. It is accessed via an approximately 180 metre long access track from Mansfield Road which also serves Willow Hall Farmhouse to the west of the site. Agricultural fields are located immediately to the north, east and south of the site.

The site is immediately adjacent to two Local Wildlife Sites, namely ‘Edingley Grassland LWS’ and ‘Mansfield Rd, Pasture LWS’ which are located to the east. A small watercourse is located along the southern boundary of the site.

The site forms a relatively rectangular shaped parcel of land occupied by a number of sheds and structures particularly around the north west edge of the site. A touring caravan also appears to be stored on this land. The site is surrounded by relatively matures trees/hedgerow.

Relevant Planning History

02/02416/OUT– Outline planning permission for a bungalow was refused on the grounds of the sites location outside the village envelope – refused January 2003.

The submitted supporting statement states that there was once a caravan sited on this land which was used for residential purposes. However, I was unable to trace any evidence of this within the Council’s planning history records.

The Proposal

The application proposes the erection of a timber framed prefabricated two bedroom bungalow. It would be a roughly ‘L’ shaped located centrally within the site. In addition to the bedrooms, it would contain an open plan kitchen/diner, bathroom and lounge. It would be wheelchair friendly and measure 14.6 metres by 10.2 metres by 5.8 metres high. It would have a pitched roof with canopies over the front and rear entrances. The existing private drive would be utilised. The application states that all existing sheds and structures would be removed from the site as part of the proposal.

Public Advertisement Procedure

Occupiers of 4 neighbouring properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

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

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

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2012
- Planning Practice Guidance (PPG) 2014
- Newark and Sherwood Landscape Character Assessment SPD December 2013
- Spatial Policy 3 Guidance Note 2013

Consultations

Cllr B Laughton has referred this application to the Planning Committee as the recommendation is for refusal.

Edingley Parish Council – no comments received.

Nottinghamshire County Council Highways – The application site has a very long access/private driveway, which serves Willow Hall Farm. This driveway exceeds the maximum carry distance by residents for on street refuse collections. However, it is suitable to accommodate the vehicular movements associated with one additional dwelling. The existing access will require widening to 5.25m (for this number of dwellings, the width is required to be 4.25m with 1m added due to the access being bounded by a fence on both sides). Therefore, in this instance, there are no highway objections to this proposal subject to the following condition:

No part of the development hereby permitted shall be brought into use until the access has been designed and thereafter completed to a standard that provides a minimum width of 5.25m for the first 5m rear of the highway boundary.

Reason: In the interests of highway safety.

It should be noted that a public footpath runs alongside the application site, therefore, consultation should take place with NCC Rights of Way section for advice/approval.

Nottinghamshire Wildlife Trust – We note that no ecological information has been submitted with the application. It is unclear from the proposals whether any landscaping works are associated with the proposed residential development.

If this is the case and depending on the scale of any such landscaping works, it may be necessary to further consider the impact of the proposals on ecology. In particular, please note that the site is immediately adjacent to two Local Wildlife Sites, namely 'Edingley Grassland LWS' and 'Mansfield Rd, Pasture LWS'. Other ecologically sensitive features are the watercourse along the southern site boundary, trees / shrubs around the site and the pond immediately east of the site.

We would appreciate clarification of the proposals in terms of impact to the land surrounding the proposed dwelling (within the red-line boundary).

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

Neighbours/Interested Parties - No letters of representation received.

Comments of Business Manager - Development

Principle of Development

The NPPF states that *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.'* It goes on to state that *'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances'* and lists some examples.

The application site is located in the open countryside as it is considered to be located outside the main-built up area of Edingley which is defined as an 'other village' in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. As such, its acceptability cannot be assessed against the five criteria set out in Spatial Policy 3 which include location, scale, need, impact and character. Development away from the main built-up areas of villages, in the open countryside, must be strictly controlled and restricted to uses which require a rural setting such as agriculture and forestry.

Policy DM8 goes on to state that planning permission will only be granted for new dwellings (as an exception to the stance set out in Spatial Policy 3) where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the area. In this instance, it is not considered that the proposed prefabricated building meets the criteria in any way.

As such, the erection of a new dwelling is unacceptable in principle as its open countryside location is considered to be an unsustainable location for a new dwelling, contrary to the aims of the NPPF and Policy DM8 of the Allocations and Development Management DPD.

Impact on Visual Amenity

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Hockerton Village Farmlands (MZ PZ 34) which is described as a gently rolling and undulating topographical area, dominated by arable farming with few detracting features. The landscape sensitivity is defined as moderate and condition is defined as good and the proposed action for the area is to 'conserve and reinforce' including conserving the rural character of the landscape by limiting any new development around the settlement of Edingley.

A public footpath crosses the access to the site and runs immediately along the north side of the field on which the proposed dwelling would be situated. The footpath is unlikely to be unaffected physically by the proposed development.

The proposed bungalow by its very nature would be incongruous in an open countryside setting. It would be positioned beyond the residential curtilage of Willow Hall Farm and the creation of additional domestic curtilage with its associated paraphernalia including parking would impact on the open character of the countryside. Whilst only intermittent views of the proposed dwelling are likely to be achievable due to the existing levels of landscape screening provided by the existing trees/hedgerow which bound the site, encroachment into the open countryside would still result. It is not considered that the benefits of removing the small number of existing sheds/storage buildings which are more agricultural in appearance and temporary in nature from the land would outweigh the harm identified. Overall, the proposed development would have an adverse impact on the rural character of the landscape contrary to Spatial Policy 3 and Core Policies 9 and 13 of the Core Strategy and Policy DM8 of the Allocations and Development Management Development Plan Document (DPD).

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Given the isolated location of development and the scale and nature of the development proposed, it is not considered that the proposed development would result in any adverse impact upon the nearby occupiers of neighbouring dwellings by virtue of any overbearing or loss of privacy impact.

Ecology and Trees

Core Policy 12 of the Core Strategy and Policy DM7 of the DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Access to the site would utilise an existing field gate and it is not proposed to remove any trees or hedgerow as part of the application. I have sought further clarification from Nottinghamshire Wildlife Trust Whilst in relation to their consultation response and they have confirmed that they require further assessment of the potential ecological impacts of the development in relation to its impacts upon the adjacent Local Wildlife Site, pond and watercourse (including any protected species). No ecological appraisal has been submitted with the application. As such, it is considered that the applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

Highways and parking

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. Two parking spaces would be provided to serve the proposed dwelling which is considered adequate in this instance. The Highways Officer has no objection to the proposal subject to a condition requiring the access to be designed and thereafter completed to a standard that provides a minimum width of 5.25m for the first 5m rear of the highway boundary. As such, the proposal is unlikely to result in any adverse impact upon highway safety.

Other Issues – Local Need

As previously stated, the ‘need’ criterion cited within Spatial Policy 3 of the Core Strategy is not relevant in the assessment of new housing in open countryside locations. Even if it were, the SP3 Guidance document states *“Spatial Policy 3 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” (para 6.1)*. Although it is accepted that these may be interlinked it shouldn’t solely be reliant on the needs of the applicant.

I have taken into consideration the Applicants personal circumstances in that they require the new dwelling to enable them to downsize and provide Mrs. Tyler’s’ particular accommodation requirements without having to leave the community which they have been part of for the past 35 years. They currently live in the farmhouse. The supporting information submitted with the application states that Mrs Tyler suffers from arthritis and has recently been diagnosed with fibromyalgia. It states that the current farmhouse is no longer suitable to meet the needs of the Applicant as it is single brick, has no double glazing, and is too cold and damp in various areas.

Whilst I fully sympathise with the circumstances of the Applicant, this does not justify the principle of building a new house in the open countryside and I am unable to attach any material weight to ‘need’ in this instance. Overall, I do not consider this perceived need to outweigh the harm that would result from the proposed development by virtue of its unsustainable open countryside location and its adverse impact upon the setting of the surrounding rural landscape.

Conclusion

The erection of a new dwelling is not considered to be acceptable in this open countryside location and no special justification has been demonstrated. An assessment of 'local need' cannot be applied in open countryside locations. The proposed dwelling would result in an incongruous feature and encroachment into the countryside, adversely impacting upon the setting of the surrounding rural landscape to the detriment of the visual amenity of the area. It is therefore considered that development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area.

RECOMMENDATION

That full planning permission is refused for the following reasons:

1. The site is located within the open countryside where special justification for new dwellings is required. Special justification has not been demonstrated in this instance. The proposed dwelling is not of exceptional quality or innovative in design, it does not reflect the highest standards of architecture or enhance its immediate setting or the defining characteristics of the area. The proposed dwelling would result in an incongruous feature and encroachment into the countryside, adversely impacting upon the setting of the surrounding rural landscape to the detriment of the visual amenity of the area. Development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area and undermine strategic objectives contrary to the aims of the National Planning Policy Framework (NPPF), Spatial Policy 3 and Core Policies 9 and 13 of the adopted Core Strategy and Policy DM8 of the Allocations and Development Management Development Plan Document (DPD).
2. No ecological appraisal has been submitted with the planning application. As such the potential ecological impacts of the development in relation to its impacts upon the adjacent Local Wildlife Site, pond and watercourse (including any protected species) are unknown. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

Informatives

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. 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 Helen Marriott on Ext 5793

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 14/01848/FUL



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Application No:	14/01910/FUL
Proposal:	Householder Application for Erection of a Conservatory (Resubmission of Planning Application 14/00943/FUL)
Location:	Lilac Farm Cottage, Water Lane, Oxton, NG25 0SH
Applicant:	Mrs V. Leivers
Registered:	27.10.2014
	Target Date: 22.12.14

The Site

Oxton is a village washed over by the Nottingham-Derby Greenbelt. Lilac Farm Cottage lies on the edge of the main built up area of the village and is within the Oxton Conservation Area. The property was converted to a dwelling in 1983 and has since benefitted from several extensions, including a conservatory. The site comprises a 1.5 storey dwelling with a detached garage, both of which are set back from the highway within the plot. Adjacent dwellings lie to the north, east and west of the site and are screened by dense vegetation.

Relevant Site History

- 14/00943/FUL – Permission refused for Householder Application for Erection of a Conservatory (29.08.14) under delegated powers.
- 97/51602/FUL- Permission granted for the erection of a double garage with store above (01.10.1997).
- 93/51388/FUL- Permission granted for the erection of a new conservatory (24.09.1993).
- 92900431- Permission granted for the erection of extensions to create new kitchen, bedroom, conservatory and garage (30.05.1990).
- 92860696- Permission granted for the erection of a two-storey extension to dwelling (22.08.1986).
- 92830770- Permission granted to convert existing barn to one dwelling unit (13.09.1983).
- 92830403- Permission refused to convert existing barn to dwelling (19.07.1983).
- 9281273- Permission granted for the conversion of existing building to residential (16.06.1981).
- 9277951- Permission refused to construct 3 No detached houses and convert existing barn to dwelling (20.12.1977).

The Proposal

Full planning permission is sought for the erection of a UPVC conservatory which will have a woodgrain finish in a Chartwell Green colour and a rendered blockwork dwarf wall. The conservatory will be located to the rear of the dwelling and will measure approx. 4.7m in depth, approx. 8m in width and 3.2m in ridge height.

Departure/Public Advertisement Procedure

6 neighbours were notified by letter.
A site notice was posted on 29.10.14.
An advert was posted in the Nottingham Evening Post on 07.11.14.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy (Development Plan Document)

- Core Policy 9: Sustainable Design
- Core Policy 14: Historic Environment
- Spatial Policy 4B: Green Belt Development

NSDC Allocations and Development Management DPD (Adopted July 2013)

- Policy DM5: Design
- Policy DM6: Householder Development
- Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework Adopted (NPPF) March 2012
- Planning Practice Guidance March 2014

Consultations

Oxton Parish Council- No objection to the proposal 'Oxton Parish Council have no objections to this planning application. However as this new planned conservatory is larger than the one which has been demolished relatively recently the Parish Council rely on the planning department at District Council to confirm that the conservatory is an acceptable size in comparison to the original property.'

NSDC Conservation Officer- Support the proposal – 'Having reviewed our comments on the refused scheme, the resubmission appears to have dealt with any issues raised. The proposal is otherwise located in a discrete location that will have limited impact on the significance of the Oxton Conservation Area. In reaching this view, I have considered the Council's legal duty in respect of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and conservation objectives set out in Policies CP14 and DM9 of the Council's LDF DPDs and section 12 of the NPPF.'

Comments of Business Manager - Development

The Principle

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. 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.

As the site lies within the Conservation Area for Oxton, any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and setting of the Conservation Area.

Additionally, the site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. However, the NPPF does allow for the limited extension of existing dwellings provided that it does not result in the disproportionate additions over and above the size of the original dwellings.

Impact Upon the Green Belt

The dwelling has previously benefitted from several planning consents for extensions to the property, as well as a detached garage. Given this, the LPA must assess the impact of this current scheme upon the Green Belt taking into account all previous extensions to the property, as required by paragraph 89 of the NPPF.

The NPPF states that new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this include, the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

Under current policy there is no definitive percentage of floor space increase considered to be appropriate development within the Green Belt and as such, it is one of judgement for the LPA. Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floorspace increase) in determining whether householder extensions are disproportionate to the original dwelling.

The proposed conservatory will replace an existing conservatory which has very recently been demolished; the floor area of the new conservatory will be around 7m² larger than the previous conservatory. The table below details the increases in floorspace, taking into account both the existing and proposed extensions. For clarity these calculations also take account of the conservatory that has now been demolished.

	Original Dwelling	Extensions	% Increase
Floorspace as existing	162.49m ²	147.40m ² (exc. Garage)	90.71% (exc. garage)
		210.70m ² (inc. garage)	129.6% (inc. garage)
Floorspace as proposed		154.08m ² (exc. Garage)	94.82% (exc. garage)
		217.38m ² (inc. garage)	133.78% (inc. garage)

(Officer's floorspace calculations are measured externally)

The floorspace calculations indicate that the dwelling has already benefitted from substantial additions, significantly over the 50% typically used by local authorities to determine whether extensions to a dwelling are disproportionate to the original dwelling. In addition, I calculated that the footprint of the dwelling would have an overall increase, including both the existing and proposed extensions, of 104.53% (without garage) and 147.47% (with garage).

Whilst by itself this is a relatively small increase in size of the conservatory, the NPPF is clear that LPA's should have regard to cumulative impacts from previous extensions. When taking these into account, I do not consider the proposal to fit within the stipulation mentioned above. The previous additions to the dwelling have added a significant increase to the original dwelling and therefore any further additions would go beyond the level of development considered to be proportionate within the Greenbelt as mentioned in paragraph 89 of the NPPF.

Design and Character

The property lies within a conservation area where development should take account of the distinctive character of the area and seek to preserve and enhance the conservation area, as stated by policy DM9 of the DPD. Additionally, Policy DM6 and the NPPF seek good design of development in terms of scale, landscape and materials which relate well to neighbouring buildings and the local area more general.

Following amendments of the proposal in line with the conservation team's comments on the previous scheme under 14/00943/FUL, our conservation officer raises no objection as follows:

'Having reviewed our comments on the refused scheme, the resubmission appears to have dealt with any issues raised. The proposal is otherwise located in a discrete location that will have limited impact on the significance of the Oxtan Conservation Area.'

In this instance, I concur with the Conservation Officers views and in overall design terms, the proposal will slot in to the existing layout of the dwelling without extending beyond the existing two-storey wing of the dwelling and would appear visually subservient. However, the overall scale and mass of the various extensions to the dwelling have a cumulative impact and result in additions which no longer respect the scale of the original dwelling, thus have a harmful impact upon the local distinctiveness of the setting, which in this instance is the Greenbelt.

Impact Upon Neighbours

Policy DM6 of the DPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, overshadowing or overbearing impacts.

Looking at the submitted proposal, it is unlikely that the proposals would result in any adverse impact upon the amenity of the occupiers of neighbouring dwellings by virtue of any loss of privacy or overshadowing given the proposal's low ridge height and the current boundary treatments of the site. Furthermore, given the design of the extension, I am satisfied that the development is unlikely to have an overbearing impact upon the neighbouring property to the north.

Conclusion

In conclusion, it is considered that whilst the proposal is unlikely to result in any significant harm to the conservation area or upon neighbour amenity by virtue of privacy, overshadowing or overbearing impacts, the scheme proposes an additional extension to a dwelling which has already benefitted from several extensions over time and as such, the proposal is considered to cumulatively result in additions over and above what is considered to be proportionate to the original dwelling, and therefore contravenes paragraph 89 of the NPPF.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

In the opinion of the Local Planning Authority the proposed conservatory would result in disproportionate additions over and above the size of the original dwelling and would therefore constitute inappropriate development within the Green Belt. There are no very special circumstances to outweigh this harm. The proposed development would therefore be contrary to Spatial Policy 4b of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012) a material consideration.

02

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

03

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

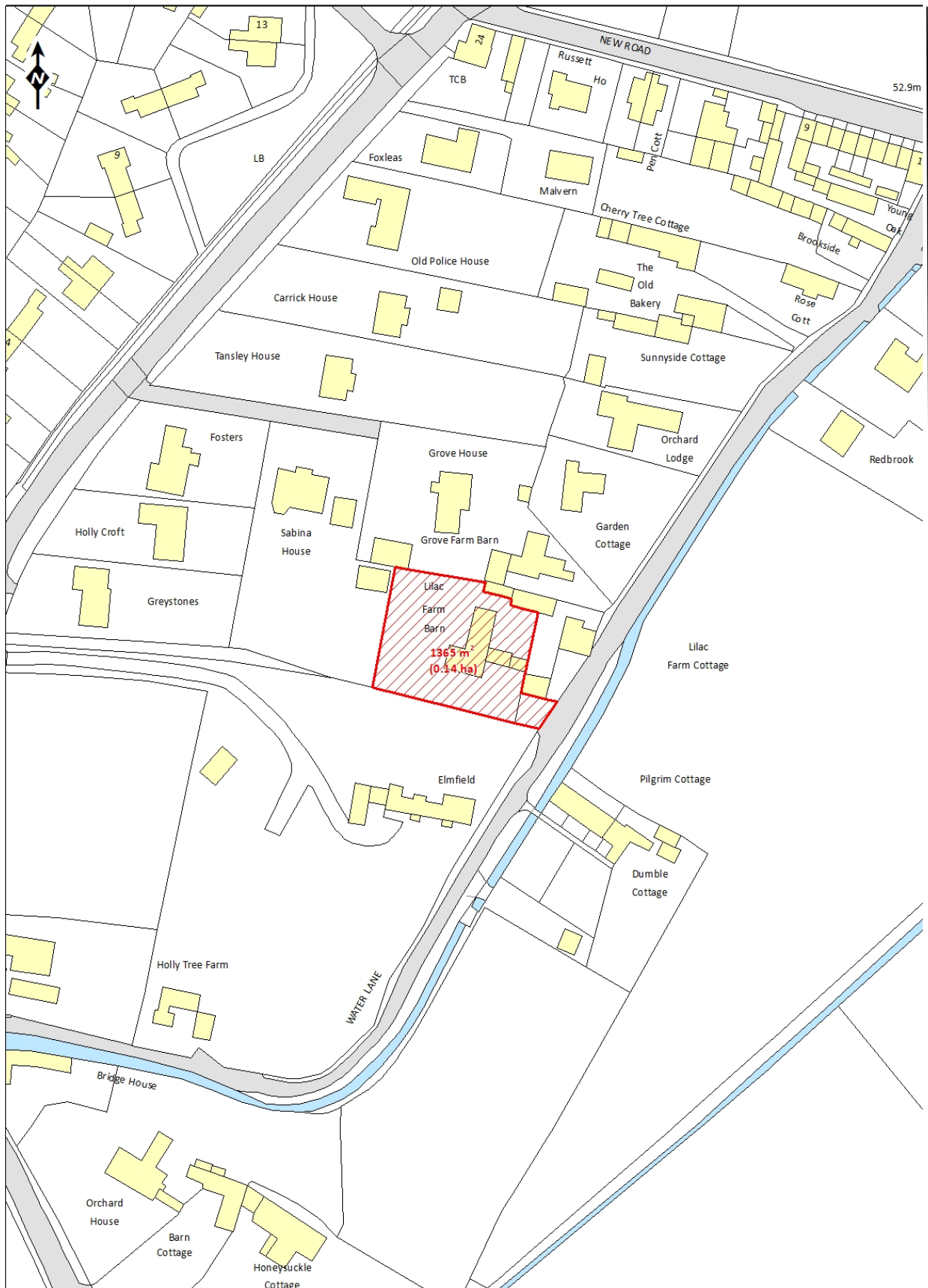
Application case file.

For further information, please contact Sukh Chohan on 01636 655828.

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

K. Cole
Deputy Chief Executive

Committee Plan - 14/01910/FUL



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Application No:	14/01850/FUL	
Proposal:	Householder Application for Single Storey Extension to form Kitchen/Dining Area	
Location:	Westfield Cottage, Gonalston Lane, Hoveringham, NG14 7JH	
Applicant:	Mr & Mrs Appleby	
Registered:	24th October 2014	Target Date: 19th December 2014

The application has been called to Committee by Councillor Jackson. No reasons have been given.

The Site

The village of Hoveringham is washed over by the Nottingham-Derby Green Belt. The application site lies to the southern side of Gonalston Lane, outside of the main built up part of Hoveringham and lies to the north of the adjacent dwelling, Westfield House. Given the topography of the surrounding landscape, the site is visible from about 250m away when travelling west along Gonalston Lane, although the boundary treatments to the north-west limit the views to the west of the site.

Westfield Cottage is a two-storey dwelling which was converted from an annexe in 2006, which was formerly ancillary to Westfield House. The building benefited from extensions as part of its conversion to a dwelling. The property has since been extended further through a porch/utility room along its southeast elevation. In addition to the dwelling, the site benefits from an outbuilding close the dwelling, as well as a 2-bay carport, store and workshop (granted permission in 2007) and tennis courts to the northwest of the site. The boundaries of the site are varied, with tall, dense vegetation to the northwest, picket fencing and privet hedging to the northeast and close board fencing to the southeast.

Relevant Planning History

07/01451/FUL- Proposed porch and utility (permitted 30th November 2007)

07/01353/FUL- Proposed timber framed double car port, store and workshop (permitted 6th November 2007)

06/01128/FUL- Proposed timber framed double car port and store (permitted 19th September 2006)

05/02680/FUL- Alterations & extension to annexe to form a three bedroom cottage (permitted 20th February 2006).

The Proposal

The proposal is for the erection of a single storey extension to the northwest elevation of the dwelling measuring 6.2m in length, 5.7m in width and 3.8m in ridge height. The extension is proposed to be constructed of pantiles, timber frame windows and reclaimed bricks to match the host dwelling.

Public Advertisement Procedure

Occupiers of 1 neighbouring property have been individually notified by letter.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9: Sustainable Design

Spatial Policy 4B: Green Belt Development

Newark and Sherwood Publication Allocations & Development Management DPD

Policy DM5: Design

Policy DM6: Householder Development

Please Note: All policies listed above can be found in full on the Council's website.

Other Material Considerations

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

Householder Development Supplementary Planning Document 2014.

Consultations

Hoveringham Parish Council- Support the proposal.

Neighbours/Interested Parties – No letters of representation have been received.

Comments of Business Manager - Development

Principle of Development

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

Additionally, the site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. However, the NPPF does allow for the limited extension of existing dwellings provided that it does not result in the disproportionate additions over and above the size of the original dwelling.

Impact upon the Green Belt

The dwelling has previously benefitted from two first floor extensions, a single storey extension and alterations to the roof under the planning consent for the conversion of the annexe to a dwelling, plus a porch/utility room in 2007. Given this, the LPA must assess the impact of this current scheme upon the Green Belt taking into account all previous extensions to the property, as required by paragraph 89 of the NPPF.

The NPPF states that new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this include, the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

Under current policy there is no definitive percentage of floor space increase considered to be 'disproportionate' development within the Green Belt and as such, it is one of judgement for the LPA. Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floorspace increase) in determining whether householder extensions are disproportionate to the original dwelling.

The proposal seeks to create a single storey rear extension. Notwithstanding the degree of judgement involved in firstly determining whether a development proposal is inappropriate (by reason of being disproportionate to the original building) it is useful to understand the size of the existing and proposed extensions and garage compared to the existing dwelling. This is detailed in the tables below.

	Original	Annexe alterations (2005)	Porch/Utility (2007)	Total Existing Extensions	Proposed extension	Total Proposed + Existing Extensions
Footprint	59.01m ²	16.39m ²	4.9m ²	21.29m ²	35.34m ²	56.63m ²
Floorspace	81.81 m ²	51.96m ²	4.9m ²	56.86m ²	35.34m ²	92.2m ²

(Officer's calculations are measured externally)

	<u>Existing Extensions %</u>	<u>Existing + Proposed Extensions %</u>
Footprint	36%	96%
Floorspace	70%	113%

The calculations indicate that as a result of the proposed extension, cumulatively the additions to the dwelling would be significantly over the 50% typically used by local authorities to determine whether extensions to a dwelling are disproportionate to the original dwelling. Whilst I appreciate that on its own, the proposal may be considered to be acceptable had the dwelling not already benefited from additions. However when taken together the overall increase is considerably beyond the threshold guidance.

Whilst the floorspace and footprint calculations help in quantifying the difference in size between the original dwelling and the existing and proposed additions, I am mindful that neither the NPPF nor the policies within the Core Strategy set out a specific percentage when considering what constitutes an addition to an existing building being disproportionate.

Consideration therefore also needs to be given to the design of the proposal and whether its scale, form, mass and layout result in a property which would have an acceptable impact on the openness of the Green Belt. Historical records show the property to have originally been of modest proportions and of a broadly rectangular layout. Whilst it is accepted that the existing extensions in 2006 and 2007 were considered to be acceptable in terms of development within the Green Belt, the further addition proposed will add considerable overall mass to the rear of the property, significantly extending the footprint beyond the established building lines of the dwelling. Further to this, the calculations above have not taken into account the approved carport/store/workshop to the northwest of the site, which has been constructed. This outbuilding has a considerable footprint of approximately 57m² which at the time of the application was considered to be appropriate development in the Green Belt.

Unlike the setting of the outbuilding, the proposed location for the extension is much more open and given the topography of the surrounding landscape, the dwelling is visible from about 250m to the east and from some distance away to the north and south; the western boundary is screened by existing vegetation. As a result, the site is quite prominent within the openness of the Green Belt, which needs to be carefully considered. I note that the extension will be located on land between the existing dwelling and outbuilding, and within the residential curtilage of the property, however the further sprawl of development across the site will be highly visible from the public realm; the current additions to the site have already had an impact upon the Green Belt both in terms of increased area of developed land, and with regards to increased volume of the dwelling. Therefore in my view, any further addition is likely to be harmful to the openness of the Green Belt.

Through a combination of the existing and proposed extensions, the appearance of the building has been significantly altered. The current proposal, as mentioned above, will further extend the dwelling into the open Green Belt, something which has already taken place as part of the 2006 permission and would result in the length of the dwelling almost doubling. Paragraph 89 of the NPPF is clear that development should not be permitted where the additions would be over and above the size of the original building unless the harm can be clearly outweighed by other considerations. As outlined above, the proposed extension would result in a cumulative increase in footprint to the dwelling of 96%, which is a significant increase in size and is not considered to be proportionate to the host dwelling, emphasised by the dwelling's isolated location within the Green Belt.

Paragraphs 87 and 88 outline that harm to the Green Belt should not be approved except in 'very special circumstances' unless the harm can be clearly outweighed by other considerations. The applicant has stated personal reasons for the proposal, namely wishing to secure their future in the property and village as they get older. However these reasons are not considered to be material in the determination of this application, therefore do not present a very special circumstance in which to grant approval. I therefore consider the proposed dwelling conflicts with national and local Green Belt policies (Section 9 of the NPPF and the Council's Spatial Policy 4B) which seek to preserve the Green Belt.

Impact of the Design on the Character of the Dwelling and Surrounding Area

In terms of overall design, Policy DM6 and the NPPF seek to ensure that householder development respects the character of the local area and remains subservient in scale, with appropriate use of materials.

The proposed extension would complement the design of the existing dwelling by using materials to match the host dwelling. Additionally, the extension will appear subservient to the main dwelling given its lower height, although it will sit forward of the southeast elevation of the main dwelling and would perhaps be improved visually should it be set back from the main building line, albeit this would not be so detrimental to design to substantiate a reason for refusal.

However, whilst Policy DM6 of the DPD accepts that a degree of change is inevitable to dwellings, proposals should be subservient in scale and without detriment to either the host dwelling or the surrounding area. The overall scale and mass of the various extensions to the dwelling have a cumulative impact and result in additions which would no longer respect the scale of the original dwelling, thus have a harmful impact upon the local distinctiveness of the setting, which in this instance is the Greenbelt.

The Impact Upon Amenity

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact.

The proposed extension will be located away from the neighbouring property, with little visibility of the proposal from the dwelling or its associated amenity space and as such I consider that it is unlikely the extension would unduly impact upon neighbour amenity.

In terms of the impact upon the amenities of the wider area, the proposal will be visible to highway users and properties to the east along Gonalston Lane. However, given the relatively low height of the extension and that there are to be no windows directly overlooking the highway, I am satisfied that any impact upon amenity is not likely to be harmful.

Impact Upon Flood Risk

The site lies within Flood Zone 2 of the Environment Agency Flood Maps and is therefore within an area at medium risk of flooding. Core Policy 10, in line with the NPPF, states that through its approach to development, the Local Development Framework will seek to, amongst other criteria, locate development in order to avoid both present and future flood risk.

The applicant has stated that the floor levels of the proposal will be the same as those of the main dwelling and will incorporate flood proofing within the construction. As such, the proposal is considered to be acceptable in terms of flood risk in accordance with the guidance from the Environment Agency.

Conclusion

In conclusion, it is considered that whilst the proposal is unlikely to result in any significant harm upon amenity through loss of privacy, overshadowing or overbearing impacts, these considerations do not outweigh that the scheme proposes an additional extension to a dwelling which has already benefitted from significant additions and as such, the proposal is considered to cumulatively result in additions over and above what is considered to be proportionate to the original dwelling with the Green Belt. It is therefore concluded that the proposal would be harmful to the integrity of the Green Belt and as such contravenes paragraph 89 of the NPPF and Spatial Policy 4B of the Core Strategy.

RECOMMENDATION

Refuse, for the following reason:

01

In the opinion of the Local Planning Authority the proposed extension would cumulatively result in disproportionate additions over and above the size of the original dwelling and would therefore constitute inappropriate development within the Green Belt. There are no very special circumstances to outweigh this harm. The proposed development would therefore be contrary to Spatial Policy 4b of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012), a material consideration.

Informative

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. 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

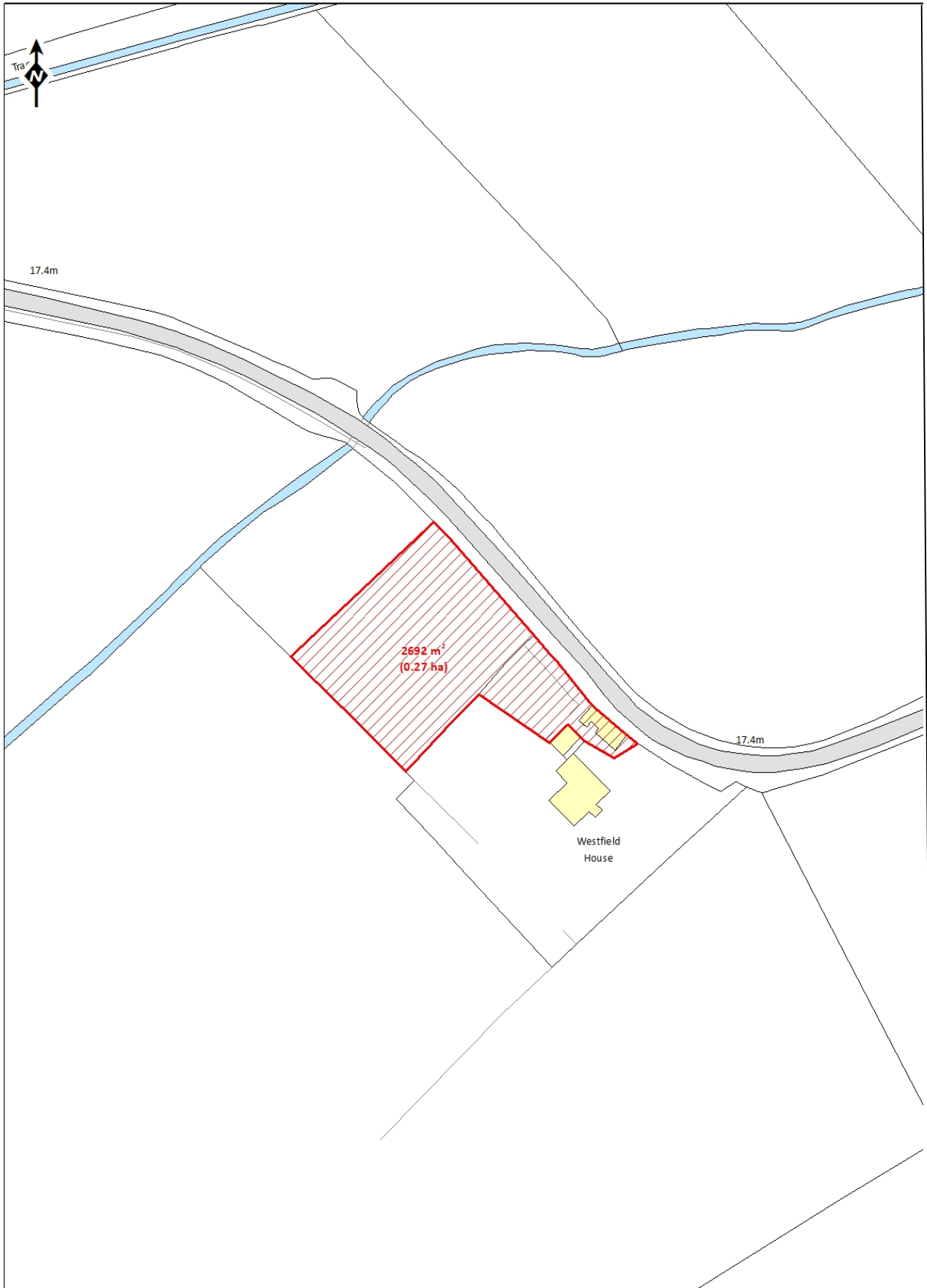
Application case file.

For further information, please contact Nicolla Ellis on 01636 655 833.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 14/01850/FUL



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APPEALS A

APPEALS LODGED (received between 18th November 2014 and 17th December 2014)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 RECOMMENDATION

That the report be noted.

Background Papers

Application case files.

For further information please contact on Technical Support (Growth) Ext 5554 or planning@nsdc.info.

Matt Lamb
Business Manager - Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/A/14/2228613	14/01114/FUL	Abbey Close May Lodge Drive Rufford Nottinghamshire NG22 9DE	Demolition of existing bungalow and replacement with new dwelling	Written Representation

APPENDIX B: APPEALS DETERMINED (APPEALS B)

App No.	Address	Proposal	Decision	Decision Date
11/00792/FUL	Brackenhurst College Brackenhurst Lane Southwell Nottinghamshire NG25 0QF	Erection of two wind turbine generators and associated crane pads and access track	DISMIS	19.11.2014
App No.	Address	Proposal	Decision	Decision Date
13/00164/OUT	Land Off Heaton Close Newark On Trent Nottinghamshire	Erection of three bungalows - access from Heaton Close and Randall Close	DISMIS	01.12.2014
App No.	Address	Proposal	Decision	Decision Date
13/01828/FUL	Rudsey Cottage 1 High Cross Goverton Nottinghamshire NG14 7FR	Demolition of Existing Dwelling and Erection of a Detached Dwelling and Garage (Resubmission of 13/00396/FUL)	DISMIS	03.12.2014

RECOMMENDATION

That the report be noted.

Background Papers - Application Case Files.

For further information please contact Technical Support (Growth) on Ext 5554 or planning@nsdc.info.

Matt Lamb
Business Manager – Development

