

Date: 17 March 2015

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 Wednesday, 25th March 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 3 rd March 2015.	1 - 6
3. Declarations of Interest by Members and Officers	
4. Declaration of any Intentions to Record the Meeting	
<u>PART 1 - ITEMS FOR DECISION</u>	
5. Land at Nottingham Road, Southwell (13/00689/FULM)	7 - 68
6. Land at A6075/A616/A614 Roundabout, Worksop Road, Ollerton (14/01797/FULM)	69 - 104
7. 55, 57, 59, 61 Portland Way, Clipstone (14/01974/FUL)	105 - 110

8.	The Hollies, Rainworth (14/02098/FUL) (Site Visit: 9.20am – 9.30am)	111 - 118
9.	Unit 1, Burma Road, Blidworth (15/00097/FUL) (Site Visit: 9.40am – 9.45am)	119 - 124
10.	Hawton House, Chapel Lane, Epperstone (14/02150/FUL) (Site Visit: 10.00am – 10.10am)	125 - 136
11.	Saracens Head Hotel, Market Place, Southwell (15/00145/LBC) (Site Visit: 10.30am – 10.40am)	137 - 142
12.	Saracens Head Hotel, Market Place, Southwell (15/00146/ADV) (Site Visit: 10.30am – 10.40am)	143 - 148
13.	Garages at Coronation Street, Balderton (15/00209/FUL) (Site Visit: 11.20am – 11.30am)	149 - 164
14.	Garage Courts between 98 and 100 Wolfit Avenue, Balderton (15/00031/FUL) (Site Visit: 11.35am – 11.45am)	165 - 178
15.	Land at Vicars Court, Clipstone (15/00035/FUL)	179 - 190
16.	Palace Theatre, 16 Appleton Gate, Newark (15/00166/FUL)	191 - 204
17.	Palace Theatre, 16 Appleton Gate, Newark (15/00167/LBC)	205 - 216
18.	Aviemore, Old Great North Road, Sutton-on-Trent (14/01541/OUT)	217 - 224
19.	Land South of Newark, Bowbridge Lane, Balderton (15/00082/FUL) (Site Visit: 12.10pm – 12.15pm)	To Follow

PART 2 – ITEMS FOR INFORMATION

None

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 F21 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, 3rd March 2015 at 4.00pm.

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

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

ALSO IN

ATTENDANCE: Councillors: J. Peck and Mrs M. Tribe.

148. APOLOGIES FOR ABSENCE

There were none.

149. MINUTES – 3RD FEBRUARY 2015

AGREED that the Minutes of the meeting held on Tuesday, 3rd February 2015 be approved as a correct record and signed by the Chairman.

150. MINUTES – 10TH FEBRUARY 2015

AGREED that the Minutes of the meeting held on Tuesday, 10th February 2015 be approved as a correct record and signed by the Chairman.

151. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Members</u>	<u>Agenda Item</u>
Councillor Mrs C. Brooks	Agenda Item No. 8 – Land at Rufford Road, Edwinstowe (14/01596/OUTM) – Disclosable Pecuniary Interest, Chairman of Edwinstowe Parish Council.

152. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

153. GREET HOUSE, UPTON ROAD, SOUTHWELL (14/02180/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

installation of a 10Kw mounted solar PV array comprising 20 ground mounted photovoltaic panels and associated equipment which in total would measure 22m in length and 1.9m in height. The dwelling would use the electricity produced with surplus exported to the National Grid.

Members considered the application and felt that this was an ideal location for the solar panels.

A Member commented on his disappointment that Southwell Town Council had not been consulted regarding this application and suggested a deferral pending their comments. The Senior Planning Officer informed Committee that whilst Southwell Town Council had not been consulted the application was before Committee for consideration; the Town Council could have attended and provided their representation.

AGREED (by 14 votes for and 1 vote against) that, contrary to officer recommendation, full planning permission be approved subject to reasonable conditions 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	For
R.V. Blaney	For
J. Bradbury	For
Mrs C. Brooks	For
Mrs G.E. Dawn	For
J.E. Hamilton	Against
G.P. Handley	For
D. Jones	For
G.S. Merry	For
D.R. Payne	For
Mrs S.E. Saddington	For
M. Shaw	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For

154. LAND OFF THE RIDGEWAY/MILLDALE ROAD, FARNSFIELD (14/01576/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought outline planning permission for the erection of a maximum of 60 dwellings and garages, public open space and demolition of curtilage buildings.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the Agent and

Nottinghamshire County Council Public Rights of Way.

Members considered the application and it was commented that the properties on Greenvale would front the site and this should be noted for reserved matters. There were two accesses proposed with a significant difference of 60 proposed houses, compared to the Allocations DPD which was for 35 houses, the SHLARR stage had the capacity for 67 houses. The average dwelling per hectare for the proposed development was 29, which was a lower figure than the Council's 30 dwellings per hectare. The Highways Authority due to the access may have imposed the lower density. The lower density could also be due to an 8 metre buffer zone being required due to the overlooking from Greenvale. Clarification was sought regarding the landscaping given the significance of the development and that a condition would not be imposed until the reserved matters stage.

The Business Manager Development confirmed that condition 2 within the recommendation was the trigger for reserved matters; the landscaping would therefore be controlled. It was also confirmed that the applicant would not be allowed to apply for an increase of houses within the development after the outline permission.

A Member suggested that a condition be included for the maintenance of the buffer and consideration given to how that would be managed. There should also not be a reduction in affordable housing within the development.

The Business Manager Development confirmed that the open space would be dealt with by a management company and could include the management and maintenance of the buffers, secured through the Section 106 agreement, which would be attached to the outline planning permission. It was also confirmed that the applicant could in the future seek to reduce the figure for affordable housing, which was dependent on market viability.

A Member commented on the mix of houses and felt that this mix did not relate to what was required by the people of Farnsfield.

The Business Manager Development confirmed that the application before the Committee was an outline application for up to 60 dwellings, with all matters reserved. The square footage would be determined at reserved matters stage, which was unknown to the Council at this stage. The market partly determined the nature of the housing mix. National policy had always stated that within a balanced mixed community required a market mix of affordable units.

A Member commented that, in their view, the access to the site from The Ridgeway and Milldale Road would not be good as the road was built to service cul-de-sacs within the current estate. The proposed access would create a rat run through the estate. He suggested that the access for the site should be direct from the main road.

AGREED (with 11 votes for, with 1 vote against and 3 abstentions) that outline planning consent be granted subject to the following:

- (i) the conditions contained within the report; and
- (ii) the signing and sealing of a Section 106 Planning Agreement to control the matters set out in the table contained within the Summary Develop Contributions section of the report.

(Having declared a Disclosable Pecuniary Interest on the following item, Councillor Mrs C. Brooks did not take part in the debate or vote and left the meeting at this point).

155. LAND AT RUFFORD ROAD, EDWINSTOWE, (14/01596/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought outline planning permission for the erection of up to 72 dwellings together with associated public open space and infrastructure.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Case Officer regarding the supporting petition.

Councillor J. Peck, representing Edwinstowe Parish Council spoke against the application in accordance with the Parish Council views, which were contained within the report.

Members considered the application and it was commented that the outline planning application was in line with the development plan; to refuse the application would be unsupportable. The only item to be determined at the outline planning stage was the access. Robin Hood Avenue would be considered at the reserved matters stage. It was further commented that the additional houses would benefit the extension to the Robin Hood line; this development would be in walking distance to the station. It was also felt that the access from this site was appropriate due to the traffic light improvements at the Rose Cottage/A614 cross roads.

AGREED (with 12 votes for and 2 abstentions) that outline planning consent be granted subject to the following:

- (i) the conditions contained within the report; and
- (ii) the signing and sealing of a Section 106 Planning Agreement to control the matters set out in the informative which in contained within the report.

156. THE NOOK, MAIN STREET, WESTON (14/02027/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought permission for the demolition of the existing dwelling and the construction of a replacement dwelling with a single garage situated to the rear.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Applicant and local Ward Member.

Members considered the application and felt that the cottage should not be demolished as it was a heritage asset for the village and complemented the street scene. It was commented that English Heritage should protect buildings such as the cottage. It was felt that the proposed development would be overbearing on the neighbouring properties.

AGREED (with 14 votes for and 1 abstention) that planning permission be refused for the reasons contained within the report.

(Councillor I. Walker left the meeting at this point.)

157. AVIEMORE, OLD GREAT NORTH ROAD, SUTTON ON TRENT (14/01541/OUT)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought outline consent for the erection of a single residential dwelling with all matters reserved.

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

An issue was raised regarding the designation of the area as employment land, as it included a number of residential properties. It was suggested that the application be deferred pending clarification.

AGREED (unanimously) that the application be deferred and reported back to the 25th March 2015 Planning Committee.

158. 1 HINE AVENUE, NEWARK (14/02159/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 first floor side extension over existing ground floor accommodation.

Councillor Mrs M. Tribe, local Ward Member for Beacon Ward spoke against the application and represented the residents whose properties abutted the application site. It was commented that the proposed extension would result in the loss of neighbouring amenity through; overbearing, overshadowing, loss of light, loss of privacy and the potential for overlooking.

Members considered the application and it was commented that it was clear from the site visit, that the proposed application was a reasonable distance away from neighbouring properties. They considered that there were no significant light or overbearing issues. The extension was considered as an improvement due to the removal of the flat roof. It was also commented that the removal of the current first floor windows would add privacy to the neighbouring property.

AGREED (with 13 votes for and 1 abstention) that planning permission be approved, subject to the conditions contained within the report.

159. LAND SOUTH OF NEWARK, BOWBRIDGE LANE, BALDERTON (15/00082/FUL)

The Committee were advised that this item had been withdrawn.

160. 141 CAYTHORPE ROAD, CAYTHORPE, NOTTINGHAM (13/01189/OUT)

The Committee were advised that this item had been deferred.

161. HAWTON HOUSE, CHAPEL LANE, EPPERSTONE (14/02150/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the demolition of the existing two storey detached dwelling and the construction of a replacement three storey dwelling.

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

The Chairman proposed on behalf of the local Ward Member that the application be deferred pending a bat survey and a site visit.

The Business Manager Development informed the Committee that the applicants were willing to do an ecology survey, which would address Officers second reason for refusal. The deferral would allow time for the applicant to undertake that survey.

AGREED (unanimously) that the item be deferred pending the results of a ecology survey, bat survey and a site visit.

162a. APPEALS LODGED

NOTED: that the report be noted.

162b. APPEALS DETERMINED

NOTED: that the report be noted.

The meeting closed at 6.08pm

Chairman

Application No:	13/00689/FULM	
Proposal:	Erection of 34 dwellings with associated infrastructure and amenity open space.	
Location:	Land at Nottingham Road, Southwell, Nottinghamshire.	
Applicant:	Miller Homes Ltd	
Registered:	29.05.2013	Target Date: 30.08.2013

Member Update

At Planning Committee on 15.12.2014, Members will recall that it was resolved to defer its decision for 3 reasons set out in full below which relate to flood risk, maintenance of the proposed balancing pond and retention of landscape screening. An update response to each of these issues is set out below:

- (i) the proposal be fully modelled through the flood study and model currently being developed by Nottinghamshire County Council;**

Since the severe flood risk event of July 2013, Nottinghamshire County Council as Lead Local Flood Authority (LLFA) has taken the lead on the investigation into the flooding and the production of the Southwell Flood Alleviation Plan. One of the main components of this work has been the production of a Flood Model of the Southwell area. This model is owned by the County Council but is managed by their consultants AECOM (formerly URS) and is now available to assist the LPA (albeit without peer review). It is intended to provide the mechanism for testing what are the most effective flood alleviation works that can be implemented to help mitigate flooding in the town. The County Council have confirmed that they are in the process of appointing consultants to undertake the peer review and option development work (for flood mitigation proposals which are wider than a single development proposal can deliver) which is expected to be complete by May 2015. The current plan is that flood alleviation options will be consulted in summer 2015 (subject to satisfactory peer review).

It has always been understood by the District Council that the model will also provide a context for future planning in the town. As such, the Applicant has endeavoured to address the reasons for deferral and requested that their proposal be fully modelled through the flood study and model. AECOM have set out their response to this request in a letter contained in Appendix 1.

AECOM have confirmed that there is no requirement for the site to be run through their model, and the reasons behind this. In this instance the level of detail contained within the site specific hydraulic modelling (on which the FRA and FRA Addendum by BSP Consulting submitted in support of the application are based) is more detailed than that contained within the catchment-wide

hydraulic modelling, with site-specific information included such as detailed representation of the site pre and post-development and site drainage features (swales and pond).

Notwithstanding this, a review of the outputs from the Southwell Flood Study (AECOM Model) confirm that there are limited areas of flooding on the site with the site flooding to a level of 0.1 metres during a 1 in 100 year plus climate change event (pre development). Floodwater typically flows from Nottingham Road to the south due to flow being impounded by the Nottingham Road Bridge, rather than floodwater flowing across the site itself. Whilst flood depths on Nottingham Road can be in excess of 1 metre during a 1 in 100 year plus climate change event, the LLFA has previously confirmed that flood depths on Nottingham Road are largely unavoidable in high rainfall events.

The applicant proposed a number of mitigation measures including a swale and balancing pond as part of their works to manage the water flows from their site. This is likely to improve flooding levels on site post development. These mitigation measures may also assist in management of water accumulation at Nottingham Road during a flood event albeit this benefit would be marginal as the accumulation of water is considerable. The proposed development would intercept rain falling on the site and will direct this to the attenuation pond. In this regard, the development would almost certainly manage the water flows from the site in a more ordered fashion than at present. The depression in the eastern part of the site would remain as a swale and balancing pond area and would function to accumulate water as before.

As such, the AECOM letter concludes that 'as the application has now been approved in relation to flood risk, by NCC as LLFA on behalf of NSDC that there are no technical issues in relation to the application'. The LLFA's views on the application remain unchanged since their letter dated the 2 December 2014 set out in full on the Consultations section of the main report which raised no objection to the planning application overall.

I therefore consider this reason for deferral to be addressed and that the application has demonstrated that the site is suitable for development in respect of flood risk and surface water management issues subject to conditions relating to the submission and approval of drainage details and compliance with the mitigation measures set out in the FRA and FRA Addendum by BSP Consulting. The drainage solution would be implemented by a professional contractor in accordance with the approved details.

(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;

The proposed management and maintenance of the watercourse and proposed 'balancing/holding' would be provided by an on-site management company. This would be secured by the submission and approval of an on-site management scheme that would be secured by the S.106 Agreement. The riparian land ownership extends half way across the Potwell Dyke, with the land owners on the opposite side of the Dyke responsible for the maintenance of the other half.

In addition, it is recommended that a Habitat Creation and Landscape Management Plan be required by condition (Condition 17). This would set out mitigation measures for the partial loss of

the Local Wildlife Site (LWS) and riparian woodland and scrub habitat. The plan shall include appropriate strategies for creating/restoring target habitats and introducing target species either on site or elsewhere to adequately compensate for loss of onsite habitats ensuring there is a net gain in habitat provision in addition to aftercare and long term management objectives.

I therefore consider that appropriate mechanisms can be put in place to ensure the effective ongoing management and financing of the watercourse and proposed 'balancing/holding pond'.

(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

Concern has been expressed that the two-stage channel along the Potwell Dyke would necessitate the removal of all trees and vegetation on the southern side of the Potwell Dyke which would result in the loss of biodiversity habitat. A meeting between the main ecology consultees including the Environment Agency, Nottinghamshire Wildlife Trust, Nottinghamshire County Council and the Applicants ecologist, landscape architect and flood risk advisor took place on 03.03.2015 to further consider this impact.

It was ascertained that the proposed adjustments to the Potwell Dyke banks for flood alleviation would not impact upon the existing channel profiles in any way, rather the second stage channel is profiled beyond the top of the existing Potwell bank.

It was agreed that mitigation could be carried out 'on-site' and that 'off-site' compensation would not likely be required. In any event recommended condition 17 is worded to allow off-site contribution if required. The following principles would be incorporated (which would be included into the landscape scheme required by Condition 4 and the Habitat Creation and Landscape Plan required by Condition 17):

- Existing trees i.e. the best and most mature would be selected within the two stage channel. These would be retained and protected as would their interlocking root zones (RPZ) ensuring that no levels reduction or ground surcharging would take place within the RPZ's;
- Where possible bankside adjustment/channel corridor works would begin 1m back from the top of the bank;
- All existing bankside vegetation would be retained;
- Consideration would be given to the use of geotextiles, the selective use of retention features (e.g. gabions in short stretch only) and reverse batters (as on proposed cross-sections) in order to protect proposed surfaces from soil erosion and run-off into the Potwell Dyke;
- Any flood volume adjustments to the design of the two stage channel (as a result of retaining trees) would take place to the eastern end (Nottingham Road) of the Potwell Dyke corridor;
- All excavated soil will be stored and re-spread on the embankment to retain any Ancient Woodland flora;
- A suitable scheme of ecological landscaping and management would be provided.

I therefore consider that full consideration has been given to the ecological implications of the proposed drainage solution. The proposed mitigation measures can be secured by the imposition of a condition requiring a landscape scheme to include details of trees to be retained in addition to

the Habitat Creation and Management Scheme (Conditions 4 and 17). Overall, it is considered that the sufficient on site mitigation to compensate for the loss of the Local Wildlife Site can be provided. Whilst the short term loss in biodiversity habitat as a result of the creation of the two-channel is regrettable, this loss is to be minimised by the mitigation measures set out above and outweighed by the overriding need for flood risk/drainage mitigation in this instance.

Draft Southwell Neighbourhood Plan

Consultation on the draft Southwell Neighbourhood Plan (NP) has taken place since the application was last considered by Planning Committee on 15 December 2014. A full assessment of the proposed development against these draft policies is set out in the report included within Appendix B. This concludes that the Draft NP remains at a relatively early stage in its preparation and the extent of unresolved objections are not yet known. Furthermore in significant areas it is questionable whether sufficient regard has been given to national policy and guidance or if the emerging plan is in general conformity with strategic policies of the development plan. Accordingly the emerging plan can be given only limited weight within the decision making process at the present time. Where the Draft NP has had regard to national policy and guidance and is in general conformity with strategic policy then I have given consideration to the 'spirit' of the emerging plan. In my opinion the proposal is consistent with many of the aims and objectives of the emerging NP.

For the avoidance of doubt, the remainder of the report below remains unchanged since Planning Committee on 07.02.2014 other than the incorporation of the late items also reported to Planning Committee on 15.12.2014 into the main body of the report and highlighted in bold and italic text.

The Site

The application site is 1.69 Hectares in area and is roughly triangular in shape, situated on the south western approach to Southwell on the northern side of the A612 Nottingham Road. The site is situated approx. 800 metres west of Southwell town centre. The Potwell Dyke forms the north and north east boundary of the site beyond which are the gardens of detached residential properties which front onto Lees Field and Westgate Mews. The Nottingham Road forms the south east boundary of the site with the Minster School, Southwell leisure Centre and Moorfield Court retirement housing beyond. Halloughton Road forms the southern boundary and to the west lies the garden of a detached private house (No. 67 Halloughton Road). To north-west lies the Grade II listed Church of the Holy Trinity and its graveyard.

The site comprises grassland with scrub, trees and hedgerows along much of the site perimeter. The site is predominantly level, however, land adjacent to the north and north east rises up from the site. Two public footpaths cross the site, FP 26 adjacent to the western site boundary links Halloughton Road to the Holy Trinity Church, and FP 27 which bisects the site from the Nottingham Road across to FP 26 on the western site boundary.

The site lies within the Southwell Conservation Area and within a Southwell Protected Views corridor (So/PV). The site is also designated as a Site of Nature Conservation (SNC). The site is allocated in the Newark and Sherwood LDF Allocations and Development Management DPD (2013) for housing development - Southwell Housing Site So/Ho/3.

Relevant Planning History

There is no relevant planning history for this site.

The Proposal

Full planning permission is sought 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. 10 of the dwellings would be provided as affordable housing. The 8 no, one-bed apartments would be for affordable rent and 2 no, two-bed houses would be shared equity. The dwellings would all be two-storey, providing a mix of detached, semi-detached, three unit terraces and four unit apartment blocks.

The development would be served by one vehicle access off Nottingham Road. In addition, the existing public footpaths (FP 26 and FP 27) would be retained across the site, providing footpath access between Nottingham Road/Halloughton Road and Holy Trinity Church.

A balancing pond would be located on the eastern corner of the site and informal open space would be provided along the Nottingham Road, Potwell Dyke and adjacent to the western boundary. The building line of the development would be set back from Nottingham Road on its south and south eastern boundary and from Potwell Dyke on its north and north eastern boundary.

The Planning Application has been submitted with the following supporting documents:

- Planning Statement
- Design and Access Statement
- Heritage Impact Assessment
- Archaeological Assessment
- Ground Investigation
- Topographical Survey
- Tree Survey
- Flood Risk Assessment
- Foul and Surface Water Drainage Strategy
- Bat Survey
- Ecological Survey
- Reptile and Breeding Bird Survey
- Transport Statement
- Road Safety Audit

During the assessment of the application, additional information has been submitted in relation to Flood Risk and Highways impacts. Amended plans were received in September 2014 reducing the overall number of dwellings proposed from 40 to 34. This reduction in dwellings has enabled the provision of additional flood risk mitigation and the introduction of a clear vista of the landmark church from the road entrance into the site to address concerns raised by the Conservation Officer.

Departure/Public Advertisement Procedure

Occupiers of 68 neighbouring properties have been individually notified by letter, a site notice has been displayed at the site and an advertisement placed in the local press.

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 7: Sustainable Transport
- Core Policy 1: Affordable Housing Provision
- Core Policy 3: Housing Mix, Type, and Density
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment
- Area Policy SOAP 1: Role and Setting of Southwell

Allocations and Development Management Document DPD (adopted July 2013)

Policies relevant to this application:

- Policy So/Ho/3 – Southwell – Housing Site 3

Land at Nottingham Road has been allocated on the Policies Map for residential development providing around 30 dwellings.

In addition to general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:

i. Appropriate design, layout and density which addresses the sites:

1. Gateway location managing the transition into the main built up area;
2. Potential impact on views of and across the principal heritage assets of the Minster, Holy Trinity Church, Bishops Palace and the Thurgarton Hundred Workhouse in accordance with policy So/PV 'Southwell Protected Views'; and its
3. Conservation Area location respecting its character and appearance.

In order to assimilate the development, provision should therefore be made for the retention and enhancement of the sites existing landscape screening. This should specifically include significant buffering in both the west of the site in order to retain views of the Grade II Listed Holy Trinity Church from the junction of Halloughton and Nottingham Road and also in the north of the site to screen the Potwell Dyke.

ii. Appropriately designed access forming part of any planning application, with consideration being given to its location off Nottingham Road and the access requirements of So/Ho/2;

iii. Preparation of a Site Specific Flood Risk Assessment by the applicant forming part of any planning application;

iv. 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;

v. Subject to prior qualitative assessment, the offsetting of the loss of grassland subject to SINC status through the provision of an appropriate level of on-site replacement habitat;

vi. Development will be required to seek to maintain and enhance the current provision of Rights of Way which traverse the site; and

vi. The investigation of potential archaeology on the site and any necessary post determination mitigation measures secured by condition on any planning consent.

- 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 DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development
- Policy So/PV: Southwell Protected Views
- Policy So/HN/1: Southwell Housing Need

Other Material Considerations

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG) 2014
- Newark and Sherwood Developer Contributions and Planning Obligations SPD, 2013
- Newark and Sherwood Affordable Housing SPD, 2013
- Southwell Neighbourhood Plan: Southwell Town Council have designated their parish as a Neighbourhood Area for the purposes of Neighbourhood Planning and are in the process of preparing a Neighbourhood Plan. Whilst it is understood that consultation on draft policies is proposed for early 2015 there are currently no policies in the public realm that can carry weight in determining this application.

Consultations

The Environment Agency:

No further objections received following multi-agency meeting on 03.03.2015 and agreed actions, as reflected above.

Previously commented as follows:

Since the EA's consultation response letter dated 22 October 2014, colleagues in the Biodiversity department have further considered the application, and are concerned that the creation of a

two stage channel on the right bank of the Potwell Dyke will result in the loss of continuous riparian woodland and scrub habitat over a length of approximately 220 metres. We are aware that mitigation has been proposed for this loss in the form of a hedge and small groups of trees within the development however, in our view, this does not adequately compensate for the loss of this riparian habitat and the resulting ecological impacts to the Potwell Dyke.

Should the proposed development receive planning permission an appropriate and adequate condition must be applied which ensures the riparian woodland habitat is adequately compensated for onsite adjacent to the Potwell Dyke. Where on site compensation is not possible, due to site constraints, we would advise woodland planting takes place at appropriate locations in the upstream catchment of the Potwell Dyke.

If the local planning authority is minded to approve the planning application we'd advise that the conditions 17. And 18. be are applied to ensure the above can be delivered.

In a letter dated the 22 October 2014, the consultee states:

'We note the inclusion of an ecological corridor along the Potwell Dyke, however no assessment or commentary has been provided to demonstrate that the proposed development has overcome the Lead Local Flood Authority's (LLFA) earlier comments. We understand that the applicant and the flood risk consultants have been working with the LLFA to address their concerns. We are therefore satisfied that the LLFA are the competent authority to continue to comment on this application and that we recommend that they are consulted to determine whether or not the proposed layout overcomes their concerns.'

Trent Valley Internal Drainage Board:

In a letter dated 3 March 2014 the consultee states:

'The Board recommend that any planning decision is deferred to await the outcome of the flooding investigation on which Nottinghamshire County Council is leading.'

Seven Trent Water:

In a letter dated 5 July 2013 the consultee states:

'I confirm that Severn Trent Water Limited has no objection to the proposal subject to the inclusion of the following:

Condition:

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

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

English Heritage:

In a letter dated 15 October 2014 the consultee states:

'This comprises a revised layout with a reduction in housing to 34. We refer you to our previous advice letters dated 9 January 2014 and 19 September 2014 which remain relevant. We recognise changes have been made which seek to improve visual site lines towards the Grade II listed Holy Trinity Church, a reduction in density near to the church, and that housing has been re-orientated to improve the frontage onto Nottingham Road. In part this attempts to integrate the scheme more satisfactorily into the conservation area than previous designs. Whilst these changes are an improvement, the amendments have not properly considered the potential impact on the wider conservation and in particular the view of the Minster and relationship between the two churches. We believe the proposed scheme remains harmful to the significance of the conservation area. We also believe there is a missed opportunity here to better reveal and enhance the Southwell conservation area, and we refer you to paragraphs 131 and 137 of the NPPF.'

Ultimately it will be for your authority to determine whether the revised scheme is sufficient to mitigate the harm and that this is necessary and demonstrably outweighed by the public benefit of housing in this location. Given your authority's own policy requirements, the sensitivity of the site within the conservation area and the requirements of the NPPF, we remain to be convinced that there is sufficient information to justify these proposals.'

Natural England:

In a letter dated 2 January 2014, the consultee states:

'Natural England has previously commented on this proposal and made comments to the authority in our letter dated 21 June 2013.'

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.'

In a letter dated the 21 June 2013, the consultee states:

'Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

Bats

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

We have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (i.e. the 'Favourable Conservation Status' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts. '

Nottinghamshire Wildlife Trust:

No further objections received following multi-agency meeting on 03.03.2015 and agreed actions, as reflected above.

In an email dated 11 December 2014, the consultee states:

In addition to my previous comment dated 15th October 2014, I have been informed of the proposed plans to create a two part channel within Potwell Dyke (This did not appear to be

obvious within the proposed landscape plans). There is concern of the impact this will have on the ecology of the dyke, as well as a substantial loss of the on-site shrub and woodland habitat.

Nottinghamshire Wildlife Trust therefore request that if planning permission is granted, consideration to the potential negative ecological impacts to the dyke and the loss of riparian woodland habitat are considered. We would expect to see suitable mitigation measures secured and implemented.

In a letter dated 15 October 2014, the consultee states:

'We are still highly disappointed at the potential loss of a Local Wildlife Site (LWS) (formerly known as a Site of Importance for Nature Conservation) if the application is approved. Please refer to our previous comments dated 28th June 2013, 13th August 2013 and 9th January 2014. As we stated in our comment dated 28th June 2013, it is within Core Policy 12 of the Newark and Sherwood Core Strategy that the District Council will, "Expect proposals to take into account the need for continued protection of the District's ecological, biological and geological assets, with particular regard to sites of international, national and local significance."

It appears from the amended plans that there is slightly more green space than previously proposed, however, it is unclear from the plan how these green spaces will be managed and if they will be used for habitat creation. It is also unclear if the mitigation suggested in our comments dated 13th August 2013 will be incorporated. We are still cautious that the proposals will not fully compensate for the loss of the LWS, and request further information on the proposed mitigation and offsetting.'

In an e-mail dated 13th August 2013, the consultee states:

'We have now looked at the further information submitted (bird and reptile survey, correspondence from Natural England, the applicant's ecologist and Notts County Council Ecologist etc.). We are satisfied the protected species surveys we requested have been carried out. We note that no reptiles or birds of conservation concern were found at the site. If the application were approved, we would support the use of planning conditions to secure bat-friendly lighting, areas of permanent water within the suds ponds, grassland translocation and management plan, native hedge, bat boxes and a condition to protect breeding birds during construction phase.

We are still highly disappointed that the development of the site would result in the loss of a SINC and there would be net loss in resource of this grassland. We note that there are proposals for providing some species rich grassland within the public open space area (both by translocation and seeding). We are cautious about how the offsetting approach has been applied in this case as it doesn't fully compensate for the net loss of this meadow as there will be a loss in its extent.

Southwell Civic Society:

In a letter dated the 15 December 2014, the consultee states:

The latest drawings submitted show the banks of the site will be cut away to form a two-stage channel to Potwell Dyke. These earthworks will extend 5 metres from the stream plus the 1 in 3 battered slope. This is most clearly seen on the Surface Water Strategy Drawing. These significant engineering works will completely destroy the wild wooded strip bordering the site, contrary to Policy So/Ho/3 para (i) which states "In order to assimilate the development,

provision should therefore be made for the retention and enhancement of the sites existing landscape screening. This should specifically include significant buffering in both the west of the site in order to retain views of the Grade II listed Holy Trinity Church from the junction of Halloughton Road and also in the north of the site to screen Potwell Dyke.”

The construction of this two-stage channel is unnecessary and unjustified, not required to prevent any flooding of the proposed site or alter flood levels further downstream but the stream levels will rise by 40mm in the gardens on the northern bank. The submitted FRA concludes by stating “a two-stage channel option would not generate any benefits in terms of flood risk.”

The Lead Flood Risk Authority, NCC, stated “The baseline model runs produced by the URS demonstrate that the Potwell Dyke remains within its banks during the 1 in 100 plus climate change storm. The work now proposed to be carried out on the watercourse as part of the development will increase the capacity of the watercourse and further reduce the risk of over-topping.”

NCC Ecology section has objected to the two-stage channel due to the uncertainty of the removal of trees and shrubs along the dumble and undesirability from an ecological perspective. Existing trees are large and old, and there is insufficient room on the top of the bank to accommodate a recreated tree belt given the proposed houses, gardens, garages, roads etc.

The proposed destruction of the mature trees and natural vegetation along the banks of the dumble is the most damaging aspect of the proposals, not required to protect the site or reduce flooding downstream and contrary to policy. The two-stage channel should be deleted from the scheme.

In a letter dated the 5 November 2014, the consultee states:

The Southwell Civic Society object in the strongest possible terms to the proposed destruction of this natural stream side habitat, including mature trees, which would have no demonstrable benefits and would be an act of vandalism.

We have carefully studied the report and note that it investigates the effects that the construction of a two-stage channel to the Potwell Dyke alongside the site would have on the site itself, downstream of the site and the properties on the northern bank.

We note that this channel is shown on the latest layout plan. When we commented on this plan on 12th October 2014 we had not realised that the tadpoles shown alongside the bank represented new works rather than the existing bank profile. We also note no cross-sections have been supplied showing levels or any construction details. In addition the drawing shows that the watercourse is diverted in places.

The report concludes that construction of this channel is not required to prevent any flooding of the proposed site nor will it alter any flooding levels downstream. The only effect will be an adverse one in that the model shows that stream levels will rise by 40mm on the northern bank. Therefore there is no justification to construct this two-stage channel. In the conclusions section of the FRA Addendum Paragraph 4.6 it clearly acknowledges that “ a two-stage channel option would not generate any benefits in terms of flood risk.”

The benefits claimed in paragraph 3.8 are very unconvincing – A 5 metre cleared channel is not necessary for access or for the clearance of debris.

The construction of a two-stage channel will require significant engineering works, which will completely destroy the wild wooded strip bordering the site.

The Southwell Civic Society object in the strongest possible terms to the destruction of this natural habitat. This will be an act of vandalism.

We would highlight the following reasons to reject the construction of the two-stage channel:-

- 1. The site lies within the Southwell Conservation Area.*
- 2. The proposal is contrary to the Newark and Sherwood Allocations and Management DPD. This states in Policy So/Ho/3 para (i) “ In order to assimilate the development, provision should therefore be made for the retention and enhancement of the sites existing landscape screening. This should specifically include significant buffering in both the west of the site in order to retain views of the Grade 11 listed Holy Trinity Church from the junction of Halloughton Road and also in the north of the site to screen the Potwell Dyke.*
- 3. There is no reduction of the flood risk.*
- 4. It is not needed to reduce the amount of water emanating from the site.*
- 5. It is not needed to reduce the flooding risk to the site itself.*
- 6. It will have an adverse effect on the properties on the northern bank.*
- 7. No engineering construction details, cross sections etc. have been provided.*
- 8. Previous planning permissions for developments on the northern bank have included conditions, which have forbidden gardens from being cultivated within eighteen metres of the stream so as to maintain this very important ecological strip.*
- 9. This is a natural watercourse in a rural setting it is not an engineered channel passing through an urban area.*

An undertaking has been given that NSDC would not determine any planning applications on DPD allocated sites until the results of the NCC Flood Model were published and that the model would be used to test such applications.

The above assurance was confirmed in May 2014 at a meeting between Matthew Norton of NSDC, Hannah O’Callaghan of Notts CC and members of the Civic Society and Flood Forum. The latest FRA Addendum and drawings were dated 21st October 2014 and far more than 3 weeks is necessary for a proper consultation on such complex matters.

Paragraphs 4.5 and 4.7 of the Addendum acknowledge that the model used by BSP cannot replicate the July 2013 event so it seems illogical to use it to predict the results of future extreme rainfall events.

The report continuously refers to flooding on Nottingham Road. We would point out that flooding on Nottingham Road, except in exceptional circumstances, is not due to the Potwell Dyke overtopping. There are many occasions in any one year when flooding of the highway occurs along Nottingham Road at the entrance to the Minster School. The depth of water in the Potwell Dyke remaining unaltered. The flooding is caused by lack of, and blocked gullies along Nottingham Road from its junction with Westgate. Blocked lateral gullies across the Minster School entrance and unsuitable and blocked side entry gullies along the southern edge of Nottingham Road from Halloughton Road.

The Southwell Civic Society has over the last two years expressed its concerns regarding certain aspects of the development of this site. However the proposed destruction of the mature trees and natural vegetation along the banks of the dumble is by far the most damaging aspect of the proposals put forward.

We would urge that the proposed two-stage channel be withdrawn and the layout drawing suitably amended.'

Southwell Town Council:

In a letter dated the 6 November 2014, the consultee states:

'The Town Council strongly object to the proposal for the following reasons:

- *Flood risk and the failure to use flood model from imminent Flood Report;*
- *Flooding problems for site and surrounding properties;*
- *Design and layout of development;*
- *Conservation issues - increased impact on the Dumbles and the reduction in its land;*
- *Impact on existing residents properties.'*

Southwell Flood Forum:

Comments made herewith are for and on behalf of Southwell Flood Forum and are in addition to personal comments I may make on this planning application as a resident in a down-stream area that floods when Potwell Dyke over-flows.

Please note that N&SDC's recommendations in the pamphlet "Waterside Living" states nine meters as a recommended distance from a river bank before building or planting.

It should not be acceptable to add another 40mm to back up into the gardens of Orchard and Brook House where it is already dangerously high in heavy rain. There appears to be no reduction of the flood risk. In the consultant's report Paragraph 4.6 it states:

"In order to provide more space for water and reduce flood risk at the Nottingham Road bridge, the effect of a two-stage channel was simulated in the computer model to increase the river's capacity along the site boundary. The modeling results indicate that with the current flow conditions in the Potwell Dyke catchment, a two-stage channel option would not generate any benefit in terms of flood risk." This will do nothing to help reduce the risk down stream where flooding is a major issue in heavy rainfall.

The applicant's model does not appear to prove against the weather event of July 2013. The proposals should be tested on the new NCC model which they say has been proved against this event, and data submitted in the FRA is old and out of date. The proposals appear to make flooding worse in a repeat of the 2013 event downstream then the magnitude of this difference should be calculated and shown to be minimal.

The responsibility for maintenance of both the balancing area and watercourse should be agreed prior to approval being given. The developer says watercourse maintenance will be the responsibility of the riparian owner and if this is property owners it would seem to be inadequate. We would urge that the green corridor be maintained in single ownership to avoid future issues with maintenance by riparian owners. There are already around 90 riparian owners along Potwell

Dyke, not all are exemplary and there are issues with the way the banks are “developed” by householders and used as disposal points for garden and other waste.

We understand that NCC have indicated that they will say that the application should be resubmitted due to the limitation of time to reply. We believe that there are underestimated risks associated with this application. To build so many homes where the watercourse becomes a raging torrent, as in July 2013, is irresponsible with potential consequences for those living downstream.

NCC Flood Team:

NCC have confirmed that comments detailed in December 2014 remain valid. Colleagues have additionally confirmed that a refusal on design grounds would not therefore be supported, including on appeal.

In a letter dated the 2 December 2014, the consultee states:

‘Reference is made to previous NCC comments made on 29th January 2014.

Key observations:

- 1. The site layout has now been modified to take account of the July 2013 flooding event and the modelling work calibrated to this July 2013 event*
- 2. The baseline model runs produced by URS demonstrate that the Potwell Dyke remains within its banks during the 1 in 100 plus climate change storm. The work now proposed to be carried out on the watercourse as part of the development will increase the capacity of the watercourse and further reduce the risk of overtopping.*
- 3. Flood depths on Nottingham Road are largely unavoidable in high rainfall events. The applicant has included a swale and balancing pond as part of their works to manage the water flows from their site. This may also assist in management of water accumulation at Nottingham Road during a flood event however the benefit will be marginal as the accumulation of water is considerable.*
- 4. The revised FRA and modelling has taken into account the footbridge works.*
- 5. The lidar information for the site is considered accurate to within 50-100mm. It is accepted this is within the limits of the flood modelling accuracy therefore the need for more detailed topographic interpretation and surveying is not justified. .*
- 6. The proposed development will intercept rain falling on the site and will direct this to the attenuation pond. In this regard the development will almost certainly manage the water flows from the site in a more ordered fashion than at present. The depression in the eastern part of the site will remain as a swale and balancing pond area and would function to accumulate water as before.*
- 7. The information provided appears to draw on all information available. In addition the developer has undertaken modelling of the watercourse and estimated flows.*
- 8. The site has some SUDs features and no further enhancement is required.*
- 9. The development of the site will address the maintenance of the watercourse.*
- 10. The nature of flood risk to the site has been addressed.*

Technical observations

- 1. The condition of the watercourse has been improved since the 2013 event. The revised JBA modelling has assumed blockages due to debris accumulations. The URS modelling has tested*

blockage scenarios at Nottingham Road and reported no significant change in levels or flood risk in the design events.

2. *The rainfall management of the site is to an appropriate standard.*
3. *The latest information available from rain gauges indicates the July 2013 event to be extremely rare – approaching a 1000 year return period.*
4. *Blockage scenarios have been tested both by JBA and also by URS with respect to how upstream blockages may affect the site. The effects are not considered significant. In addition, the potential failure of infrastructure outside the control of the applicant should not be used as a reason for refusal. The management of the condition of the upstream watercourse is the responsibility of the riparian owners with enforcement action (Land Drainage Act 1991) to be taken as necessary by Nottinghamshire County Council as Lead Local Flood Authority.*
5. *The updated flood map for surface water (Dec 13) shows surface water accumulating on the site during a 1000yr event but not a 100yr event. Redevelopment of the site will intercept rainfall and alter the flow routes. In this regard the risk is managed.*
6. *The critical storm durations are appropriate and have been tested by URS as consultants to Nottinghamshire County Council for the Southwell Flood Risk study.*
7. *The revised drainage design and flood risk assessment has taken potential climate change effects into account*

It is considered that the revised flood risk assessment provides an appropriate level of evidence on flood risk and surface water management.'

NCC Planning Specialist (Archaeologist): no comments received at the time of writing this report.

NCC Nature Conservation Unit:

In an email dated 12 March 2015, this consultee states:

The mitigation measures set out as a result of the ecology meeting which took place on 03.03.2015 in addition to condition 17, appear to cover everything that they need to from the County Ecologists perspective.

In an email dated the 10 December 2014, the consultee states:

The corridor along the dyke appears to be wider than was previously proposed, and I would expect that the two-stage channel would be designed to have ecological value (e.g. being seeded with an appropriate wildflower mix). In terms of mitigation for the loss of existing trees along the dyke, I'm not convinced that the proposed mitigation is sufficient (as I have no idea how many trees would need to be removed to facilitate the two-stage channel). I would suggest that in addition to the specific tree planting adjacent to particular plots, that the hedgerow along the northern boundary of the built development area includes a hedgerow tree component, to be planted at irregular 10-20m intervals. In addition, I am aware that the EA has been providing comments on this matter also, and suggested that the loss of trees along the dyke could be compensated for at an offsite location. I would support this suggestion.

In a letter dated the 1 December 2014, the consultee states:

Further to my comments of 26th September 2014, it has been drawn to my attention that the revised layout plan appears to show a two-stage channel on the Potwell Dyke, which I had not previously appreciated (and which was not explained in any supporting information at the time of

the consultation). It is therefore queried whether or not the creation of a two-stage channel would necessitate the removal of all trees and vegetation on the southern side of the Potwell Dyke, and how this would affect the delivery of the proposed ecological mitigation in this area; I would suggest the complete removal of trees and scrub here would not be desirable from an ecological perspective. I therefore request the submission of further details relating to this area to include a) identification of vegetation requiring removal b) areas of retained vegetation, and c) areas of new habitat creation.

In a letter dated the 26 September 2014, the consultee states:

It appears that the revised layout plan will result in an increase in the amount of green space within the development, along the Potwell Dyke built also around the balancing pond and along the Nottingham Road frontage. From a biodiversity perspective, this is an improvement on the previous layout, assuming that most of this green space will be given over to habitat creation, rather than being managed as amenity grassland. It would be useful to have this confirmed.

In a letter dated the 2 August 2013, the consultee states:

'1. Species surveys and assessment

- Results of the consultation with the Nottinghamshire Biological and Geological Records Centre have now been provided. This has not flagged up the presence of any notable/protected species in the immediate vicinity of the development, although it should be noted that great crested newts are known from the Brackenhurst College site, approximately 1km to the south. However, I do not consider this species to be likely to be present at this site, given the distance and intervening land use.*
- With regards to the reptile surveys, my confusion over temperatures was due to the contradictions evident when the supporting text was compared with the relevant table. Although not explicitly addressed, some clarification has now been provided in relation to the reptile surveys, and I am content that they are sufficient.*
- As previously stated, the results of the bird survey indicate that the species breeding at the site are fairly typical of the habitat and location. It should be noted that Breeding Bird Survey methodology is slightly different from that used for site-specific surveys, and it is normal practice to use three visits across the breeding season.*
- It is noted that a bat activity survey is underway, or imminent. The results of these surveys should be made available as soon as possible, so that any necessary mitigation measures can then be incorporated into the development proposals.*
- I am still confused by the impact assessment methodology that has been used, but have drawn my own conclusion in any event.*

2. SINC survey and assessment

It is stated that "it was agreed on site at the meeting that the site had degraded to such an extent that the designation as a SINC should be reviewed and revoked". I have no recollection of this agreement, and in any event the decision to de-designate a SINC is not mine to make; it must be carried out as part of a formal de-designation process by the Nottinghamshire Biological and

Geological Records Centre, following a resurvey. Until that time, the site's status as a SINC remains, but in any case, the allocation of the site in the Local Plan has set a precedent for development at this site.

3. Avoidance, mitigation and compensation

Having established that impacts such as the loss of the most species-rich grassland cannot be avoided by relocating the water attenuation feature, it is necessary to provide mitigation and/or compensation for the loss of this habitat, and the other habitats present on the site. Further comments are provided by the applicant's ecologist in relation to biodiversity offsetting and the use of the Defra metric (with a re-calculation carried out), and the applicant is thanked for providing these. It is accepted that there is subjectivity involved in using the metric when it comes to determining exactly what the habitat is, and what condition it is in (although this is not a 'flaw', it is a part of any habitat assessment process). The recalculation that has been carried out is useful, however;

- I dispute that the majority of the grassland on site is "grassland, possibly improved" (GPO). Improved in this context means agriculturally improved, which is clearly not the case here. The grassland is best assigned as "other neutral grassland" (GNZ), which has a distinctiveness score of 4; I would be tempted not to score the scrub separately, and rather treat it as a negative management indicator for the grassland; Therefore, I would score the condition of the grassland as 1; The area of grassland is approximately 1.6ha, giving a score for this area of 6.4 biodiversity units.*

- The small area of more species-rich grassland is categorised as "grassland, possibly unimproved" (GU0). Again, I would dispute this and suggest that it is in fact a remnant area of "lowland meadow" (GN1), which is what this site would once have been, which has a distinctiveness score of 6; I agree that the area is in poor condition, scoring 1; The area is very small (c.0.1ha), giving the area a score of 0.6 biodiversity units; This gives a total score of 7 biodiversity units (not 4 units as calculated). In terms of on-site mitigation, further information has now been provided to illustrate what this would be. Some of the specifics of this are discussed below, but in relation to biodiversity offsetting, the calculations appear to be sound (although I have had to assume that the areas of habitat are correct), although I would query whether a pond whose primary function is as a water attenuation feature can attain a distinctiveness score of 6 (see below). In addition, with reference to Appendix 2 of the Defra document "Biodiversity Offsetting Pilots – Guidance for Offset Providers), the technical difficulty of restoration for Lowland Meadows is given as 'Low' (i.e. 1), not 'Medium' (1.5). On this basis, the total number of biodiversity units that can be delivered is 6.6 by on-site mitigation. Although this falls slightly short of the target of 7, other enhancements at the site can be factored in, particularly in relation to the Potwell Dyke and the positive impact that scrub removal and invasive species control will have on this watercourse (which is difficult to quantify using the offsetting metric – see also below). On that basis, it would appear that sufficient on-site mitigation can be provided.*

In terms of the specific elements of the mitigation measures:

- Regarding the pond/water attenuation feature, I require confirmation that at least part of this (equal to the 0.1ha used in the metric calculation) will require permanently wet all year round. This does not appear to be indicated on the Proposed Layout Plan, and will be necessary if this feature is to score as highly as it does in the biodiversity offsetting metric calculation. The submission of a detailed design for this feature will then be required, incorporating the wildlife enhancements required, which can be secured through a condition.*

- Reference has previously been made to enhancing the Potwell Dyke. Whilst some of this will happen as an incidental result of scrub removal, additional enhancements such as the control of invasive non-native plant species (i.e. Himalayan balsam) should also be undertaken. This will also help prevent this plant from colonising the new pond, which would be to its detriment. The submission and implementation of a Himalayan Balsam management plan, to run for a period of at least 3 years, could therefore be made a condition of any permission granted. Alternatively, the Nottinghamshire Biodiversity Action group (Notts BAG) is currently undertaking work with volunteer groups to control Himalayan balsam along the Potwell Dyke through Southwell. The applicant could therefore make a modest financial contribution to Notts BAG (in the order of £1000) to support this work.
- A document has been supplied which outlines how areas of new grassland will be established (including through translocation) and managed. These are welcomed and supported, but will require working up into a detailed habitat creation and management scheme (e.g. to cover how translocation will take place, the exact extent of seeding etc.). The submission of such a document should be made a condition of any permission granted. Comment is also required on what period of time it is envisaged that management of the created/restored grassland areas will take place over.
- Given that the new buildings and their gardens have been factored into the biodiversity offsetting metric calculation, it will be necessary for these to be as wildlife-friendly as possible. Whilst some enhancements are listed in terms of 'hard' features, efforts should be made to make any planting that will presumably be carried out as wildlife-friendly as possible (i.e. nectar and pollen rich). In addition, the hedgerow round the northern and western edge of the built area should be a native hawthorn-dominated hedge. The submission of a detailed landscaping scheme which addresses these requirements can be secured through a condition. This should also include a definitive list of aquatic and marginal plants to be planted in the pond.
- Reference is made to the incorporation of bat boxes/tiles into the fabric of the buildings, which is strongly supported. In addition, incorporated boxes for birds such as house sparrows, starlings and swifts can also be included. Such features are more valuable when they are incorporated into the fabric of the building, as external boxes tend to have a shorter life-span. A condition should be used to require the submission of further details to this effect.
- A standard condition should be used to control vegetation clearance during the bird nesting season.
- Finally, a condition is likely to be required to relating to design of any artificial lighting to be installed as part of the scheme, to ensure that lightspill onto boundaries which may be used by foraging and commuting bats and other nocturnal wildlife is minimised. I will reserve final comment on this until the findings of the bat survey have been made available.'

In a letter dated 8 August 2013, the consultee states:

'The applicant has now provided the results of a bat survey that was recently carried out at Nottingham Road, Southwell (Bat Foraging Activity Study, dated July 2013). This means that all relevant survey work has now been submitted. In summary, the bat survey has demonstrated that the site supports good quality habitat for foraging bats, with a 'high level' of bat activity recorded, attributed predominantly to common pipistrelle and noctule bats. Although no plan has been provided, the report indicates that this foraging activity was mainly limited to the boundaries of the site, with no foraging activity recorded over the grassland area.

A range of mitigation measures are outlined in section 5.3 of the report which are supported, and I request that a condition is used to require the submission of lighting schemes for both construction and operation phases. Such schemes should follow best practice guidelines as set out by the Bat Conservation Trust and ensure that; lighting (or light spill) is avoided along the Potwell Dyke and around the edge of the development (i.e. along tree and hedgelines) and that; high pressure sodium lamps and/or lamps with cowling, and potentially also low-level lighting (rather than lamps on columns) are used in any instances where lighting is required in proximity to these areas.

Other elements of the recommended mitigation (i.e. management of retained/created habitats and the installation of bat bricks into some of the buildings) have already been considered in my previous comments, in which I recommended conditions covering these matters.'

NCC Education Department:

In a letter dated 14 January 2014, the consultee states:

'Based on the current pupil projection data, there are sufficient primary places available to accommodate the additional 8 primary places projected to arise from the proposed housing development on Nottingham Road Southwell. I assume that the requirement for secondary provision will be covered by CIL.'

NCC Highway Section:

In a letter dated 23 October 2014, the consultee states:

'Further to previous comments dated 6 October 2014, I refer to the revised Layout drawing EMS.2434-04 Rev.O which is generally acceptable and addresses previously raised issues.

Nottingham Road has suffered flooding from the Potwell Dyke, so any proposed scheme must ensure that the flood risk is not increased and, ideally, mitigated against. It would be helpful to know who is going to be responsible for maintenance of the dyke and the adjacent open space/pond. This information remains outstanding.

Subject to a satisfactory conclusion to the above I am otherwise inclined to offer no objection to the proposal subject to conditions.'

NCC Rights of Way Officer:

In a letter dated the 7 August 2013, the consultee states:

'Since my response, the site plan has changed to accommodate the comments made by NCC on the road layout, so a new response is due.

It will still be necessary to divert the paths (Southwell FP 26 and FP 27) using TCPA legislation so that the Definitive Map reflects the new path lines.

As there is a level difference of around a metre between Halloughton Road and the site the start of FP 27 from Halloughton Road should be graded to 1:20 to allow easy access for buggies, mobility scooters and wheelchairs. The path could be routed through the landscaped area at the western

edge of the site to achieve this, which would also be a more pleasant route to follow rather than following and crossing the service road as shown.

FP 27 can be expected to get more use when the houses are occupied, and the path route will be more constrained than currently, so I request that a hard surface of stone or stone appearance and 1.8m width is constructed through the site and to Halloughton Road. Where FP 27 runs between the flats and the churchyard, a good 1m wide grass verge on each side of the 1.8m surfacing should avoid the path being constrained in a narrow corridor, as long as sufficient width is left for the hedge to the churchyard and the planting to the rear of the flats. Future maintenance of the hedge needs to be established, it may be that as the boundary to the churchyard that the church will be responsible for cutting both sides.

The start of FP 26 at Nottingham Road will need the surface treatment as FP 27. I am happy that this path should then follow the service road to its junction with FP27.'

Force Architectural Liaison Officer: no comments received at the time of writing this report.

NSDC Environmental Services – Contaminated Land:

In a letter dated the 13 June 2013, the consultee states:

'With reference to the above development, I have received a combined Phase I Desk Study and Phase II Exploratory Investigation report submitted by BSP Consulting on behalf of the developer Miller Homes Ltd.

This includes an environmental screening report, an assessment of the site's previous historical use and potential onsite and offsite contaminant sources and a description of the site walkover. Following intrusive sampling, the report concludes that no elevated sample results were observed and that the site soils can be deemed uncontaminated. I am generally in agreement with this assessment.

The report goes on to discuss the possibility of importing soils onto site for use in gardens or soft landscaping areas. Any imported materials will require validatory testing to be carried out to ensure suitability, prior to placement. In addition, Environmental Health approval should be sought prior to importation of such materials.

Finally, if unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination and the Proactive Team in the Environmental Health Unit at Newark and Sherwood District Council notified prior to continuation of works. '

NSDC Strategic Housing Section:

Summary

- *The affordable housing requirement on this site is 10 affordable units (out of a total of 34 units)*
- *Housing need in the area indicates demand for smaller units i.e. 1 - 2 bedrooms and I note that the applicant is offering 8 x 1 bed units and 2 x 2 bed units. Strategic Housing would in the first instance seek a split of 6 x 1 bed units and 4 x 2 bed units, however discussion with a Registered Provider is recommended to discuss management issues regarding the letting of apartments.*

- The applicant is providing 30% on site affordable housing. The revised proposed tenure split is 80% social rent and 20% intermediate housing. The Council would seek a split closer to its policy requirements i.e. 60% for social rent and 40% for shared ownership, however this issue requires a discussion with the Registered Provider.

NB: Southwell is a designated protected area (by map) and the proposed affordable rental units will be exempt from the Right to Acquire and the shared ownership/intermediate rent units will be subject to a staircasing restriction of 80%. The District Council's Legal Department will provide further details in the Section 106 Agreement.

Comments:

I refer to the above full planning application and make the following observations on behalf of the Council's Strategic Housing Service.

Affordable Housing provision

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

- 5 or more dwellings / 0.2 hectares irrespective of the number of dwellings.

Demand for Affordable Housing/Housing Need

The Balancing Housing markets Housing Stock Analysis, which accompanies the 2009 Housing Needs, Market and Affordability Study, details the following affordable housing shortfalls for the Southwell Area.

Summary of surpluses/shortfalls by area

Table 1 – Summary of Surpluses/Shortfall in the Southwell Area

Sub-Area	Type	Bedroom Size	Private Sector		Affordable		
			*Shortfall	**Surplus	*Shortfall	**Surplus	
Rural West	Flat	1	51	-	See below	-	
		2	-	9		-	
		3	-	-		-	
		4	-	-		-	
	Bungalow	1	-	-		-	
		2	63	-		-	
		3	33	-		-	
		4	-	-		-	
	House	1	-	-		-	
		2	21	-		-	
		3	26	-		-	
		4	12	-		-	
	All Types	1	51	-		283	-
		2	84	9		105	-
		3	59	-		27	-
		4+	12	-		7	-
Total			206	9	422	-	

Source: DCA Housing Needs, Market and Affordability Study 2010

* Shortfall of units – Demand is greater than supply for this type

**** Surplus of units – Supply is greater than demand for this type**

The District’s DCA Housing Needs, Market and Affordability Study 2010 highlights that in terms of bedroom sizes there is a net shortfall of 422 affordable units in the Southwell area. One and two bedroom units create the majority of the shortfall (388) in affordable units, though there is also a shortfall (27) of 3 bed houses. There are no affordable housing surpluses in this area. Therefore, high levels of housing need have been identified for predominantly smaller households, which include single persons, couples and smaller families, in the Southwell area.

Reference should also be made to the Housing Register data, (tabled below) managed by Newark and Sherwood Homes, which is provided to aid the selection of affordable housing types on such developments in Newark, as detailed in the following table:

1 bed	100
2 bed	104
3 bed	48
4 bed	8
1 bed elderly	105
2 bed elderly	144
TOTAL	509
(April 2013)	

For the town of Southwell there are currently 204 housing register applicants who have identified this area as their first preference for one and two bedroom property types. A further 48 require three bedroom properties and 249 require supported/retirement accommodation. (Please note that further to the introduction of a Choice Based Lettings Scheme, applicants are not required to state a preference by area, therefore the figures may not reflect true need).

The table below provides details of the current unit type of Council Housing Stock in the Southwell locality.

Table 2– Newark and Sherwood District Council Housing Stock for Southwell

NSDC OWNED PROPERTIES (AS AT 1 APRIL 12)											
Bedsits OAP	Bedsits	1bed flats OAP	2 bed flats	1 bed bung OAP	2 bed bung OAP	2 bed flats OAP	2 bed fam	3 bed fam	4 bed fam	5 bed fam	AREA TOTAL
X	X	85	12	12	34	X	14	71	3	X	231

There has been some delivery of affordable housing in the town of Southwell and these include 8 units on the Halam Road Site. A further 6 units have been provided at Norwood Gardens under the Council’s House Building Programme and 8 units are currently under construction by NCHA at Fiskerton Road, Southwell. This has increased the provision of affordable housing in the district but as the DCA Housing Needs, Market and Affordability Study 2009 details there is still a considerable shortfall of smaller units required to meet identified need.

Affordable Housing Requirements

Taking the above evidence into consideration the follow unit and tenure types would be suggested on this proposed development that should be detailed in the S106:

Type	Rent	Intermediate % (SO)	Total %
1 Bed apartment	6	0	60
2 Bed house	0	4	40

Preferred Tenure

The overwhelming need in the district is for social rented accommodation, however, in the interests of meeting the needs of the residents and to promote a balanced housing market an element of intermediate housing will be considered. Further to analysing the housing need in the Southwell locality the proposed affordable tenure split for this site and each unit types should be 60% social rented and 40% intermediate housing.

Design Standards

*With regard to the space/design standards the Council encourages developers, as per point 10.7.1 of the Interim Policy Note, and emerging Supplementary Planning document for affordable housing, to meet the Homes and Communities Agency's Design Standards for the affordable housing units, for reference a link to this document is below, the units should also not be distinguishable from the open market housing. Subsequent to this, the Homes and Communities Agency have issued new guidelines in terms of design standards for Housing Associations requiring Social Housing Grant from April 2008. Further details on this are available on <http://www.housingcorp.gov.uk/server/show/ConWebDoc.10783>
www.housingcorp.gov.uk/server/show/ConWebDoc.2919*

Additional Information

In terms of occupancy, nominations etc, reference should be made to point 10.5.1 of the Interim Policy Note and an agreed eligibility criteria would have to drawn up with the Council's input in terms of marketing the shared ownership units.'

NSDC Conservation Team:

In a letter dated 20 October 2014, the consultee states:

'Further to previous comments, Conservation welcomes the improved layout which will potentially provide sightlines and at least one dedicated vista of the church from the access off Nottingham Road. Whilst we have no desire to burden the applicant with unnecessary costs, I do think additional visual material is essential. I have previously advised that axonometric/artist impressions of the street scene and views of the church (through the site) would better help us appreciate impact. Given the comments from the Civic Society (amongst others), I would strongly advise providing SD impressions of the development, with one at the very least showing the view from the highway access towards the church. Sectional survey drawings taking into account site topography and the relative heights of the new buildings in conjunction with their surroundings should also be considered.

I have not seen any amended English Heritage comments, but I anticipate they will share the Civic Society view on the lack of updated D&A/heritage impact assessment. As stated above, we do not wish to burden the applicant with unnecessary additional works, and I feel that the visual material outlined above may go a long way to addressing some of these concerns. The applicant may, instead, wish to submit a cover letter explaining how the scheme has evolved in light of our recent meeting.

Nevertheless, having reviewed the amended house pack from 23rd October 2013 in light of the layout revisions, I am broadly comfortable with the individual house types (subject to appropriate materials and finishes, as discussed in our recent meeting). Overall, I feel that the applicant has done much to address our concerns regarding impact on the historic environment and that we are moving forward positively.'

NSDC Community Safety Co-ordinator: no comments received at the time of writing this report.

NSDC Parks and Amenities:

In a letter dated 23 July 2013 (prior to the receipt of amended plans reducing the no. of units to 34), the consultee states:

'This application is for 40 dwellings and thus needs to make provision for public open space in the form of amenity open space (15m² per dwelling) and children's playing space (20m² per dwelling). I note that the sketch layout shows a small central area of public open space, together with informal open space and structural landscaping. Much of the informal open space is made up of a surface water balancing pond and the remainder is disposed in a way which would make it usable as amenity open space but not as children's playing space. The children's playing space requirement should thus be fulfilled through the payment of a developer contribution towards the provision/improvement and maintenance of children's playing space in the vicinity of the development. In this case the War Memorial Park in Southwell would be an appropriate location for the investment, being located as it some 400m from the development.'

In a letter dated the 7 January 2014, the consultee states:

'Given that the layout of the site remains largely the same my comments on the previous application still apply. In addition, given the flooding that occurred in the area in July 2013, it is important that proper arrangements be put in place for the regular maintenance of the dyke, adjacent attenuation pond and any other SUDS features.'

NSDC Community, Sports and Arts Development:

On the 18 August 2013, the consultee states:

'This application will be required to make a financial contribution in accordance with the current Developer Contributions SPD Policy under Section 8 Community Facilities.'

NSDC Access and Equalities Officer: no objection

In a letter dated 26 Sept 2014, the consultee states

'It is recommended that that the developer be advised to give consideration to inclusive access and facilities all, with particular reference to disabled people as part of the development. It is further recommended that the developer's attention be drawn Lifetime Homes Standards and BS 9266:2013 'Design of accessible and adaptable general needs housing – Code of practice', in addition to Approved Document M of the Building Regulations, which contain further useful guidance in this regard.

It is recommended that disabled persons and wheelchair users' access to, into and around dwellings be carefully examined. It is further recommended that pedestrian pavements be incorporated to ensure safe access to the proposals. Any danger to pedestrians, particularly children, elderly or visual Impaired people, of being required to walk along a vehicular access route should be minimised by providing safe separated 'vehicular free' pedestrian pavements throughout of suitable width and clear of obstructions. Any shared surfaces are a danger in this regard. Inclusive access to facilities around the development, such as any gardens, opens

spaces, etc. should be considered together with carefully designed accessible pathways throughout the development. Should these be required to be ramped, they should be carefully designed to appropriate standards to facilitate inclusive access. Likewise, any barriers to inclusive access such as pathway restrictors, steps, gates or bollards should be avoided if these impede inclusive access. It is recommended that the developer make separate enquiry regarding Building Regulations requirements. '

NSDC Local Plans:

In a letter dated 1 October 2014, the consultee states:

'I have previously provided comments on the proposal which set out the policy context and highlighted the following principal issues of concern:

- *The need to satisfactorily address flood risk and surface water management taking account of the July 2013 Southwell flood event; and*
- *The ability of the scheme through its design, layout and density to address; the sites gateway location, the views of and across the principal heritage assets (in this case the Holy Trinity Church and the Minster) and the Conservation Area location.*

My additional comments are therefore focused on how these issues have been addressed and any elements of the scheme which have changed.

Assessment

Flood Risk and Surface Water Management

As previously set out following the site allocations process and subsequent adoption of the Allocations & Development Management DPD Southwell has experienced a significant flooding event. This included severe flash flooding from the Potwell Dyke and Halam Hill subcatchment watercourses as well as overland surface water flows which affected a significant number of properties. In light of this significant flood event and the more frequent but less severe flooding which is experienced it is crucial that flood risk can be appropriately considered as part of the planning process. These events highlighted a clear need for further investigation to be carried out so that the nature and extent of flood risk to the settlement can be fully understood. This further investigation is underway though yet to be completed.

Following agreement between the flood risk management bodies the position of the District Council on development proposals on allocated sites in Southwell, prior to the completion of the further investigation, is that no new or pending applications will be determined unless the applicant can demonstrate to the satisfaction of District Council, the Environment Agency, Nottinghamshire County Council and Severn Trent that flooding issues can be adequately addressed.

In line with my earlier comments I would consider that any proposal on the site needs to be able to address the issue of flood risk to the site itself from the Potwell Dyke (the flash flooding and Environment Agency mapping underline the importance of this), and that development of the site would not lead to increased flood risk elsewhere. Significantly in this regard Policy So/Ho/3 carries the requirement for 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 role of surface water flows in the significant flood event highlights how crucial this is.

An initial Site Specific Flood Risk Assessment and Foul and Surface Water Drainage Strategy were submitted in support of the application in May 2013. A revised Assessment was then submitted in December 2013 along with a supporting hydraulic modelling study of the Potwell Dyke. I also understand that a drainage report was under preparation to supplement the two assessments. Together this was intended to address the July 2013 flood event and the issues around surface water management. I note however that comments made by the Lead Local Flood Authority in December 2013 and January 2014 set out that in their view the work had not provided for an appropriate level of evidence over flood risk and surface water management. Specific concerns being raised over the robustness of the modelling and how the July 2013 flood event had been taken account of.

My understanding is that following this additional work has now taken place with amendments having been made to the design, layout and measures included to address flood risk and surface water. This includes an increase to level of separation between the developable part of the site and the Potwell Dyke, alterations to the position and form of the balancing pond and the introduction of the swale feature adjacent to the sites access from Nottingham Road. I gather that this has now addressed the concerns of the flood management bodies over flood risk and surface water management and I would wish to defer to their expertise on this matter. However should this not be the case and should the applicant be unable to demonstrate to your satisfaction, and that of the flood management bodies, that the flood risk and surface water management issues can be adequately be addressed then the proposal should be resisted.

Design, Layout and Density

I note that although the number of dwellings proposed has reduced to 34 it remains over the amount identified in the site allocation policy (So/Ho/3). When the capacities for the allocated sites were calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development then the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy.

In the case of So/Ho/3 the sites gateway location, prominent Conservation Area position, proximity to the Holy Trinity Church and the presence of grassland subject to SINC status within the site were important site characteristics which informed the setting of a notional capacity of 30 dwellings and in turn the policy requirements.

The key aspect in considering the level of development is therefore whether the proposal remains able to satisfy relevant policy requirements, and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. As explained above, the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie

and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

1. Gateway Location

To guide your assessment of what would be an appropriate design, layout and density the site allocation policy seeks the satisfactory addressing of the sites gateway location and the transition into the main built up area. The ability to successfully assimilate the site should be considered as a key requirement in bringing the site forward. The compatibility of the scheme with the surrounding character, pattern of development, layout, density of development and its design are all important factors which should be taken into consideration. Accordingly I note that a number of alterations to the layout have been made.

In allocating the site the policy set out specific requirements over the retention and enhancement of the sites existing landscape screening which are intended to aid this assimilation. Whilst acknowledging that providing access via Nottingham Road will require the removal of some of the current screening to achieve an acceptable standard of visibility, this should be balanced with the need to successfully integrate the development and to ensure that a sufficient level of screening is provided for. Although I welcome the changes to the layout which provide for a greater level of buffering to the Potwell Dyke and degree of separation between the perimeter dwellings and Nottingham Road I still hold concerns over the level of detail which has been provided on the proposed landscaping measures. Given the importance of effective screening and landscape buffering to the assimilation of the site sufficient detail would ideally have been submitted to allow for its proper consideration as part of the application. However should you be minded to recommend approval then given the positive changes to the layout which have occurred this matter could potentially be dealt with through an appropriately worded Condition.

2. Southwell Protected Views

Contributing to the distinctive character of Southwell are the views of and across and the settings of the principal heritage assets, defined as the Southwell Minster, Archbishop's Palace, Thurgarton Hundred Workhouse and the Holy Trinity Church. Accordingly Policy So/PV seeks to protect the views of and across these heritage assets, and as the proposal is located within a 'view cone' the requirement to demonstrate that it does not negatively impact on the views of these heritage assets is carried. Should the proposal be considered to detrimentally impact upon these views then it will not be acceptable.

With the Holy Trinity Church closely situated to the north of the site there is the clear potential for impact upon the views of this heritage asset. Policy So/Ho/3 reflects this and details that significant buffering should be provided in the west of the site to assist in maintaining views of the Church from the junction of Halloughton and Nottingham Roads. As set out previously I had significant concerns over how the desire to maintain these views had been translated into the design, density and layout as well as the level of assessment which had been carried out in support of this. Such concerns were also evident in the comments made by English Heritage whilst those from Conservation highlighted the views of the Holy Trinity and Minster from the southern approach to the Town.

Accordingly I welcome a number of the changes to the design, density and layout which includes a reduction in density to the area closest to the Church and the altering of the layout to remove the units previously positioned adjacent to the footpath in the upper section of the western boundary.

In addition the level of buffering to the Potwell Dyke in the north has been increased pulling the built element further away from the Church. A further positive amendment is the access and internal road layout which would help to maintain the views of the Church available diagonally through the site from Nottingham Road.

In line with the requirements of policy So/Ho/3 buffering has been provided along the western boundary and importantly its lower area is now free from development, having previously accommodated a private access. In order to guide your assessment of whether the level of buffering is adequate its purpose should be borne in mind. Whilst the buffering is likely to be largely successful in retaining the views of the Church along the western extent of the site I have concerns over the positioning of Plot 29, the most westerly sited unit, which would fall within views from the junction. Although the siting of the garage may lessen the degree of impact and mean that views would remain available over the unit. Dependent on the likely degree of impact a small reconfiguration to this part of the site could be considered. I do however appreciate that this would need to be balanced against the securing of the necessary improvements to the design, density and layout in respect of the wider impact on the Conservation Area, setting of the Holy Trinity Church and how the site relates to Nottingham Road (in line with the earlier comments provided by Conservation).

Whilst the amended scheme has, in my opinion, moved in the right direction in terms of the views of the Holy Trinity the consideration of the relationship between the Church and the Minster remains particularly light. This relationship is most important when seen in views that incorporate the two churches, where the pointed spire of the Holy Trinity Church contrasts with the solid outline of the towers of the Minster. It is crucial to note that the visual inter-relationship between the Minster and other key heritage assets such as the Holy Trinity Church contribute to the heritage significance of views of the Minster itself.

My previous comments highlighted the importance of addressing the views of and across the assets, and in particular the inter-visibility between the Holy Trinity and the Minster from the south and south west of the town. In the absence of a more detailed demonstration by the applicant we will need to arrive at a conclusion over the likely level of impact. I would view the consideration of whether the changes to the design, density and layout of development have resulted in a scheme that sits more comfortably with the Holy Trinity Church and which better reflects and is able to be integrated with its surrounding Conservation Area as being key issues. How the amended scheme now relates to Nottingham Road, in line with the previous Conservation comments, is also important. The satisfactory addressing of these concerns will help the scheme to avoid appearing as incongruous and from potentially detracting from wider views incorporating the assets.

3. Conservation Area Location

That the design, layout and density satisfactorily addresses the Conservation Area location is key to satisfying national and development plan policy in terms of heritage impact as well as the site allocation policy itself. I note the previous objections raised by Conservation which outlined concerns over the impact on the Conservation Area and setting of the Holy Trinity Church. A number of amendments have been made to the scheme in seeking to address these concerns and, notwithstanding my comments over the Southwell Protected Views above, I would wish to defer to the expertise of colleagues for their detailed assessment.

Access

In terms of the access arrangements the site allocation policy sets out the need for appropriately designed access and that consideration should be given to its location off Nottingham Road along

with the access requirements of allocation So/Ho/2. I note that whilst the internal road layout has been amended the main point of access remains from the same location off Nottingham Road, with a Transport Study having previously been submitted in support of these arrangements. In responding to the application at an earlier stage the Highways Authority appeared satisfied with the proposed access arrangements.

Local Wildlife Site (previously SINC)

Policy So/Ho/3 sets out that subject to prior qualitative assessment, the loss of grassland subject to Local Wildlife Site (LWS) status should be addressed through the provision of an appropriate level of on-site replacement habitat. In allocating the site this approach was considered to strike an appropriate balance between development of the site and its LWS status.

I previously noted that an Ecological Assessment had been submitted in support of the application with this proposing the onsite enhancement of grassland to the north of the site adjacent to Potwell Dyke. The key issues are therefore whether this qualitative assessment is considered satisfactory and if the level and nature of on-site replacement habitat is appropriate. The revised layout provides for a greater level of buffering to the Potwell Dyke which the comments from NCC Ecology potentially see as an improvement in biodiversity terms if this results in a greater level of habitat creation.

On the basis of these additional comments and those previously made the proposal would appear to have addressed the policy requirements. However I would wish to defer to the relevant stakeholders for the detailed consideration of the proposed mitigation measures.

Southwell Housing Need

Policy So/HN/1 sets out that subject to local site circumstances and viability concerns the majority of new housing on allocated sites should be one or two bedroom units in line with the identified housing need. With 18 of the units falling within this category the policy requirement would be met.

Affordable Housing

The site meets the qualifying thresholds for Affordable Housing provision set by Core Policy 1 'Affordable Housing Provision' of the Core Strategy DPD. As a result a 30% target should be sought with, in terms of tenure, 60% of this provision social rented and 40% as intermediate housing.

With 10 affordable units having been identified this falls marginally below the 30% target at 29.4% whilst the tenure split (80% social rented and 20% intermediate) also fails to satisfy the policy requirement. I am unaware of a case having been presented by the applicant in support of this approach and would wish to defer to Strategic Housing for input over the acceptability of the tenure split.

I am however mindful of the alterations which have been made to the design, density and layout to address flood risk and surface water management issues, as well as the potential impact on the Conservation Area and Holy Trinity Church. In my opinion this may represent a suitable compromise in securing a much improved scheme, particularly in light of the marginal nature of the failure to meet the overall 30% target.

Conclusion

My principal issues of concern over previous iterations of the scheme were focussed around the matters of flood risk, surface water management and the design, density and layout of proposed

development. In making my assessment of the revised scheme I acknowledge that a range of amendments have been made in seeking to address these matters. Subject to these outstanding issues having been addressed to your satisfaction I would provide support for the proposal.'

Neighbours/Interested Parties

38 letters of representation have been received from local residents raising the following concerns:

- The impact of the development upon flood risk to existing and the proposed new properties, especially in light of the 2007 and 2013 flood events.
- The proposed embankment would increase flooding to neighbouring properties and would be an intrusive feature along the Potwell Dyke, resulting in the destruction of wildlife habitat.
- The scheme is an overdevelopment of the site and out of scale and character with surroundings.
- The additional residents would place extra pressure have on services in the town, i.e. the supermarket and medical centre.
- The design of the housing is poor and unimaginative.
- The development would encroach on views of Trinity Church.
- The development would have a detrimental impact on the existing open landscape character of the site.
- The development is too near to the Potwell Dyke, existing trees and planting would be lost resulting in damage to wildlife habitats.
- New tree planting should be local native species.
- Impact of the development on bats.
- The development would result in increased traffic congestion and would be detrimental to highway safety.
- Insufficient parking is proposed with the development.
- There is insufficient space provided for children to play.
- The proposed green space could attracted drug taking, teenage drinking. This space should be located more centrally in the site.
- Increased noise and light pollution to neighbouring residents.
- The development would overshadow, have an overbearing impact and result in a loss of privacy to existing neighbouring residential properties.
- Loss of security to neighbouring properties whose property boundary is currently formed by trees and shrubs adjacent to the Potwell Dyke and which would be removed as part of the development.
- Insufficient information provided with the application.

Comments of the Business Manager, Development

Principle of Development

Southwell is identified in the Core Strategy as a Service Centre where new housing will be provided. The application site is allocated within the Newark and Sherwood Allocations and Development Management DPD (A&DM DPD) for residential development, under Policy So/Ho/3 which states that the site would provide around 30 dwellings. In allocating the site for housing the council has identified that the site is sustainable and within the defined built-up area of the settlement, and as such accords with the overarching strategic growth policies of the adopted Core Strategy.

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

In relation to housing, the NPPF requires authorities to maintain a supply of specific deliverable sites to deliver a five year supply. As of April 2014 the District can demonstrate a housing supply in excess of 6.83 years, when taking account of planning permissions on deliverable sites and allocated sites where dwellings are anticipated to commence deliverability within five years. The application site is located within the urban boundary of Southwell and is allocated as a Housing Site within the Allocations and Development Management (A&DM) DPD and forms part of the 6.83 years supply.

Policy DM1 of the A&DM DPD advises that within the urban boundaries of the Service Centres, as defined on the Policies Map, proposals will be supported for housing, development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 of the DPD refers to development on allocated sites being supported for the intended use provided that they comply with the relevant Core and Development Management Policies, site specific issues set out in the DPD.

Policy DM12 of the A&DM DPD sets out a positive approach to considering development proposals reflecting the presumption in favour of sustainable development within the National Planning Policy Framework. Where appropriate, this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions within the district. The policy further details that applications which accord with the District's Development Plan will be approved without delay, unless material considerations indicate otherwise.

The site specific Policy So/Ho/3 sets out that development on the application site will be subject to a number of criteria, relating to appropriate design, layout and density, provision of appropriately designed access, positive management of surface water, offsetting of the loss of grassland subject to SINCE status, to maintain and enhance the current rights of way which transverse the site and the investigation of potential archaeology. These considerations are assessed in more detail below. Critically, it has also been necessary to carefully assess flood risk issues associated with the site, particularly given the extensive flooding in July 2013 (and indeed in years prior to this). Full commentary on this issue is detailed in the relevant section below.

Housing Affordability, Mix, Type and Density

Core Policy 1 requires affordable housing provision in Newark and Sherwood (outside the Newark Urban Area which has its own requirements) on sites of 5 or more dwellings or which have a site area of 0.2ha or above, with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought should reflect a 60% social rented and 40% intermediate mix.

The application includes the provision of 10 dwellings as affordable housing, 8 no. one-bed apartments for affordable rent and 2 no. two-bed houses for shared equity. This equates to 29.4% affordable housing with a tenure split of 80% affordable rent and 20% shared equity. This provision fails to satisfy the requirements of Core Policy 1 in terms of tenure split (albeit it does in terms of the requirement to secure 30% on-site provision overall).

However, given the alterations to the design, density and layout to address flood risk and surface water management issues, as well as the potential impact on the Conservation Area and Holy Trinity Church, it is considered that this represents a suitable compromise in securing a much improved scheme, particularly in light of the marginal nature of the failure to meet the overall requirement.

The density of the development is approx. 30 dwellings per hectare, calculated using the net developable area of the site which is approx. 1.125 hectares. This density accords with the requirement of Core Policy 3 which seeks development densities in housing development of 30 dwellings per hectare or more.

The scheme is for 34 dwellings which is above the amount identified in the site allocation policy (So/Ho/3) which states that around 30 dwellings should be provided. The District Council's Planning Policy Team have advised that the capacities for allocated sites were calculated based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. In the case of So/Ho/3, the sites gateway location, prominent Conservation Area position, proximity to the Holy Trinity Church and the presence of grassland subject to SINC status within the site, were important site characteristics which informed the setting of a notional capacity of 30 dwellings and in turn the policy requirements.

The key aspect in considering the level of development is therefore whether the proposal remains able to satisfy relevant policy requirements, and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. It is therefore considered that, subject to the acceptability of the design, layout and local environmental, highway or amenity impacts, that the principle of the provision of 34 dwellings on the site is acceptable.

The mix of units would comprise 8 no, one-bed, 10 no, two-bed, 4 no, three-bed, 10 no, four-bed houses and 2 no, five-bed dwellings. It is considered that this mix is appropriate and would meet the key objectives of Core Policy 3 which is to secure family housing of 3 bedrooms or more, whilst helping to address localised need for smaller 1 or 2 bed units in accordance with the aims of Policy So/HN/1. The private market housing provided within this scheme is considered to be acceptable.

Flood Risk and Drainage

The latest Environment Agency flood risk mapping suggests that the Potwell Dyke area to the north of the site is in Flood Zone 2, whilst a small area within the south east of the site is within Flood Zone 2 and 3. This forms part of a much larger area of flood risk (zones 2 and 3) located on Nottingham Road.

Members will be aware that Southwell has experienced significant flooding in the past, most

recently in July 2013. This included severe flash flooding from the Potwell Dyke and Halam Hill sub catchment watercourses as well as overland surface water flow which affected a significant number of properties. Circa 240 properties and local business were flooded by the event resulting in significant distress and inconvenience. This has equally (and understandably) led to very real and significant concerns amongst the local community in terms of the appropriateness of new developments in Southwell moving forward. In light of this significant flood event and the more frequent but less severe flooding which is experienced, it is crucial that flood risk is appropriately addressed as part of the development of this site. This includes, both the issue of flood risk to the site itself from the Potwell Dyke and that the development of the site should not lead to increased flood risk elsewhere.

At this stage it is perhaps appropriate to properly set out the agreed position of this Authority with respect to sites allocated for development within Southwell. As detailed above in the Planning Policy Section of the report I have, on behalf of the Local Planning Authority, clearly set out that we will not determine any new or pending (a site which has not yet been to the planning committee) planning application on an allocated site until such time that either the NCC flood studies (including the flood model prepared by URS which is detailed in comments made above) are published and responded to, **or** unless an applicant can demonstrate to the satisfaction of NSDC, the EA, NCC, and Severn Trent, that flooding issues can be adequately addressed.

Turning to the planning policy context for considering flooding matters in the determination of a planning application Members may be aware that the NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

Policy So/Ho/3 specifically identifies that an assessment of flood risk should form part of any planning application for the site. In addition, the positive management of surface water through the design and layout of development is important to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.

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

Throughout the consideration of the application, the Flood Management Bodies have raised concerns about the redevelopment of the site in relation to flood risk and have requested further information and revisions to the scheme to address these concerns.

An initial Flood Risk Assessment and Foul and Surface Water Drainage Strategy were submitted in support of the application in May 2013. A revised assessment was then submitted in December 2013 along with supporting hydraulic modelling study of the Potwell Dyke. Further work has subsequently been undertaken to model the July 2013 flood event. The County Council's Flood Team are now satisfied that an appropriate level of evidence on flood risk and surface water management has been provided in the revised assessment.

In terms of the detail amendments have been made to the design and layout of the site in

response to the revised modelling. This includes an increase in the level of separation between the developable part of the site and the Potwell Dyke, the construction of an embankment in-between the Dyke and the development, alterations to the position and form of the balancing pond and the introduction of a two swale features linked to the pond. The work now proposed to the Potwell Dyke (creating a 2 stage channel) would increase its capacity and further reduce the risk of overtopping. The swale and balancing pond would manage the water flows from the site. These works may also assist in management of water accumulation actually on Nottingham Road during a flood event, however the benefit would be marginal as the accumulation of water is considerable. The proposed development would intercept rain falling onto the site and direct this to the balancing pond; therefore the development would manage water flows from the site in a more ordered fashion than at present.

The County Council Flood team has reviewed the revised scheme and considers that flood risk to the site has been addressed. The County Council also note that the condition of the watercourse has improved since the 2013 flood event. The revised modelling tested blockage scenarios at Nottingham Road and reported no significant change in levels or flood risk. Upstream blockage scenarios that may affect the site were also tested and these were considered to not be significant. In addition, the latest information available from rain gauges indicates the July 2013 event was extremely rare – approaching a 1000 year return period. The updated flood map for surface water (December 2013) shows surface water accumulating on the site during an 1000 year flood event but not a 100 year event. It is the 1 in 100 year event (plus climate change) which is the relevant test in planning terms. In essence the redevelopment of the site would intercept rainfall and alter flow routes which mean that the risk would be managed.

In light of the amendments made to the scheme, and the comments received from the County Council Flood Team, the EA (who have worked with NCC in allowing them to take the lead on this issue) and Severn Trent it is considered that the applicant has demonstrated that flood risk and surface water management issues associated with the site can be adequately addressed in the design and layout of the scheme. The application is therefore considered to be acceptable.

Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the DPD states that significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures) provided, where they cannot be avoided. Policy So/Ho/3 sets out that subject to prior qualitative assessment, the loss of grassland subject to Local Wildlife Site (LWS) status (formerly known as a SINC) should be addressed through the provision of an appropriate level of on-site replacement habitat. In allocating the site for housing this approach was considered to strike an appropriate balance between development of the site and its LWS status.

A Bat Survey and Reptile and Breeding Bird Survey have been submitted in support of the application. Notts Wildlife Trust is *satisfied with the results of these surveys*. An Ecological Assessment has been submitted in support of the application. This proposes a mitigation measures to compensate for the loss of the LWS including the onsite enhancement of grassland to the north of the site adjacent to Potwell Dyke. Notts Wildlife Trust raise concerns in relation to the loss of the LWS for housing development. Their concerns however, must be balanced against the

requirements of Policy So/Ho/3. Overall, the County Ecologist considers it possible to provide sufficient on site mitigation to compensate for the loss of the LWS and a number of mitigation measures to ensure this is achieved are recommended including the implementation of a Habitat Creation and Management Scheme.

The revised site layout would result in an increase in the amount of green space within the development overall including the provision of a central green area, an additional buffer along the Potwell Dyke and around the balancing pond and along the Nottingham Road frontage. From a biodiversity perspective, this is an improvement on the previous layout, assuming that most of this green space would be given over to habitat creation. However, the ecological corridor itself has been reduced to 0.286 ha from 0.551 ha to accommodate the mitigation measures required for the drainage proposals. Concern has been expressed that the revised layout which indicates the provision of a two-stage channel along the Potwell Dyke, would necessitate the removal of all trees and vegetation on the southern side of the Potwell Dyke which would result in the loss of biodiversity habitat and affect the delivery of the proposed ecological mitigation in this area. This assumption is correct and it is likely that there would be a short term loss in biodiversity habitat along this section of the Potwell Dyke as a result. The Applicant's ecologist has advised that such loss could be mitigated in the medium to long term by:

1. Planting a native hedge along the bank top from Plot 6 to Nottingham road;
2. Planting a group of 3 small trees adjacent to Plot 6, and another group by Plot 11; and
3. Planting a single large tree adjacent to HQ1 (12-15) and 3 large trees around the pond by Plots 4 and 1. All plantings should use native species of local provenance.

Such mitigation measures can be secured by the imposition of a condition requiring a landscape scheme in addition to the Habitat Creation and Management Scheme. Overall, it is considered that the sufficient on site mitigation to compensate for the loss of the LWS can be provided. Whilst the short term loss in biodiversity habitat as a result of the creation of the two-channel is regrettable, this loss is outweighed by the overriding need for flood risk/drainage mitigation in this instance. In any event, this short term loss can be fully mitigated in through the imposition of conditions to secure longer term biodiversity enhancement of the site in accordance with the requirements of Core Policy 12 and Policies So/Ho/3, DM5 and DM7 of the DPD.

Impact on Character of Area (design, layout, etc)

Policy So/Ho/3 seeks an appropriate design, layout and density on the site which addresses the sites gateway location and transition into the main built up area. The compatibility of the scheme with the surrounding character, pattern of development, layout, density of development and its design are all important factors.

The two-storey nature of the development would reflect the existing character of the area and the mix of detached, semi-detached and three unit terrace is considered appropriate. Whilst it is acknowledged that the density is slightly higher than that of existing surrounding development, there is a requirement in the NPPF to make the most efficient use of land. Therefore, it is considered that the density would not result in an incongruous form of development that would be intrusive in the local area. The revised design of the proposed houses and apartment blocks, subject to appropriate materials and finishes, is also considered to be appropriate.

Southwell has protected views of and across the settings of Southwell Minster, Archbishop's Palace, Thurgarton Hundred Workhouse and the Holy Trinity Church. Accordingly Policy So/PV

seeks to protect the views of and across these heritage assets. The site is located within a 'view cone' and therefore there is a requirement to demonstrate that the development does not negatively impact on the views of these heritage assets.

With the Holy Trinity Church closely situated to the north of the site there is the clear potential for impact upon the views of this heritage asset. Policy So/Ho/3 details that significant buffering should be provided in the west of the site to assist in maintaining views of the Church from the junction of Halloughton and Nottingham Roads. Revisions have been made to the design, density and layout which include a reduction in density to the area closest to the Church and alterations to the layout to remove the dwellings previously positioned adjacent to the footpath in the upper section of the western boundary. In addition, the level of buffering to the Potwell Dyke in the north has been increased pulling the built element further away from the Church. A further positive amendment is the access and internal road layout which would help to maintain the views of the Church available diagonally through the site from Nottingham Road.

The District Council's Conservation Officer and English Heritage have acknowledged that the revised layout has sought to better relate the development to the setting of the church as evidenced by a dedicated vista of Holy Trinity Church, in addition to the retention of the public right of way combined with a central green which is a positive element of the scheme. Furthermore, the District Council's Conservation Officer welcomes changes to the design of the individual dwellings. However, English Heritage remain concerned by the overall impact of the scheme suggesting that it would still cause a degree of harm to the Conservation Area and setting of the Church contrary to conservation objectives. Great weight has been given to conservation objectives in accordance with the requirements of the Act. At worst, the harm identified is less than substantial harm given the separation distances to heritage assets and amendments to the scheme ensuring that the scale of harm is moderate with other clear improvements to the site in terms of landscape, ecology etc. It is therefore considered that the provision of residential development on this allocated site is acceptable in heritage terms and contributes to the housing supply for the district. In accordance with Para 7 of the NPPF this provision is considered to be a public benefit.

The site allocation sets out a requirement to retain and enhance the existing landscape screening to the site which is intended to aid in the assimilation of the development into its setting. Whilst acknowledging that providing access via Nottingham Road would require the removal of some of the current screening to achieve an acceptable standard of visibility, this has been balanced with the need to successfully integrate the development and to ensure that a sufficient level of screening is provided. In line with the requirements of policy So/Ho/3 buffering has been provided along the western boundary and importantly its lower area is now free from development, having previously accommodated a private access.

Residential Amenity

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

The site layout allows for sufficient distance between the proposed dwellings and existing neighbours to avoid any direct overlooking, overshadowing or overbearing impacts. The distance

between existing properties and those proposed being 30–50 metres on the north and north eastern boundary of the site and 22 metres on the western boundary.

A number of neighbouring residents have raised concerns about the loss of trees and shrubs along the Potwell Dyke that currently provide a secure boundary to their properties. It is considered that, as part of the landscaping scheme required via condition, the applicant should consider how a secure boundary for neighbouring residents can be maintained. Residents have also raised concerns about noise and light pollution from the development. It is considered that any noise generated by the development would not be above that which is to be expected within a residential area and therefore would not be detrimental to neighbouring residents. In order to address concerns about light pollution, it is considered that a lighting scheme should be required via condition.

Having carefully assessed the scheme, it is considered that the proposal would have no significant detrimental impacts upon the amenity of existing neighbouring residents and therefore the development accords with the objectives of Policy DM5.

Access and Highways

Policy So/Ho/3 sets out the need for an appropriately designed access into the site, with consideration given to the location of the access being off Nottingham Road. Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible

The application originally proposed vehicle access off Halloughton Road. This has since been revised to provide access off Nottingham Road following objections from the Highway Authority in relation to highway safety concerns. The Highways Authority subsequently raise no objections to the scheme.

Two public rights of way cross the site and Policy So/Ho/3 seeks to maintain and enhance this current provision. The scheme includes two public footpath routes across the site; both routes would retain significant views of Holy Trinity Church. It is therefore considered that the proposed access arrangements would meet the requirements of relevant policies of the Development Plan and would not result in any adverse impact upon highway safety.

Developer Contributions

Policy DM3 relates to ‘Developer Contributions and Planning Obligations’ and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

Open Space

This application is for 34 dwellings and therefore should make provision for public open space in the form of amenity open space (15m² per dwelling) and children’s playing space (20m² per

dwelling). The site layout provides for a central area of public open space, together with informal open space and structural landscaping. Much of the informal open space is made up of a surface water balancing pond and the remainder is disposed in a way which would make it usable as amenity open space but not as children's playing space. The children's playing space requirement should therefore be fulfilled through the payment of a developer contribution towards the provision/improvement and maintenance of children's playing space in the vicinity of the development. In this case the War Memorial Park or land close to the Leisure Centre in Southwell may be an appropriate location for the investment. It recommended that a commuted sum towards off site provision of open Space (provision for children and young people) of **£64,862.48 plus indexation** is secured by S.106 Agreement.

Community Facilities

The SPD sets out that a development of 34 dwellings would equate to a community facilities contribution of £40,162.50 plus indexation. This again will be available to spend within the locality.

Education and Libraries

Nottinghamshire County Council have confirmed that no contribution is required.

Health

The site is below the threshold of 65 dwellings for requiring a contribution towards health as set out in the Developer Contributions and Planning Obligations SPD.

Conclusion

Following the allocation of the site through the Local Development Framework the principle of housing development in this location is accepted. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. The substantive matter for consideration in this application is whether the scheme complies with the requirements of Policy So/Ho/3 and the other relevant Development Plan policies.

A key issue for the development of this site is that of flood risk and surface water management. Following, the submission of detailed information about the impact of development on the site and revisions to the site layout, it is considered that this issue has been addressed.

RECOMMENDATION:

Approve, subject to the applicant entering into a Section 106 Agreement to secure commuted sums for open space and community facilities and for the provision of on-site affordable housing, and subject to the following conditions:

Conditions

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans **and documents** unless otherwise agreed in writing by the local planning authority through the approval of a non material amendment to the permission.

- EMS.2434_01 A Site Location Plan
- EMS.2434_04 P Detail Layout Plan
- EMS 2434 Illustrative 3D View
- 12105/215 Rev C Proposed Levels and Flood Flow Routes
- 12105/SK/1020 Rev F Surface Water Drainage Strategy
- Non technical Flood Risk Assessment Briefing Note ref: TW/14459, by bsp Consulting dated 23 October 2014
- Flood Risk Assessment Addendum ref: 12105/FRA/AD, by bsp Consulting, dated 21 October 2014
- Revised Flood Risk Assessment ref: 12105/FRA/Rev C, Rev C 17/12/13 by bsp Consulting, dated December 2013.
- Revised House Type Pack ref: EMS.2434_05 rev 3, by Miller Homes.
- Updated Transport Statement ref: NTT2088 TS, by BWB Consulting Ltd, dated October 2013.
- Bat Survey ref: DLA-1421/ECO/Bats/rpt.1/July'13, by DLA Ltd, dated July 2013
- Reptile and Breeding Birds Survey ref: DLA-1421/tEco/Reptiles&Birds/rpt.1/June'13, by DLA Ltd, dated June 2013
- Combined Phase I Desk Study &Phase II Exploratory Investigation ref: 12105, by bsp Consulting, dated 20 February 2013.
- Design and Access Statement ref: EMS.2434_05, by Miller Homes, dated 29 May 2013.
- Archaeological Desk Based Assessment ref: SM/14688/01, by CGMS, dated 17 December 2012.
- Amended Ecological Survey by DLA Ltd, dated May 2013.
- Pre-Planning Tree Survey ref: Report No. Ref: DLA-1421/ts/1. Date: 6/12, by DLA Ltd.
- Tree Constraints Plan ref: DLA1421/TS/1 Rev 1.
- Topographical Survey ref: 8759_all
- Planning Statement ref: APA/BECK/03/0270, by Miller Homes, dated May 2013
- Heritage Impact Statement, by Richard K Morriss & Associates, dated December 2012.
- **Site Meeting Note 3/3/15 by DLA (Landscape Architects and Environmental Planners Ltd)**

Reason: So as to define this permission

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

4. Notwithstanding the details submitted on the approved plans, 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:

- an implementation and phasing programme;
- details of existing trees and hedgerows, which are to be retained, together with measures for protection during construction;
- 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;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.);
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

5. All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

6. No development shall be started until full details of the colour and type of all facing materials to be used for the residential units have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Core Policy 9 of the Newark and Sherwood Core Strategy DPD (2011) and Policies So/Ho/3 and DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

7. No development shall commence until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development.

Reason: To safeguard the amenity of the area in accordance with Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

8. The access off Nottingham Road hereby approved shall be laid out in accordance with drawing NTT/2088/003-P4 and constructed in accordance with details to be first submitted and agreed in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of Highway safety and to ensure the access is constructed to adoptable standards in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

9. No part of the development hereby permitted shall be occupied until the access off Nottingham Road is constructed with a gradient not exceeding 1 in 30 for a distance of 10m from the rear of the highway boundary, and thereafter no steeper than 1 in 20.

Reason: In the interests of Highway safety and to ensure the access is constructed to adoptable standards in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

10. Prior to the occupation of each plot private accesses and drives and any parking or turning areas to that plot should be surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the adoptable Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development).

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

11. Any garage doors shall be set back from the adoptable highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway

12. No part of the development hereby permitted shall be occupied unless or until modifications to the white line carriageway marking scheme on Nottingham Road has been carried and the redundant access off Halloughton Road has been reinstated to footway & verge to the satisfaction of the LPA in liaison with the Highway Authority, as shown for indicative purposes only on drawing NTT/2088/003-P4.

Reason: In the interests of Highway safety and convenience in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

13. No part of the development hereby permitted shall be occupied until the private access driveways / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway / parking / turning areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

14. The development will require the diversion of public rights of way FP26 7 FP27, and no part of that development hereby permitted or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To retain a safe and sustainable pedestrian route in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

15. No part of the development hereby permitted shall be occupied until the public rights of way FP26 and FP27 (including all lengths; diverted or not) have been surfaced and, where appropriate, regraded in accordance with details to be first submitted to and approved in writing by the local Planning Authority.

Reason: To promote sustainable travel in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

16. 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.

Or Schedule 2, Part 2:

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

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 order to safeguard the amenity of neighbours and to ensure that proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

17. Notwithstanding the submitted details, no development shall be commenced until a Habitat Creation and Landscape Management Plan has been submitted to and approved in writing by the local planning authority to provide mitigation measures for the partial loss of the Local Wildlife Site (LWS) **and riparian woodland and scrub habitat**. The plan shall include:
- a) purpose, aims and objectives of the scheme;
 - b) a review of the site's ecological potential and any constraints;
 - c) description of target habitats and range of species appropriate for the site;
 - d) selection of appropriate strategies for creating/restoring target habitats **and** introducing target species **either on site or elsewhere to adequately compensate for loss of onsite habitats ensuring there is a net gain in habitat provision;**
 - e) selection of specific techniques and practices for establishing vegetation;
 - f) sources of habitat materials (e.g. plant stock) or species individuals;
 - g) method statement for site preparation and establishment of target features;
 - h) extent and location of proposed works;
 - i) aftercare and long term management;
 - j) the personnel responsible for the work;
 - k) timing of the works;
 - l) monitoring;
 - m) disposal of wastes arising from the works.

All works shall be carried out in accordance with the approved details and timetable, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure mitigation the partial loss of the Local Wildlife Site (LWS) in accordance with the aims of the NPPF and Core Policy 12 and Policies So/Ho/3, DM5 and DM7 of the DPD.

18. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of surface water pollution during the construction stages in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/3 of the Newark and Sherwood Allocations and Development Management DPD (2013).

Notes to Applicant

1. 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.

2. No part of the development hereby permitted shall be occupied until the public obstruction or diversion of public rights of way and an unlawful obstruction to the rights of way is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order diverting the public rights of way will be required. This is a separate legal process and the applicant will need to contact the following (please cite the application no.):
Countryside Access
Planning Services
Communities
Trent Bridge House
Fox Road
West Bridgford
Nottingham, NG2 6B

3.

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.

			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)	3086	0	3086	£75	252	£265,115.45

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)

4.

Should the applicant wish to put themselves forward as a potential offset provider, they should contact Nick Crouch, Nature Conservation Leader Email: nick.crouch@nottsc.gov.uk Phone: 0115 99 32602.

Background Papers

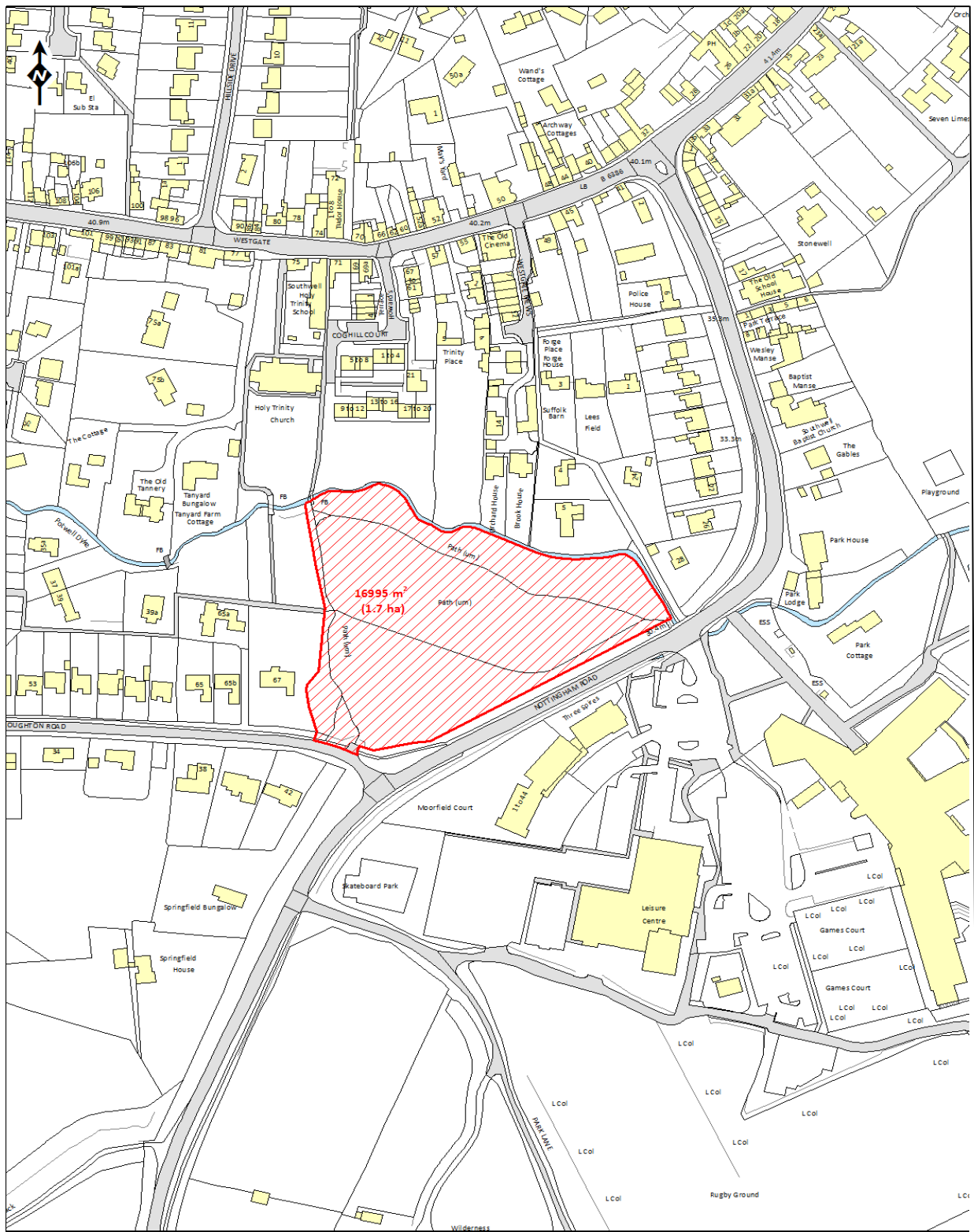
Application case file.

For further information, please contact Helen Marriot on 01636 655793

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 - 13/00689/FULM



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11th March 2015

Helen Dawkins
helen.evans@miller.co.uk

Dear Helen

**Nottingham Road, Southwell
Planning Committee Deferral, Flood Risk Advice**

Further to our discussions and my email dated 23rd February 2015, we set out below an overview of the flood risk considerations in relation to the Newark and Sherwood District Council (NSDC) Planning Committee deferral for the Nottingham Road site (the Site) in Southwell.

As set out in my email, our scope of services are to provide the following:

- An overview of the proposed development,
- A summary of the recent history of the Nottingham Road site in terms of the current planning status based on the above evidential documents,
- A summary of previous flood risk analysis,
- An overview of the catchment-wide hydraulic modelling undertaken by URS (now AECOM) for Nottinghamshire County Council (NCC),
- Commentary on the appropriateness of including the proposed development within the catchment-wide hydraulic model developed for NCC,
- A summary of the outputs of the catchment-wide hydraulic model developed for NCC in relation to the Nottingham Road site.

Overview of Proposed Development

Based on data provided to AECOM by BSP Consulting and their sub-consultants (JBA Consulting), we understand that proposals for the development of the 1.7 hectare site include the provision of 40 residential units, comprising a mixture of apartments, terraced houses, semi-detached houses and detached houses.

Following a review of the information associated with the planning application, and in consultation with Miller Homes, it is understood that the development has been revised to 34 units, with the associated Detailed Layout Plan presented in Appendix A.

Recent Planning History of the Site

Miller Homes made a full application for planning (13/00689/FULM) for the Site on 29th May 2013 and the application was considered at the NSDC Planning Committee meeting on 15th December 2014 and a deferral was made in relation to flood risk stating that:

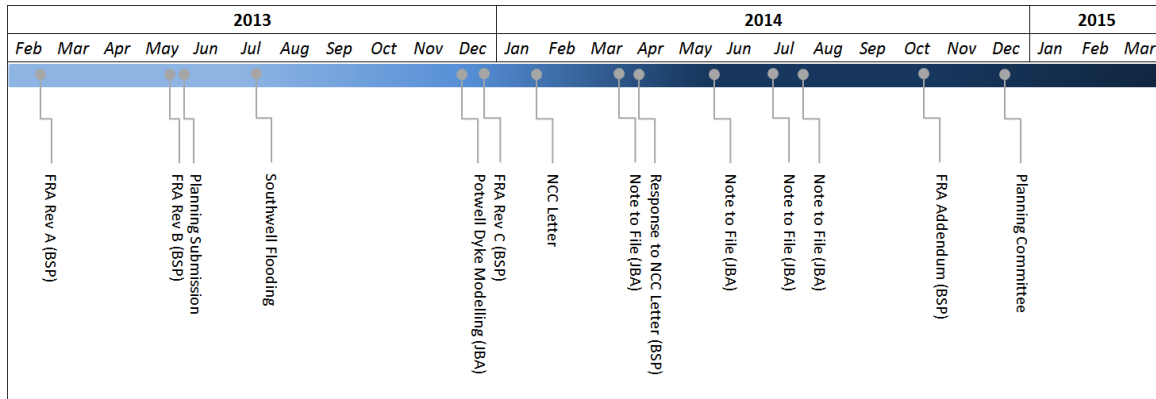
“The proposal be fully modelled through the flood study and model currently being developed by Nottinghamshire County Council”.

Miller Homes approached AECOM to provide a response to the NSDC Planning Committee deferral, as AECOM (formerly URS) developed a catchment-wide hydraulic model of the Potwell Dyke and Halam Hill catchments on behalf of NCC as part of the Southwell Flood Study.

This letter forms the AECOM response to the request of Miller Homes to provide a response to the NSDC Planning Committee deferral.

Summary of Previous Flood Risk Analysis

A series of flood risk analyses have been undertaken for the Site and the timeline below provides a summary of key dates.



Timeline

A Flood Risk Assessment (FRA) for the Site was undertaken by BSP Consulting in February 2013¹, with a subsequent revision submitted in May 2013 (Revision B)². Whilst a planning application for the Site was under consideration by NSDC (submitted on 29th May 2013), flooding occurred on the 23rd July 2013 at a number of locations across Nottinghamshire, including in Southwell.

As a consequence of this flooding, a site-specific hydraulic modelling study of Potwell Dyke³ adjacent to the Site was sub-contracted by BSP Consulting and results from the site-specific hydraulic modelling study were used to inform a further revision of the FRA, submitted in December 2013 (Revision C)⁴.

Flood risk posed to and by the Site was set out in the FRA and the associated site-specific hydraulic model and it recommended:

- Finished flood levels for the proposed development,
- Flood flow routes through the Site should be included at the detailed design stage,
- The soffit level of the footbridge in the north west corner of the Site was determined,
- A 5m easement along Potwell Dyke for future maintenance,
- A Surface Water Drainage Strategy should be developed to mitigate surface water risk and provide safe access, including the provision of a swale/depression along the southern boundary of the site,
- Restricted surface water discharge rates, with no flooding on the site during the 1 in 30 year event and containment on site of all surface water during the 1 in 100 year plus climate change event.

As the Lead Local Flood Authority (LLFA), Nottinghamshire County Council (NCC) were consulted by NSDC on flood risk, including the FRA and the associated site-specific hydraulic modelling of Potwell Dyke.

¹ Nottingham Road, Southwell – Flood Risk Assessment (Revision A), BSP Consulting, February 2013

² Nottingham Road, Southwell – Flood Risk Assessment (Revision B), BSP Consulting, May 2013

³ Potwell Dyke Hydraulic Modelling Study, JBA Consulting, December 2010

⁴ Nottingham Road, Southwell – Flood Risk Assessment (Revision C), BSP Consulting, December 2013

NCC issued a letter to NSDC in January 2014 and the key observations were:

- Major flooding occurred in July 2013 and this event was considered in the FRA, however the rarity of the event and mechanisms of flooding were not explored in sufficient detail,
- Flood flows on Nottingham Road pose a significant hazard to the Site and the wider community and a suitably sized swale at the access point to Nottingham Road may help alleviate this issue,
- A footbridge at the upstream of the Site was replaced by NCC in 2011 and this should be replicated in the FRA,
- The FRA does not use the best available topographical information and the site topographic information (from a survey) should be used instead of LiDAR,
- The depression on Site is shown to be filled as part of the proposed development and this depression could be incorporated into the layout,
- Reasonably available information from the 2007 and 2013 events should be included in the FRA,
- Details of the 'SUDS Train' concept should be included in the FRA, covering technical details, adoption and maintenance arrangements for the storage pond,
- There were concerns that the storage pond would encroach into the 5 m easement along Potwell Dyke,
- Maintenance of Potwell Dyke rests with landowners as Riparian Owners,
- The Executive Summary should better reflect the nature of the flood risk constraints to the site.

In the letter from NCC, specific technical comments in relation to the FRA and the site-specific hydraulic modelling were:

- The condition of Potwell Dyke should be reassessed in light of the flooding in July 2013,
- Evidence was available to inform the FRA in the form of a rainfall analysis for the event, undertaken by the Environment Agency for NCC,
- Further confidence was required in relation to blockages in the watercourse both up and downstream of the Site,
- Surface flood maps had been superseded by the updated Flood Map for Surface Water,
- The critical storm duration Flood Modelling Report was noted as 5.5 hours, however the duration of the rainfall on the July 2013 event was significantly shorter,
- It was not clear how climate change had been taken into account in the Flood Modelling Report, as the National Planning Policy Framework recommends a 20% increase in flows and a 30% increase in rainfall intensity.

In response to the comments made by NCC, a FRA Addendum was produced by BSP Consulting⁵ and this FRA Addendum included in the following appendices:

- Nottinghamshire County Council comments,
- A response to the Nottinghamshire County Council comments, including a Note to File from JBA Consulting (dated 27th March 2014),
- Three further Notes to File from JBA Consulting (dated 29th May 2014, 7th July 2014 and 29th July 2014),
- A drawing showing a revised Drainage Strategy,
- A drawing showing Proposed Levels and Flood Flow Routes.

⁵ Nottingham Road, Southwell – Flood Risk Assessment Addendum, BSP Consulting, October 2014

The FRA Addendum addressed the comments by NCC and concluded that:

- A hydraulic model for combined flooding sources from Potwell Dyke and rainfall was developed to better represent flooding sources and mechanisms from the July 2013 event,
- The hydraulic model was used to test the impact of the development (using proposed levels), to ensure the development would not adversely increase flood risk,
- Efforts were made to improve the hydraulic model to represent extents from July 2013, testing the Environment Agency's observed storm duration, applying blockages to structures and these showed negligible impact on extents compared against the 200 year design event,
- It was agreed at a meeting on 2nd April 2014⁶ that further scenarios would be tested to support the development of the Site and further work included:
 - Assessing the sensitivity of the model to a number of variables to increase confidence and to ensure that key assumptions were fit for purpose,
 - Providing more space for water and reducing flood risk at Nottingham Road bridge, by simulating a two-staged channel in the model. However it was concluded that a two-stage channel would not provide any benefit in terms of flood risk,
 - Simulating the collapse at Halloughton Road bridge, which showed a negative impact, with increased flood levels and depths in the vicinity of Halloughton Road compared to the design event. Resultant water levels in the channel downstream were lowered,
- Other factors such as groundwater flooding, debris dams and small drains and their structures being blocked were not taken into account in the modelling,
- The proposed development would mitigate groundwater flooding, not increase/decrease the risk of blockage to small drains and reduce surface water flood risk,
- The surface water drainage strategy would attenuate flows from the site and would help alleviate flood flows and depths on Nottingham Road,
- The proposed development site would have a negligible or no effect on flood risk.

Overview of the Southwell Flood Study

AECOM (formerly URS) were appointed by NCC to undertake the Southwell Flood Study which included the development of a catchment-wide model of the Potwell Dyke and Halam Hill catchments draining from south west to north east, discharging to the River Greet. Shortly after flowing into the urban area of Southwell, Potwell Dyke flows past the Site, with the Site situated close to the right bank.

The main aims of the Southwell Flood Study were to develop a bespoke baseline catchment-wide hydraulic model of the watercourse draining through Southwell, representing flow within the main channels and contributing overland flows from intervening catchments. As part of the catchment-wide hydraulic modelling, a direct rainfall approach for applying inflows was adapted, as design flows created using typical industry standard techniques were shown to underestimate flows on the main watercourses and this was indeed a key finding of the hydraulic modelling undertaken as part of the FRA³.

Upon development of a baseline catchment-wide hydraulic model, the hydraulic model was verified using data provided for the 23rd July 2013 event and there was general agreement by all stakeholders that the hydraulic model was reasonably replicating known flooding for the event. On this basis a suite of standard return period design flows were routed through the catchment-wide hydraulic model.

Following optioneering phases, including a series of engagement events (with NCC and the Southwell Flood Forum), potential flood risk management options for further consideration were determined. The identified options were represented in the catchment-wide hydraulic model and the potential benefits

⁶ Attendees – Miller Homes, BSP Consulting, JBA Consulting, Newark and Sherwood District Council, Nottinghamshire County Council and Environment Agency

were carried forward into a cost-benefit analysis, allowing preferred flood mitigation options to be identified.

A draft of the Southwell Flood Study was issued to NCC on 20th February 2015 and this is currently being reviewed, prior to finalisation.

Appropriateness of including Nottingham Road site in Southwell Flood Study Hydraulic Model

It should be noted that the hydraulic model developed on behalf of NCC as part of the Southwell Flood Study is a catchment-wide hydraulic model and had the primary purpose of establishing the existing (baseline) flood risk in Southwell and enabling the identification of potential flood risk management options for further assessment.

The Site falls within the coverage of the catchment-wide hydraulic model developed on behalf of NCC and whilst it may be possible to attempt to represent the proposed development within the catchment-wide hydraulic model, we consider that the level of detail contained within the site-specific hydraulic modelling undertaken to support the planning application for the Site is naturally greater than that developed as part of the catchment-wide study for NCC, due to the site-specific nature of the assessment. Due to the larger coverage area of the catchment-wide hydraulic model, the floodplain representation within the Southwell Flood Study hydraulic model is based on a 5 m grid, meaning that each grid square has a coverage of 25 m², whereas the site-specific hydraulic modelling undertaken on behalf of BSP Consulting has a 4 m grid size, meaning that each grid square has a coverage of 16 m².

This is not to say that the catchment-wide hydraulic model developed on behalf of NCC is not suitable for informing potential future planning decisions in Southwell, rather that the level of detail contained within the catchment-wide hydraulic model should be reviewed, especially when considering it against site-specific assessments. However, in this instance the level of detail contained within the site-specific hydraulic modeling (on which the FRA and FRA Addendum are based) is more detailed than that contained within the catchment-wide hydraulic modelling, with site-specific information included such as detailed representation of the site pre and post-development and site drainage features (swales and pond).

Summary of the outputs from the Southwell Flood Study Hydraulic Model

Notwithstanding the comments made above in relation to the appropriateness of assessing the proposed Site within the catchment-wide hydraulic model developed as part of the Southwell Flood Study, a review of the outputs from the Southwell Flood Study baseline hydraulic model in relation to the Site proposals show that during a 1 in 100 year plus climate change event that:

- There are limited areas of flooding on the Site, with flood depths typically less than 0.1 m,
- Floodwater on the Site typically flows from Nottingham Road to the south and this is due to flow in Potwell Dyke being impounded by the Nottingham Road bridge, rather than floodwater flowing directly onto the Site from Potwell Dyke,
- No flooding is shown in the area of the proposed attenuation pond, meaning that the pond is unlikely to fill with floodwater from other sources and could therefore be usable for the management of surface water generated by the Site,
- Flood depths on Nottingham Road are in excess of 1.0 m to the east of the main site access, with depths adjacent to the main site access less than 1.0 m deep,
- It should be noted that highway drainage is not included in the hydraulic modelling and neither are the proposed surface water management proposals (swales and pond) and therefore these depths are likely to be conservative.



It has been assumed that as the application has now been approved in relation to flood risk, by NCC as LLFA on behalf of NSDC that there are no technical issues in relation to the application.

If you have any queries regarding the above please do not hesitate to contact me using the details below.

Yours sincerely

for **AECOM**

Kind regards,

Andrew Woodliffe BSc (Hons), MSc, MCIWEM, C.WEM, CSci

Associate Director

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Appendix A – Detailed Layout Plan



Code	Name	Area (sq.m)	Area (sq.ft)	No. Units
Site Area	Open Market	2	371	5,086
	Shared Ownership	3	524	3,624
	Rented	4	698	5,072
	Ecological Corridor	5	853	5,706
	Total		27,122	24
Site Area	Ecological Corridor	1	530	3,120
	Ecological Corridor	1	1,620	4,216
Site Area (Total)				35,322
Site Area (Total)				35,322

Code	Name	Area (sq.m)	Area (sq.ft)	No. Units
PL	1.8m wide hard surfaced footpaths	0.5	70	
FP	Extent of Flood Plain	0.5	70	
DE	6m Drainage Easement	0.5	70	
EC	Ecological corridor along Potwell Dyke	0.5	70	
FW	Retained route of existing footpath Link	0.5	70	
BR	1.8m brick wall	0.5	70	
TF	1.8m timber fence	0.5	70	
RL	1.8m railings	0.5	70	
GA	Garden access door/gate (n/s)	0.5	70	
Other Areas				14,441
Other Areas				14,441



Additional Planning Policy Comments

Application Ref: 13/00689/FULM

Site Address: Land at Nottingham Road, Southwell, Nottinghamshire

Proposal: Erection of 40 dwellings with associated Infrastructure and amenity open space.

Context

I have previously provided comments on the application's compliance, or otherwise, with the development plan. My most recent comments dated 1st October 2014 set out that my principal issues of concern were focussed on the matters of flood risk, surface water management and the design, density and layout of proposed development (including with regard to the Southwell Protected Views designation). It was acknowledged that a range of amendments had been made to resolve these matters and subject to them being addressed to your satisfaction I provided support for the proposal.

Southwell Neighbourhood Plan

The Draft Southwell Neighbourhood Plan (NP) has now been published for consultation and as set out in Paragraph 216 of the NPPF decision makers may give weight within decision making to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Accordingly whilst the Draft NP has been published I would highlight that it remains at a relatively early stage in its development and that the publication represents the first time that detailed policies have been available to view to the general public and interested parties. So whilst the broad themes and ideas have been known for some time there has not been the opportunity to study the detailed wording and implications. As a result the extent to which there are unresolved objections to relevant policies is not known. In addition the degree of consistency with the NPPF and the strategic elements of the District's development plan are also important factors, and whilst many elements of the draft Plan are compliant it is clear that a number as currently drafted are not consistent.

Given the above and that the Draft NP will need to be subject to amendment to bring it into consistency with national planning policy and the strategic aspects of the development plan my view is that it is only possible to attach limited weight to the emerging plan within the decision making process. However where the Draft Plan has had regard to national policy and is in general conformity with strategic aspects of the development plan then I consider it appropriate to take account of the 'spirit' of what the Draft NP is seeking to achieve.

I note that the Town Council have now provided clarification over their position on the application, which is that the application should be deferred until the following issues have been comprehensively dealt with:

- Flood risk and the failure to use the flood model from the Southwell Flood Alleviation work;

- Flooding problems for the site and surrounding properties;
- Design and layout of development;
- Conservation issues;
- Increased impact on the Dumbles and the reduction in its land; and
- Impact on existing residents properties.

Given that the Town Council is the constituted body responsible for the preparation of the NP one can only conclude that in all other respects they are satisfied that the proposal is acceptable and meets the requirements of the emerging NP. My additional comments are therefore focused on addressing these outstanding points and their relationship to the Draft NP.

Assessment

Flood Risk

Clearly the Town Councils first two points are interrelated and concern how flood risk is being addressed as part of the proposal with Policies E1 and E2 of the Draft NP being relevant here.

Policy E1 'Flood Risk Assessments and Mitigation' sets out that planning applications should take account of the most appropriate hydraulic models, flood risk assessments and strategic flood mitigation plans for Southwell. The policy is considered to have had regard to national policy and in general conformity with strategic aspects of the development plan.

Policy E2 'Flood Resilient Design' attempts to provide a detailed approach which requires the minimisation of flood risk on and off site and the meeting of objectives from any flood mitigation strategy through the design of development. Whilst the policy has for the most part given regard to national policy and guidance and is in broad general conformity with strategic policies in the development plan the requirement for a minimum 8m buffer strip in all circumstances is not proportionate.

I note that following my previous observations further comments have now been provided by the County Council in their role as Lead Local Flood Risk Authority (LLFRA) with regard having been given to the URS baseline model and the work carried out by the applicant. Critically the response sets out that; the information provided appears to draw on all information available and that the applicant has undertaken modelling of the watercourse and estimated flows, the site has some SUDS features with no further enhancement being required and that development of the site will address maintenance of the watercourse. Significantly the LLFRA also concludes that the nature of flood risk to the site has been addressed.

In addition the body also makes a range of technical observations setting out that; the rainfall management of the site is to an appropriate standard, the magnitude of July 2013 event was very rare in approaching a 1000 year return period, redevelopment of the site will intercept rainfall and alter flow rates managing the risk from surface water, the critical storm durations are appropriate having been tested by URS and that the revised drainage design and flood risk assessment has taken potential climate change effects into account.

Furthermore as I understand matters the applicant has now requested that the site be run through URS model with the results of this being awaited. Subject to the outcome of the additional modelling it would appear that the LLFRA are satisfied that the applicant's flood risk assessment provides an appropriate level of evidence on flood risk and surface water management, and that the measures intended to manage flood

risk on and off site are appropriate. This being the case the proposal would satisfy the aims and objectives of Policies E1 and E2.

Design and Layout of Development and Conservation Issues

Given the location of the site within the Conservation Area and Southwell Protected Views designation I would consider the objections raised by the Town Council on design, layout and heritage impact to also be interrelated.

Sitting alongside the Draft NP is the 'Southwell Design Guide' (Appendix 1) and a number of the emerging design / heritage policies cross refer to this document. As presently written the appropriateness of this guidance is queried particularly in respect of the level of prescriptiveness. Accordingly I would question whether it has given sufficient regard to national policy and guidance and whether it is in general conformity with the strategic policies of the development plan.

Policy DH1 'Sense of Place' requires proposals to demonstrate how the unique characteristics of the site and its surroundings have been addressed as part of the design process. In this respect I consider that the adopted site allocation policy (So/Ho/3) identifies the relevant site specific characteristics, namely:

- Gateway location;
- Position within the Southwell Protected Views designation;
- Conservation Area location;
- Presence of grassland subject to SINC status;
- The Rights of Ways crossing the site;
- Potential for archaeology;
- Addressing of flood risk and positive surface water management (addressed previously); and
- Provision appropriately designed access arrangements.

Accordingly subject to the satisfactory addressing of these points the application would satisfy the thrust of Policy DH1.

Policy DH2 'Public Realm' carries the requirement that proposals will be expected to demonstrate how they will contribute to a high quality public realm with this being defined as 'the space between buildings'. As residential scheme in excess of 20 units the policy details provision must be made for new public squares, parks or spaces. As currently written this requirement is not viewed as having had regard to national policy and guidance or as being in general conformity with strategic elements of the development plan. However the thrust of the policy is that appropriate levels of integrated open space and an attractive public realm should be delivered as part of new development. The design and layout has been subject to significant revision within the application process. Therefore should you be satisfied that the proposal meets relevant development plan requirements over open space, design and layout then I consider that the proposal accords with the spirit of DH2.

Underpinning *DH3 'Design for Flats and Apartments'* is the desire for flats and apartments to be designed so as to sit comfortably within the town. The scheme includes some 1 bedroom units all of which feature active frontages and do not appear to be single aspect. In addition the Draft Plan details that where blocks are significant in scale they should be disaggregated. I don't however consider that the scheme incorporates any blocks of such scale.

Policy DH4 'Landscape Boundary and Blue Infrastructure' seeks to; where viable and acceptable in design terms, integrate sites with their surrounding context through the imposition of an '8m planted boundary'.

Whilst the policy has not had regard to national policy and guidance and is not in general conformity with strategic policies in the development plan, the intent is to ensure that sites can be successfully integrated with their surroundings. There is a degree of overlap here with the adopted site allocation policy, So/Ho/3, which requires appropriate design, density and layout addressing the sites gateway location managing the transition into the main built up area, and to assimilate the site through the retention and enhancement of the sites existing landscape screening. I have previously raised concerns over the level of detail provided on the proposed landscaping measures and I note that 'strategic planting proposals' have subsequently been provided by the applicant. Accordingly should you consider that the submitted information addresses the requirements of Policy So/Ho/3 then in my view the broad objectives of DH4 will have been satisfied.

Policy DH5 'Historic Environment' has been assessed as having had regard to national policy and as being in general conformity with strategic policies in the development plan. Within the Conservation Area the policy seeks the demonstration that the design of a proposal is appropriate in terms of its scale, mass, materials and design. Clearly relevant development plan policy and the site specific requirements of Policy So/Ho/3 also require such demonstration. I have previously provided comments on this element of the proposal and so should you be satisfied that the scheme is acceptable in terms of its impact on the Conservation Area then the aims of DH5 will have been delivered.

Policy DH6 'Protected Views and the Setting of Southwell' has not had regard to national policy and guidance and is out of general conformity with strategic policies of the development plan. Policy So/PV provides the basis for the assessment of this aspect of the proposal and I would refer you back to my previous comments on this matter.

The first part of *Policy DH7 'Design for Utilities'* is probably in general conformity with strategic policies of the development plan, and so the issue would in my view come down to whether site specific characteristics or the nature of the proposal mean that utility details could not be addressed through an appropriately worded condition. Where this does not apply then the intent of DH7 could be met through this approach. The second part of the draft policy concerning satellite dishes etc. has not had regard to national policy and guidance and is not in general conformity with strategic policies in the development plan.

Whether *Policy TA1 'Cycle and Pedestrian Routes'* is in general conformity is questioned. However the intent is that development should enhance existing and contribute to the creation of new pedestrian and cycle networks. There is overlap here with the requirements of the site allocation policy So/Ho/3, Spatial Policy 7 and Policy DM5 and I note that the application provides for the retention and enhancement of existing PROWs and pedestrian and cycle routes. Accordingly should you be satisfied that the requirements of the development plan have been met then the spirit of TA1 will have been accorded with.

The details of *Policy TA2 'Public Transport Connectivity'* are likely to need to be amended for it to be in general conformity. However the objective of the draft policy is that new development should be located to take advantage of and contribute towards the enhancement of public transport networks. Again there is a certain degree of mirroring of Spatial Policy 7 and Policy DM5 here. Therefore if you are satisfied that the scheme meets national policy and development plan requirements then the intent of TA2 will have been addressed.

Policy TA4 'Parking Standards' sets out draft requirements over parking provision as part of new development which the applicant considers their scheme exceeds.

Policy HE3 'Open Space in New Developments' details the Draft NP's approach to open space provision highlighting that an open space/play area should form the focus point of allocated sites unless it can be demonstrated that this would cause the development to be unviable or unacceptable in design terms. The need to address flood risk and surface water issues as part of the scheme are key design considerations which have resulted in several revisions to the scheme and led to the current extent and location of the drainage easement and balancing pond features. In addition as I understand it the proposal is to make a contribution towards off site provision for children and young people. Accordingly the scheme would appear to address the spirit of HE3.

Impact on existing residents

I've taken 'impact on existing residents' to include highways impact with *Policy TA3* covering this issue in the Draft NP. The first part of the policy which seeks to provide for the mitigation of negative impact on the highways network from new development is in conformity. However the Draft NP goes on to identify the Westgate/Halloughton Road and Nottingham Road/Halloughton Road junctions as requiring improvements to improve flows and allow for greater pedestrian priority with contributions being sought from allocated sites. Whether sufficient regard has been had to national policy and guidance and if this is in general conformity with strategic policies in the development plan is questionable. Clearly the impact on these junctions from development at So/Ho/3 would need to be demonstrably linked in order for such contributions to be sought.

The adopted site allocation policy carries requirements over the access arrangements for the site, whilst Spatial Policy 7 provides the basis for assessing and addressing the highway impact from new development. In addition the Transport Assessment and input from the Highways Authority will indicate whether contributions towards the upgrading of the junctions mentioned in the Draft NP is necessary. It is therefore the assessment of the proposal against relevant national policy and development plan policy which provides the basis for meeting the broad thrust of TA3.

The Draft NP does not appear to include any content over neighbour amenity, so should you be satisfied that the scheme is able to satisfy relevant development plan policy on this matter then the Town Councils concern can be considered to have been taken account of.

Impact on the Dumbles and reduction in its land

I'm unclear on the relevance of this objection as the site has been allocated for development and is located within the Urban Boundary. In addition given that the Draft NP includes its own site specific policy for the allocation the Town Council clearly anticipates that development will take place.

Policy SS3 Land at Nottingham Road

Policy SS3 closely mirrors the requirements of the adopted site allocation policy So/Ho/3 and it is clear that some of the additional detail may need to be amended for sufficient to bring it into line with national policy and guidance and for it to be in general conformity with strategic policies of the development plan. Accordingly should you be satisfied that the proposal satisfies Policy So/Ho/3 then I would consider that the broad objectives of Policy SS3 to have been addressed.

Conclusion

The Draft NP remains at a relatively early stage in its preparation and the extent of unresolved objections are not yet known. Furthermore in significant areas it is questionable whether sufficient regard has been

given to national policy and guidance or if the emerging plan is in general conformity with strategic policies of the development plan. Accordingly the emerging plan can in my view be given only limited weight within the decision making process at the present time. My comments have however taken account of the current position of the Town Council on the application and where the Draft NP has had regard to national policy and guidance and is in general conformity with strategic policy then I have given consideration to the 'spirit' of the emerging plan. In my opinion the proposal is consistent with many of the aims and objectives of the emerging NP. Therefore subject to the outstanding issues highlighted in my previous comments being addressed to your satisfaction I continue to provide support for the proposal.

Signature: Matthew Tubb

Designation: Planner (Policy)

Date: 11th March 2015

Application No:	14/01797/FULM	
Proposal:	Demolition of existing building and erection of a pub/restaurant on land at the A6075/A616/A614 roundabout in Ollerton	
Location:	Land At A6075/A616/A614 Roundabout, Worksop Road, Ollerton Nottinghamshire	
Applicant:	Marstons Inns and Taverns and Wildgoose Construction Ltd	
Registered:	28 October 2014	Target Date: 23 January 2015
	An extension of time is currently being negotiated with the applicants.	

This application is presented to the Planning Committee for determination in line with the Council's Constitution as the Council has an interest in the development in that it currently owns part of the application site (the building).

The Site

The application site is approximately 7084 sq. m in area and is generally flat. The application site comprises an existing detached single storey brick and tile building that is currently vacant. It was previously used as a Tourist Information Centre (TIC) prior to the TIC being relocated. The building is located adjacent to the roundabout at the junction of the A616, A6075, A616 and the A614 in Ollerton.

A large car park is located to the northwest of the building that provides visitor parking to Sherwood Heath Country Park. A McDonalds Restaurant, a fish and chip restaurant, a cafe and 2no. petrol stations are also sited close to the roundabout.

The application site is located in the Open Countryside and within Flood Zone. A small part of the south-eastern part of the site just clips Flood Zone 3.

The site is in close proximity to Birklands and Bilhaugh Special Area of Conservation (SAC) a European designated site and is also notified at a national level as Birklands and Bilhaugh Site of Special Scientific Interest (SSSI). The site is adjacent to part of the Birklands West and Ollerton Corner Site, internationally designated as a Site of Special Scientific Interest (SSSI). This application is in close proximity to Birklands West and Ollerton Corner, a nationally designated Site of Special Scientific Interest (SSSI). Sherwood Heath Local Wildlife Site lies adjacent to the site, within which there are various permissive (not definitive) footpaths and bridleways.

Relevant Planning History

72860236 - Erect tourist information centre, public toilets, AA office. Form car park & access. Approved 29th April 1986.

72860071 - Erect tourist information centre & public toilets, form car park & new access.
Approved 11th March 1986.

02/02060/FULR3 - Proposed extension and alterations to the centre. Approved 6th November 2002.

13/00735/FUL - Change of use and alterations to Tourist Information Centre to form café (Use Class A3) Approved 9th August 2013.

The Proposal

The proposed development comprises a new two storey building. This would comprise a public house and restaurant facility at ground floor level with a footprint of approximately 588sq.m and staff accommodation at first floor level. The new facility will provide for approximately 150 covers. The site will be accessed via the access road to the west of the site which adjoins Hyndburn Road. Externally, plans include an outdoor terraced seating area and play area. 69 parking spaces will be provided together with cycle storage.

The proposal adopts a traditional design with changes to the building materials to break up its scale and massing. The design incorporates varying ridge heights and has the appearance of a two storey unit. Internally, it is essentially a single storey building with the upper floor area providing accommodation for the manager, together with staff changing facilities.

Amendments have been forthcoming throughout the life of the application. These include moving the building just short of 2m towards the south-west to take account of the proposed road widening plans of the County Council, revisions to the number of car parking spaces, revisions to the proposed lighting scheme, landscaping scheme and clarification on drainage, parking, rights of way and highway matters.

The application has been accompanied by a range of supporting documents as follows: -

- Design and Access Statement
- Flood Risk Assessment
- Geo-Environmental Site Assessment
- Masterplan
- Planning Statement
- Site sections
- Topographical Survey
- Transport Statement
- Utilities Assessment
- Site survey/topographical survey (showing land levels)
- Block Plan/layout Plan (showing finished floor levels)
- Site location Plan (edged in red and blue)
- Elevation and Floor Plans (Existing and Proposed)
- Tree Survey and;
- Ecology Survey, Bat Survey and Risk Assessment of Nightjar and Woodlark
- Materials Schedule and samples.

The applicants have not provided precise details of opening hours but they advise that typically the request 07.00 to 00.30 Sunday to Thursday and 07.00 to 01.30 Friday to Saturday in order to provide them with

flexibility although they comment that it is not to say that these are the hours the public house would be trading regularly.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile`
- Core Policy 7 – Tourism Development
- Core Policy 9 -Sustainable Design
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

- Policy DM5 – Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM8 - Development in the Open Countryside

Other Material Planning Considerations

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

Consultations

Ollerton and Boughton Parish Council – Made the following comments on 26/11/2014:

Members considered the above application at the meeting of the Planning Committee held on Tuesday 25th November 2014.

Whilst members agreed to support the application in principle, they wish the following conditions and observations to be considered:

Ollerton Roundabout – Highways issues

Members were concerned that if this development were to go ahead it may jeopardise any future plans for the improvement of Ollerton Roundabout.

Members have requested that serious consideration should be given to the possibility of the necessary land required to implement such improvements being gifted to Notts County Council Highways prior to the sale of the site by NSDC to the applicant. This would then ensure that future plans would be safeguarded.

Members were also aware of potential problems with access and egress onto the busy A616 road and hope that this is taken into consideration regarding visibility splays etc.

Wildlife

As the site adjoins an SSSI site steps should be taken to protect wildlife and protected plant species.

Parking

As the development of this site will result in the loss of a well-used public car park it has been suggested that spaces numbered 49-65 could be designated for public use during certain times e.g. 8am to 4pm?

We hope that these points will be considered when a decision is made, particularly as these comments have been made following a public meeting which was attended by local residents who had, in this Council's opinion, valid reasons for concern."

Nottinghamshire County Council (Highways Authority) – 13/03/2015 Comments as follows:

"The County Council has been trying to ensure that the proposed Public House application dovetails as far as practically possible with the future proposals for upgrading the existing A614/A616/A6075 Ollerton roundabout so as to avoid any prejudicial impact and avoid the need for future land acquisition and potential CPO. The County Council is formally promoting and safeguarding land from otherwise prejudicial development for an enlargement of the existing junction to form a 5 arm conventional roundabout. The roundabout improvement scheme does not feature in a firm programme for construction at this time. Plans of the safeguarded highway scheme have been shared with the applicant and the applicant has modified his design to allow as far as possible for the future highway proposals.

However the current planning application includes 2 number spaces closest to the roundabout which would be directly impacted upon by the proposed junction improvement scheme i.e. if constructed in accordance with the preliminary scheme design. It is likely at the detailed design stage that the scheme could be re-engineered such that a direct impact on these parking spaces could be avoided. As a worst case it would be necessary for the highway authority to relocate these as part of the future highway scheme proposals.

As part of the future highway scheme the access junction to the PH would need to be re-aligned and the entrance regraded as it is proposed to realign a length of the A616 Worksop Road. This would as currently proposed by the applicant involve a direct impact on 6 car parking spaces

immediately adjacent to the PH access. It had been hoped that the internal layout of the PH could have been laid out with the future access arrangement in mind such that there would be no direct impact and no need to either re-site these spaces or lose them altogether. It would not be possible to undertake the access road realignment works without a direct impact on these parking spaces. It is regrettable that the internal layout of the proposed PH cannot be reconfigured at this time to relocate these 6 parking spaces to avoid the future impact altogether.

On balance I have considered the significance of these issues in respect of their likely impact on the future delivery of the Council's Ollerton roundabout improvement scheme. I consider that whilst the application for a PH if approved and constructed in accordance with the submitted plans could make the delivery of the highway improvement more problematic than it could otherwise have been, it is not likely to prejudice the delivery of the highway improvement scheme. I would not therefore wish to raise any objection on strategic highway grounds.

It has been confirmed, by email from Newark and Sherwood DC dated 5/03/15, that the purchasers have provisionally agreed, through the current land owners (Thoresby Estates), that they will not object to the road widening scheme as proposed and that the land required will be transferred for the currently proposed scheme free of charge. It would be helpful if this provisional agreement could be formalised. It is also noted that if, in future, the design changed and additional land was required they reserve the right to exercise their rights under the CPO legislation in respect of the extra land. This can be discussed in more detail when the plans for the proposed roundabout improvement scheme are being finalised for implementation.

The proposed realignment of the A616 along the application site's frontage would directly impact on any landscaping proposed as part of the PH application and any such planting cannot be relied upon in the longer term. The County Council would include revised landscaping proposals within the highway verges and on the embankments of the proposed highway scheme in due course..."

Two conditions and a note to applicant have been recommended by the applicant which are shown within the recommendation section of this report.

Environment Agency – No objection subject to imposition of conditions around;

Implementation in accordance with the approved Flood Risk Assessment report and its recommended mitigation measures. (Document SHF.1014.007.HY.R.001). - Internal finished floor levels shall be set no lower than 43.30m Above Ordnance Datum (AOD).

Submission, approval and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with current industry standards;
- Limit the discharge rate generated by all rainfall events such that it does not increase the risk of flooding off-site.
- Demonstrate the provisions of surface water run-off attenuation storage;
- Demonstrate detailed design in support of any surface water drainage scheme;
- Demonstrates how system will be managed/maintained and who would be responsible for such management etc.

Submission, approval and implementation of a scheme to ensure adequate provision of compensatory flood storage.

The conditions requested are shown as conditions 3 and 4 (copied verbatim) of the recommendation below. An informative/note to applicant (see note 01 in recommendation) is also proposed. It should also be noted that one of the conditions as requested by the EA has subsequently been addressed and the EA have confirmed that the surface water drainage scheme is acceptable therefore the condition (no. 4) has been amended with the EA's agreement to reflect this.

26.01.2015 – No further comments to add.

Natural England – Initially objected to the scheme on 18/11/2014 and 13/02/15. Their objection was in relation to the Nationally designated sites specifically regarding;

- 1) Impacts upon the bridleway
- 2) Landscaping plan
- 3) Visitor pressure/access to the SSSI
- 4) Foul drainage arrangement

Following the submission of additional information, NE lifted their objection. Their comments received on 12/03/2015 are as follows:

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

No objection – with conditions

This application is in close proximity to Birklands West and Ollerton Corner Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

The applicant has submitted further information, letter dated 26.02.15, which Natural England is satisfied addresses the concerns we previously raised, however we recommend the following mitigation measures are secured through the use of appropriate conditions:

Conditions

1. Proposed bridleway – The information provided confirms that the proposed route will be a Public Right of Way and will not constitute a formal bridleway. The access route will provide a link from an existing footpath that comes to an end at the car park, around the boundary of the pub, connecting to the public highway at the Ollerton Corner roundabout. The proposed grass path is anticipated to be of low level usage. Natural England request that the permissive access route is limited to pedestrian use only and not designated as a bridleway and we recommend this is secured through a condition of the planning permission.
2. Landscaping plan - Natural England recommends the submission of detailed landscaping scheme and management plan should be secured through the use of a suitable planning condition. The

landscaping scheme should include only locally native species and non-invasive non-natives plants in the development area.

3. Visitor pressure/access to the SSSI – We understand a number of car parking spaces have been allocated for tourist use, comparable to the existing car parking provision, to enable pedestrian access to the Local Nature Reserve. Natural England welcomes the financial contribution the applicant is proposing to make which would be used for improvements to biodiversity. The Sherwood Forest Trust help to manage the LNR/SSSI and therefore we think there is a good opportunity for the pub to work constructively with other local stakeholders to raise awareness of the nature conservation value of the area and promote the aims and work that is taking place by local organisations and their volunteers. In particular we welcome the intention to review the signage in the locality with the potential for either educational information on the subject of relevant bird species (i.e. Wood Lark and Nightjar) or advisory information including the potential to keep dogs on leads. Interpretation boards providing information on wildlife can be a valuable source of information that help to educate and encourage responsible behaviour by visitors which can help to minimise impacts on the sensitive ecological features of the designated site.

4. Foul drainage arrangements – the applicant has confirmed that a phosphate dosing system can be used within the Klargester sewage treatment plant to control the phosphate levels in the water that discharges to the soakaways, which will reduce the phosphate levels to 2 mg/l. We recommend this is secured through an appropriate condition.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Birklands West and Ollerton Corner is notified. If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Withdrawal of objection

The withdrawal of Natural England's objection to this application does not necessarily mean that all natural environment issues have been adequately addressed, but that we are satisfied that the specific issues that we have raised in previous correspondence relating to this development has been met. Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, Local Site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority's landscape character assessment

where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

Other advice

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

Natural England's previous response highlighted the location of the proposed development in the Sherwood Forest area in close proximity to Birklands West and Ollerton Corner SSSI, which has been identified as an area of importance for breeding nightjar and woodlark (forming part of Natural England Indicative Core Area and RSPB Important Bird Area). In view of the possibility of a future Special Protection Area (SPA) classification in the Sherwood area we suggested your Authority may wish to adopt a risk based approach, as outlined in our Advice Note, in order to provide decision-making with a degree of future-proofing until there is more certainty on whether Sherwood Forest area is to be afforded pSPA or SPA status.

As part of the risk based approach we recommend proposals should be accompanied by sufficient objective information to allow an assessment to be undertaken of the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark populations. Where necessary the assessment should consider the use of appropriate avoidance and/or mitigation measures to reduce the likelihood of significant impacts to nightjar and woodlark and their habitats from occurring.

There is no evidence to suggest such an assessment of effects has been undertaken and Natural England therefore recommends that the following information may help to inform your assessment of likely effects and risk:

Natural England is of the opinion that the proposal to develop a pub with increased visitor parking facilities in such close proximity to the identified habitats presents the potential for impacts associated with the built development, people and traffic. Based on evidence from other SPAs, where ground nesting birds are the interest feature, it is considered that 400 metres represents the zone of highest potential impact to the SPA from new development and represents an area where it is unlikely that the effects associated with the built development and increased recreational pressure could be successfully avoided or mitigated.

We have previously suggested a number of mitigation measures that could be incorporated which would help to minimise impacts on nightjar and woodlark and we note a number of positive measures have been included within the scheme. The use of appropriate measures and safeguards at this stage could help to ensure that if a SPA classification is formalised then any future need to review outstanding permissions under the 2010 Regulations is met with a robust set of measures in place. However in this case as the proposed development is within 400m of the habitats we continue to advise you, with regard to the reasons above, it is unlikely the potential effects could be fully avoided or mitigated.

Nottinghamshire Wildlife Trust – Initial comments (13/11/14) were as follows:

“We welcome that a preliminary ecological appraisal has been undertaken and are satisfied with the reports methodology, results and recommendations. However, we would like to make the following comments:

It was not addressed in the report that the proposed development lies within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's Important Bird Area boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. The site is situated adjacent to one of NE's core areas, Sherwood Heath Local Wildlife Site (part of Birklands west and Ollerton Corner Site of Special Scientific Interest – SSSI). Notwithstanding the issue of whether Newark & Sherwood District Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014. Potential risks relevant to this application include fragmentation and/or damage to breeding/feeding habitat and bird mortality due to road traffic. The adjacent heathland has had records of woodlark, nightjar and tree pipit. It is advised that Birklands Ringing Group are consulted for further records. Please contact Andy Lowe at Nottinghamshire Wildlife Trust for further information.

Further to this, the proposed development is adjacent to a SSSI. It is the responsibility of the local planning authority to consult Natural England before granting planning permission on any development that could affect a SSSI. As the proposed development is within the Impact Risk Zone of Birklands and Ollerton Corner SSSI, **Natural England will need to be consulted before a decision is determined.**

We welcome that an external lighting plan is available (Ref D24797/JM/A). However, from the plan it appears that the areas of lighting behind the proposed pub adjacent to the car park and around the playground area could cause light-spill onto the heathland. It is advised that during the summer months (1st April – 31st August) the lighting associated with the playground is not lit. It may not be necessary for there to be lighting around the playground during these months due to the shorter nights and increased hours of daylight. It is understandable that lighting is required for security reasons, however, we request that the light adjacent the western aspects of the car park are less intense, and are replaced with the same design of lights proposed around the playground. Light-spill could cause the adjacent heathland habitat to be less suitable for nightjars, moths, bats and glow worm (which have been recorded on the site).

We would also request that the 7m wide strip of heathland along the western edge of the development (which is part of Sherwood Heath LWS) is **retained**. Lowland heath is an internationally rare and threatened habitat and is identified as a priority habitat under the UK Biodiversity Action Plan (BAP) and Nottinghamshire LBAP. Britain supports 20% of the world's heathland but has seen a decline of 75% since the 1800s. Although it may be considered a small area of heathland on-site, it may still (have the potential to) support rare flora and fauna species.

We support the recommendations in Section 8 of the report. **We request that the following recommendations are set as conditions:**

- A reptile translocation as described in paragraph 8.3.2 of the ecological report. This would include exclusion fencing and reptiles to be moved off-site onto the adjacent heathland (with the landowner's permission).
- Vegetation and ground clearance works to take place between September – February, outside of the bird breeding season. If this is not possible a competent ecologist will be required to undertake a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and written confirmation provided that no birds will be harmed and/or

that there are appropriate measures in place to protect nesting bird interest. Any such written confirmation should be submitted to the local planning authority.

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

We also support the recommendations in Section 8 of the ecological report. Prior to determination, a suitably qualified ecologist should check the landscape plans to ensure that there are no species which could negatively impact the adjacent heathland. We would also like to see areas of bare sand/gravel and long life flowering plants within the landscape plan. Planted species should be native and of a local provenance. We request that a detailed planting methodology is submitted as well as a post-development management plan.

It is a requirement under the National Planning Policy Framework that developments should not cause a net-loss in biodiversity and should contribute to the enhancement of the natural environment. By following the above requests, this would fulfil these requirements. Further enhancements could include the installation of bird, bat and/or bug boxes.

To conclude, we wish to **object** to the proposal until a risk-based assessment regarding nightjar and woodlark has been undertaken and alterations have been made to the lighting plan. We also request that an ecologist is consulted on the landscape plan prior to determination.”

02/02/2015 – Revised comments received.

“We welcome the revised lighting and landscape plans, but wish to make the following comments:

- We are satisfied with the lighting plans and the reduction in light-spill onto the adjacent habitat. The opportunity for lights to be turned off during closing hours was discussed with the applicant and we hope this may still be considered; however, it is understood this may conflict with interests regarding security.
- We welcome the proposed native hedgerow, but agree with the comments by NCC Ecology (Nick Crouch, 30/01/15) that the species mix should be appropriate for the area. Further to this, it is noted that the proposed management description advises cutting/pruning the hedgerow in July and February. Although some species of bird will finish breeding in July, the bird breeding season is between 1st March to 31st August inclusive. Therefore, we would advise that the hedgerow is not cut during this time, and ideally only within January or February. However, it is appreciated that retention of berries and nuts for wintering birds has been considered.
- It is understood from previous discussions that the ornamental planting will be retained around the building, due to concerns with native shrub species being too large to plant in these areas.

Whilst we appreciate this, we wish for evidence that these species will not be invasive to the adjacent heathland (particularly cotoneaster) and would like to see native species planted elsewhere on the site, particularly in close proximity to the site boundaries adjacent the heathland. We welcome the proposed heathland bales and hope the applicant considers providing further compensatory measures to the adjacent SSSI, as previously discussed.”

11/02/2015 – Revised comments:

“Thank you for re-consulting NWT on the above-named planning application. I have reviewed the revised ‘Landscape Proposals’ plan (dated February 2015) and am pleased to see that my colleague’s earlier comments have now been addressed (refer to Amy Sneap’s email of the 2nd February 2015). We therefore have no further comments at this time.”

Nottinghamshire County Ecologist – Comments as follows (30/01/15):

“I note that both NWT and Natural England have already provided comments on this application. To avoid causing confusion, I will not replicate the matters that they have already raised (and with which I agree), although I would flag up that the current layout indicates that some 1000sq m or so of Sherwood Heath (designated as an LWS) would be lost; it is queried why the proposed layout cannot make better use of land within the existing development footprint, given that there appears to be plenty of space between the proposed building and the roundabout. I do also want to comment on the site layout and proposed landscaping, given the proximity of the development to the Sherwood Heath SSSI and LWS site:

- Proposals appear to require the loss of established trees on the western side of the access road. These trees are all native and appropriate to the area, and currently provide good screening between the road and the heathland to the west (e.g. limiting the impact of car headlights as vehicles swing into the site). I cannot find anything explaining why these trees need to be removed, and request that they are accommodated within the layout.
- Proposals include the retention of existing ornamental vegetation on the roundabout frontage (*Rosa* sp., from memory), and additional ornamental planting (including *Cornus*, *Mahonia*, *Cotoneaster*, *Physocarpus* and *Escallonia*). It is requested that the existing and proposed ornamental planting is replaced with a more locally appropriate native planting mix, perhaps including gorse, broom and heather, reflective of the heathland character of the local area and providing wildlife benefits. This would also help mitigate for the loss of some 1000 square metres of the LWS (as is currently proposed).
- A ‘native’ hedge is proposed along the western/southern side of the site. This includes several species which are not appropriate to this area (including hornbeam, which is a southern species), and also an ornamental form of holly, whilst hawthorn (normally the dominant species in a native hedgerow) is not included. Given that the hedge will abut the adjacent heathland site, it is very important that it is a genuine native hedge containing locally appropriate species. The following replacement mix (or similar) is therefore requested:
 - Hawthorn (*Crataegus monogyna*) – 70%
 - Hazel (*Corylus avellana*) – 10%
 - Field maple (*Acer campestre*) – 10%
 - Holly (*Ilex aquifolium*) – 5%
 - Dog rose (*Rosa canina*) – 5%

- It is requested that the small planting block next to the westernmost parking (5 separate bays) is altered to native species (e.g. Dogwood *Cornus sanguinea*), to remove all ornamental/non-native species from the western side of the site closest to the SSSI.
- The areas of 'turf' along the northern side of the carpark and adjacent to the roundabout should be seeded as an acid grassland (such as British Seed Houses/Germinal Seeds RE11 mix). Again, this will help mitigate for the loss of LWS. This would need to be established on low nutrient soils (i.e. not imported topsoil).
- Evidence should be supplied that none of the ornamental species proposed for planting around the building and carpark are invasive or likely to colonise the adjacent heathland site.

I would therefore welcome the submission of an amended landscaping plan that addresses these issues."

17/02/15 – "Following discussions with the applicant's landscape architect, my previous comments relating to the proposed landscaping scheme at the site have been addressed, largely to my satisfaction, on the revised landscaping plan.

I also highlighted the loss of 1000sq m (+) of the existing LWS, querying why the proposed layout could not make better use of land within the existing development footprint. Aside from suggesting that the provision of a beer garden in some way mitigates for this loss (point 3 in the agent's letter), this matter has not been addressed, although I understand that it is necessary to maintain a safeguarded area next to the roundabout to allow future highway upgrading. Confirmation that this is the case would be welcomed."

Following confirmation of this further comments made were:

18/02/15 – "I appreciate that the applicant has had to take on board the need to safeguard land for potential future works on the roundabout, and whilst the loss of a small area of the LWS is undesirable, it appears that the proposed layout has sought to minimise this within the constraints posed by the safeguarding. The use of heather brushing on the northern side of the carpark, as is proposed, will go some way to mitigating for the loss of the LWS."

Nottinghamshire Ramblers – Initially objected because the application removed part of the important path between Ollerton and Edwinstowe which was subject of a Right of Way Claim in 2013.

23/01/15 - The proposed amendment to the bridleway plan provides at acceptable termination to the bridleway and we wish to withdraw objections to the application.

NSDC (Communities Parks and Amenities) – 25/11/14

This development will have a significant impact upon the Council's Sherwood Heath Local Nature Reserve which forms part of the Birklands and Bilhaugh Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). I note that both Natural England and Nottinghamshire Wildlife Trust have objected to the application and I would echo some of their comments about the impact of the development on the SSSI. I also wish to register my own concerns as the manager responsible for Sherwood Heath.

1. The site layout proposes a new vehicle entrance onto Sherwood Heath which will involve the loss of existing trees and a more difficult, sloping access track. The layout plan does not show how the access will link with the existing vehicle access track through the Heath. I would thus suggest that the entrance should be kept in its existing position. If this is not possible then I would expect the developer to meet the costs of making the link with the existing route using a suitable surface and ensuring that it is ramped so as to be usable by wheelchairs and mobility scooters.
2. The scheme as proposed will result in only 5 dedicated spaces for users of Sherwood Heath. Given the popularity of the Heath at certain times of day and year this will be totally inadequate. Can assurances be sought from the developer that users of the Heath will be able to park in other car park spaces if all of the designated spaces are full without needing to patronise the pub?
3. The scheme will result in the loss of a small area of heathland/acid grassland to the west of the development where the car park extension and picnic area is being created. If this is not avoidable then compensatory measures should be required as a planning condition.
4. The development will result in increased recreational pressure on the Birklands and Bilhaugh SAC and the developer contributions policy of Suitable Alternative Natural Green Spaces thus applies and an appropriate SANGS contribution should be sought from the developer.
5. The development will result in the loss of over 30 trees and again the developer should be required to put compensatory measures in place.
6. A mature oak tree (T21) described as being in fair condition is scheduled to be felled to make way for the children's play area. I believe efforts should be made to retain this tree and incorporate it into the playscape.
7. I would question the justification for felling trees T22 to T42 and believe that where possible these should be retained. In particular T26 is a 9m high mature oak in fair condition and classed as category B in the arboriculture impact assessment. The justification for their removal is the widening of the access road and the creation of the parking spaces for the Heath. However I believe the road could be widened on its other side and the parking spaces and entrance moved elsewhere thus removing the need for the loss of these trees.
8. Any new planting around the development should respect its setting next to the nature reserve and use only native and appropriate species. In particular plants that may spread onto the heath should be avoided.

18/02/15 – In response to additional information submitted by the applicant revised comments as follows were received:

1. Vehicle Access Point. Whilst I accept that an appropriate gate will be provided the fact remains that beyond the gate there will be no vehicle access route on to the Heath as

currently exists. Unless this is provided by the developer we will have to pay for it ourselves and I don't see why we should have to!

2. Car parking. Its not accurate to suggest that they have provided 5 'additional' spaces. At the moment there are over 30 unrestricted spaces available for users of the Heath and the plans as drafted will result in a significant reduction in this. However I think I will have to leave this for you to decide upon.
3. Loss of heathland and SANGS payment. I still think its appropriate for the developer to make a specific SANGS payment but again I think I'll have to leave you to decide upon this. I should also point out that Notts Wildlife Trust is not particularly involved in the management of the site so any payment would be better made to the District Council as site owners/managers.

NSDC (Environmental Health) – Confirm that the ventilation and extraction equipment as detailed is acceptable. It is also noted that the site is not in a sensitive location. (i.e. not close to residential property).

NSDC Access and Equalities Officer – Comment that the development should ensure that access to and within the site and facilities are provided for all, with particular reference to disabled people. Particular reference is made to the provision of level access, appropriate car parking spaces in appropriate locations, avoiding obstructions to disabled users and incorporation of appropriate surfaces.

Particular reference is made to the level of disabled parking which should meet the minimum level of 1 space per disabled employee plus 6% of total capacity for visiting disabled drivers. It is requested that the number of spaces be increased to ensure this level is met.

Sherwood Forest Project - Object to the proposal on the grounds that they do not protect the existing multi-user route between Ollerton and Edwinstowe which was the subject of a right of way claim in 2013 by Nottinghamshire Ramblers. The NSDC DPD Ollerton & Boughton section states that the existing route will be protected.

There are also safety issues in that the bridleway will be visible across the car park by users who have crossed the A616 at the roundabout, whilst the proposed terminus on the A6075 will be hidden by the trees. As a result users will be tempted to cross the car park thus the development is not safe and inclusive as required in DM5 1 -.Access.

The Project would be prepared to support the application if a terminus much nearer the crossing point could be agreed. They comment that a solution would be;

- to extend the bridleway across the 3m wide grass strip between the trees and the A6075 as far as the proposed entrance path or;
- the path could be re-routed slightly from its current line up the side of the car park and then crossing the top end of the car park to the heath.

Whilst it has not been confirmed directly to the LPA, the applicant has forwarded emails from Sherwood Forest Project which appear to confirm that their objection has been resolved.

11 representations from local residents, neighbours and interested parties have received which are summarised as follows;

- The application will not help the employment situation in Ollerton creating low paid unskilled jobs. The area needs more skilled job opportunities;
- No net gain in jobs as proposal is likely to result in similar business closures elsewhere locally;
- Question why a normal Marstons family pub is even being considered a pub - is a repeat & image of many other Marstons outlets will do absolutely nothing to enhance this lovely area.
- It will create highway problems such as increased traffic at the roundabout;
- It will prevent any enlargement of the roundabout creating further congestion;
- Light pollution, general activity and noise on the site will interfere with the habitats of protected species on the adjacent SSSI which is a fragile natural environment;
- Existing access to the SSSI will be compromised;
- No need for this facility as there are similar establishments in the vicinity;
- It is more than 1 mile from most residents of Ollerton and area therefore not a convenient public amenity. It will only be used by people travelling through and be of little benefit to the local economy;
- There has historically been a Transport break restaurant on the adjacent corner between the A616 & 614 at present for sale. This site would be far superior as the trees would camouflage the stark predominance of the proposed build and the natural wildlife are used to its presence.
- Impact on the viability of other similar businesses, many of which appear to be struggling;
- Loss of trees and impact on wildlife;
- Impact on the wildlife and flora of this unique SSSI Heath land is impossible to predict;
- Notts Wildlife Trust say a rare bird survey should be undertaken and Natural England believe the development will damage & destroy. Hopefully these impartial bodies who exist to protect and preserve the environment, must carry some weight;
- This application will destroy heritage that has evolved over millennium;
- Development would change and therefore destroy the total character of this SSSI Site of Sherwood Heath It would impact on the area by dominate the whole of the corner and restricting general access to this open public amenity;
- Loss of existing public parking and other public amenities (toilets);
- Impact on the existing drainage and sewage;
- Impact on visual amenity;
- Extracted odours will impact on fresh air;
- Noise intrusion to adjacent dwellings;
- Impact on residential amenity, inadequate drainage/sewage and odours from cooking;
- This is an area of national importance and internationally famous.
- There are already abandoned listed buildings, derelict and boarded up properties in Ollerton.
- Concern that the designated parking for heath users would not work in practice. There is an established right to park and this should be done freely and without having to frequent the pub.
- The layout should be modified to retain trees and heathland
- Assurances should be sought to ensure this will not adversely affect plans to improve the roundabout or make it worse.
- Already enough pubs in the area to meet market requirements
- concerned that the requested licencing hours will result in increased anti-social behavior

Comments of Business Manager, Development

I consider the main issues to consider when determining this application relate to (1) the principle of development, (2) the impact on the character and appearance of the surrounding area (design, layout and amenity), (3) the impact on the highway network; transport infrastructure and public rights of way, (4) the impact on wildlife habitats and nature conservation issues (5) flood risk and drainage and (6) the impact on amenity of neighbouring uses. Each issue is discussed in detail below.

Principle of development

The application site is located outside the defined urban area in the open countryside where development is strictly controlled and subject to stringent criteria as are outlined in Policy DM8 of the Council's Allocations and Development Management DPD. In relation to 'Replacement of Non Residential Buildings' it states that:

"Where they (replacement buildings) are related to established uses or proposed uses enabled by other criteria of this policy, planning permission will be granted for the replacement of non-residential buildings. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve."

Whilst the conversion of existing buildings is encouraged by DM8, the replacement with a new building is not precluded. This is however subject to the existing building being of a permanent design and construction and of no architectural and or historical interest. In this case, the principle of the conversion of the building was established under application 13/00735/FUL which secured the change of use and alterations to Tourist Information Centre to form a cafe. However, whilst this was approved (9 August 2013), the site was not attractive to the market. This is a material consideration and in my view demonstrates that the redevelopment of the proposed facilities on the site is acceptable.

Policy DM8 also confirms that visitor based tourism development will be permitted in rural locations in order to meet identified need, where it will support local employment and community facilities. In that regard, it should be noted that the pub/restaurant will employ between 40-50 people and will therefore support local employment.

The existing building is of a permanent construction however it is considered to have no architectural / historic merit. The proposal would by its very nature serve the needs of tourists visiting this part of the district, in particular facilities such as the Sherwood Heath Country Park and other nearby attractions. Thus it is considered that the proposals are compliant with the provisions of Policy DM8.

Core Policy 7 (CP7) sets out that tourism and visitor based development will be supported provided that inter alia, development is sensitive to its surroundings, is acceptable in terms of scale, design and impact upon local character; promotes rural regeneration and enhances and compliments tourism attractions. It is acknowledged that the proposal is located outside of the defined settlement and some local parties have suggested that it would not be a convenient public amenity. However I consider that this replacement building could help boost the local economy and provide an increased offer for visitors, locals and tourists. Whilst not a tourist attraction in itself, I consider that such an establishment in this location that would appeal to visitors and could assist in stimulating tourism by adding to the offer in this location serving the Sherwood

Forest/Robin Hood tourist themes. Accordingly the proposed form of development meets the requirements of this policy.

In conclusion I consider that the proposed development is acceptable in principle when considered against the above policies.

Impact on the character and appearance of the surrounding area – (Design, layout and amenity)

The detailed design of the proposed building has evolved as originally, it had been the applicants' intention to replicate the footprint of the existing building on the site. However, as a result of comments around highway and flood risk, the fact that the original siting would have been within the flood plain, and also compromised a protected route of highway improvement schemes to the adjacent roundabout, the current siting of the building as shown on the submitted plans is now considered to be the most suitable and appropriate.

The proposed building is substantially larger than the Tourist information building and the overall proposals will result in built and hard surfaced development occupying a greater proportion of the site area and hence it will be much more prominent within its site and the wider surrounding area.

It is important to note however that, as set out above, the existing building has little value architecturally and makes little contribution to the urban character that has developed around the roundabout junction. Other adjacent uses consist of buildings/structures of some considerable scale and massing and when taken in this context the new building will not be out of character with the urbanised setting set by the existing food retail outlets and petrol stations, the latter of which generally do not contribute greatly to visual amenity as a result of the very nature of their use.

Concerns have been raised with the applicant regarding the design of the bin store within the site. As shown on the drawings this would represent a considerable mass of fencing and would be one of the first things customers would see when entering into the site. My view is that this is quite deadening in design terms. The developers have agreed in principle to amend this enclosure from a fence to a wall which I consider would improve the design considerably given its prominence. This can be controlled by condition (see no.6).

Overall the new building is considered to be reasonably well designed and to incorporate an appropriate mix of materials which, together with the retained trees on site and the proposed new landscaping will result in an attractive and welcoming development at this important road intersection. The proposal is thus considered to be in accordance with National and Local Planning Policies.

Highway Impacts

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.

There are future proposals for the upgrading of the existing A614/A616/A6075 Ollerton roundabout

and the County Council as Highways Authority has been seeking to ensure that the proposal avoids any prejudicial impacts and the need for further land acquisition and potential compulsory purchase order. The land being safeguarded is to enlarge the existing junction to form a 5 arm conventional roundabout although there is no firm programme for construction at this time. Nevertheless the applications have modified their design to allow as far as possible for the future highway proposals.

The proposed scheme shows that two spaces would be impacted upon by the potential roundabout improvements. However the HA have accepted that parking arrangements would be modified to avoid these should the improvement scheme go ahead. They also comment that the improvement scheme would necessitate a re-alignment near the access which would impact upon 6 further spaces close to the entrance. However the HA accept that this is unlikely to prejudice the delivery of the highway improvement scheme.

Comments relating to whether the purchasers will relinquish their rights to object to the scheme as currently proposed are noted albeit this is outside the control of the Local Planning Authority. However as land owners the Council may choose to negotiate such matters within the land sale agreement.

There has been some confusion regarding the status of rights of way adjacent to the site. The applicants plan originally annotated a bridleway on the plan. However there is no bridleway in existence in this location. Furthermore there are no formal public rights of way that are noted on the definition plans kept by the NCC Countryside Access Team. The public right of way referred to within the application is actually a permissive right of way; whereby as land owners the Council has allowed public access over its land for some time and this would remain. There would be no unacceptable adverse impact upon any right of way by this proposal.

In line with the requirements of the NPPF, the site is accessible by non-car modes of transport. The site is served by the excellent walking and cycling routes which provided similar appropriate links to the former Ollerton Visitor Centre. Robin Hood Way and part of the National Cycle Network run close to the area also providing plenty of opportunities to access the site for walkers visiting the wider areas of interest. It is noted that these routes are suitable for people of all ages and abilities. Cycle parking is to be provided for in the scheme and this provision would be controlled by proposed condition 11.

The nearest bus stops to the site are on the A6075 Mansfield Road adjacent to the 'Big Fish' restaurant. This is approximately 50 metres to the south west of the site with services 14, 15 & 15A all accessible from these bus stops and services 31 and 32 accessible from stops in Ollerton. Bus stops also exist on Back Lane, Forest Road and Walesby Lane (to services 31 and 32 that serve Bilsthorpe, Eakring, Kneesall, Newark and Ollerton. Although they are between 700 and 1,000 metres from the site, where it is acknowledged in guidance that a reasonable walking distance, outside schools and town centres would be 800 metres, these stops can still easily be accessed via the existing well lit footway links.

The Transport Statement concludes that the site for the proposed public house/restaurant development, as was the former Tourists Information Centre, is well located in terms of access by foot, cycle and public transport. I would concur with this.

The access is via the existing access which will be widened to accommodate the 12 metre long rigid and 16.5 metre long articulated HGV's required to service the proposed development. The

Highways Agency has assessed the scheme and raises no concerns regarding the access arrangements.

The Transport Statement uses appropriate TRICS data to establish the level of traffic generation that the proposed development is likely to generate. The capacity assessment for all the roads/junctions onto the roundabout and the predicted vehicle movements to and from the site clearly shows that, based on the existing roundabout layout and the proposed layout and realignment/improvements on A616 Worksop Road, the junction would continue to operate below the capacity threshold and that this can be done without the need to provide a right turn 'Ghost Island' into the site off the A616. The submitted Traffic Assessment concludes that the proposed public house/ restaurant development will operate with no significant/undue detriment to the local highway network in capacity and highway safety.

Nottinghamshire County Council Highways has assessed the TS and consider that the document is acceptable. They raise no objections to the development on traffic impact grounds and therefore the development complies with the requirements of Core Strategy policy 7; policy DM5 of the Allocations & Development Management DPD and the NPPF. The conditions suggested by the HA are included (conditions 23 and 24) in the recommendation section below.

Finally in relation to highway matters, a request has been made by the by the Access and Qualities Officer to increase the level of disabled to parking to 6% of its capacity. A revised proposed layout shows an increase from 3 to 4 disabled spaces, which is in my view acceptable.

Ecology, Nature Conservation and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:-

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

The applicant has submitted an Ecology Survey, A Bat Survey and an Arboricultural Impact Assessment in support of the planning application. Following initial objections from Natural England and Nottinghamshire Wildlife Trust a Risk Based Assessment regarding the potential impact on Nightjar and Woodlark populations in the locality has been submitted along with other additional/clarifying information. These objections have now been lifted. The site affects a Local Nature Reserve which forms part of the Birklands and Bilhaugh Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The impacts are assessed in more detail shortly.

Habitat Regulations Assessment

Natural England has advised that the LPA should carry out a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2010 (Regulations). The Regulations require “*a competent authority, before deciding to undertake, or give consent, permission of other authorisation for, a plan or project which:*

- a) Is likely to have a significant effect in a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) Is not directly connected with or necessary to the management of that site*

Must make an appropriate assessment of the implications for that site in view of that’s site’s conservation objectives.”

An appropriate assessment requires the LPA to:

- Determine whether a plan or project may have a significant effect on a European site;
- If required, undertake an appropriate assessment of the plan or project;
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment.

The Appropriate Assessment is necessary because of the close proximity of the site to a European Designated site (the Birklands and Bilhaugh Special of Conservation (SAC). In screening the project, the key factor to consider is whether it is likely to undermine the conservation objectives of the site. These objectives are:

Ensure that the integrity of the site (whose qualifying features comprise old acidophilous oak woods with *Quercus robur* on sandy plains and dry oaked dominated woodland) is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats
- The supporting processes on which qualifying natural habitats rely

Natural England have advised that the proposal is not necessary for the management of the European site and that in their view, 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. I share this view. Birklands and Bilhaugh SAC is the most northerly site selected for old acidophilous oak woods and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage. Natural England confirm that they do not consider that the proposal is likely to impact the features of European importance. The proposal does not undermine the objectives of the SAC and therefore has no significant effects either by itself or in combination with any other project. Given this conclusion, it is considered that the development is in compliance with the provisions of the Habitat Regulations.

Landscaping, Loss of Trees and Small Area of LWS

A detailed soft landscaping scheme has been submitted with the application and this has been revised to take account of comments from NWT and the County Ecologist, who are now satisfied that their comments have been adequately addressed. The implementation of this soft landscaping scheme would be secured by condition and a condition to secure associated hard landscaping which has not yet been presented would also be included.

It is acknowledged the proposal would result in the loss of trees which is unfortunate. However tree protection measures for those retained trees can be secured via appropriate condition (see condition 19) and the revised landscape proposals are considered to be appropriate and of benefit to the ecology of the site. The loss of a small area (c1870 sq m) of the local wildlife site is undesirable. However this has been necessary in part in order to safeguard the land for the roundabout improvement plans. The application seeks to mitigate that fairly degraded section of the LWS by the erection of fencing to the beer garden/playground area which the applicants say will create a better barrier to the LWS and direct users of the adjacent site to the footpaths. The county Ecologist has confirmed that the use of heather brushing on the northern side of the carpark, as is proposed, will go some way to mitigating for the loss of the LWS. Overall I therefore consider that the loss of the LWS is acceptable and that it has been adequately mitigated for.

Lighting

A revised lighting plan has been submitted which addresses the initial concerns of NWT (by omitting external lighting from around the playground area so as to avoid light-spill onto the adjacent heathland. The lighting for the car park is necessary for security reasons. However the lighting scheme has also been amended around the western area of the car park as requested by NWT to avoid light-spill which would have the potential to adversely impacts on nightjars, moths, bats and glow worm all of which have been recorded on the site adjacent. In addition, the agent has confirmed that the applicant intends to turn off the lights one hour after the closing of the public house. This hour would allow for drinking up time and to allow staff to leave the premises safely whilst the car park is illuminated. This could be controlled by condition (see no. 07). Likewise it is considered important that the fencing in this location is erected prior to first occupation and this is designed to help prevent light spillage and for that reason would be controlled by condition.

Car Parking and Intensified use of the SSSI

It is noted that concerns have been raised that the proposal could increase the use of the SSSI and place further pressure upon it. The present situation is that the unenclosed car park which served the vacant TIC is used by visitors (including dog walkers). The applicants have qualified that the proposal does not propose to increase the number of visitors to the SSSI. They advise that the path would replicate a similar grassed path which runs in a similar position at present.

The car park as existing creates unrestricted access from the site to the SSSI. However the proposal would enclose the site with a hedge which the applicants suggest would manage the flow of visitors to the Heath and would concentrate the entrance point away from the SSSI and direct them along the existing bridleway. On this basis they say it would not increase visitors but would deliver a better management strategy in terms of pedestrian access. Five dedicated parking spaces would be dedicated to walkers although the bulk of the spaces would be dedicated to the new pub facility. The Parish Council have requested that 17 spaces be designated for public use during the daytime and calls for an increase (on the 5 dedicated spaces proposed) have been echoed by the Council's

Parks and Amenity Manger. Natural England however highlight that the provision of free parking will indirectly impact upon the SSSI, the inference being that the more free parking on offer the more this could potentially impact upon the SSSI.

The applicant has stated that they have no plans to introduce a car parking management plan for the site, although would reserve the right to do so should this become a major issue for their trade in the future. In any event, limiting the number of dedicated spaces for the Heath would perhaps serve as a disincentive to use the adjacent site and thus the impact of the development would be less likely to place increased pressure upon it. I therefore conclude that on balance it is not in the public interest to insist upon further dedicated parking for users of the adjacent heathland.

SANGS contribution/mitigation measures for impacts on ecology

Core Policy 12 (Biodiversity and Green Infrastructure) of the Development Plan makes clear that as a Council we will promote Suitable Alternative Green Spaces (SANGS) to reduce visitor pressure on the districts ecological, biological and geological assets, particularly for 5km around the Birklands and Bilhaugh SAC, which this site is within. The Council's SPD sets out how we will go about ensuring its delivery.

Given the site lies adjacent to a SSSI, that it previously provided facilities (such as parking and toilets) to complement the adjacent heathland this matter is of particular relevance. Given the constraints of this development site such as the need to provide sufficient room for future road improvements to the roundabout and the provision of a relatively high level of parking there is little opportunity on site to provide additional SANGS. However the form of contribution is not limited to the provision of additional space and can include the improvement and management of existing sites or commuted sums towards the provision of facilities including car parking in perpetuity.

In this case the applicants suggest that their scheme would better manage access into the adjacent heathland (as it is currently open and the new fencing/hedgerows would better direct visitors and reduce disturbance to nesting birds). In discussions with NWT they have also offered a commuted sum (to be secured by way of a Unilateral Undertaking prior to first occupation) of £2,000 towards the ringing of Nightjar and or the erection of fences off-site within the SSSI. Each GPS technology ring costs £500 and last year they received funding for in the region of 10-20 Nightjar. This contribution would enable the potential ringing of up to 4 birds or could go towards the provision of fencing (possibly post and wire). This contribution would be paid to the District Council and then transferred to Birklands Ringing Group, a volunteer community group which has studied the birds in the Sherwood area for over forty years and whom specialize in studying Nightjar who welcome the contribution.

It is noted that the Parks and Amenities Manager at NSDC had raised concern that the proposal provides no link between the end of the existing gravel path to the proposed new path to enable maintenance vehicles to gain access. However the developer has now offered a commuted sum of £1000 (increased from £500) to enable the Council to provide this link in a similar surface to address this concern which would be payable within 28 days of commencement.

In my view the proposed commuted sums represent a reasonable offer towards SANGS as required by our SPD and towards mitigating any direct impacts upon Nightjar and Woodlark within the pSPA.

Protected Species Impacts

Standing advice has been used to assess the impacts upon protected species.

Bats

All species of British bats and their resting places are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

The site is located on the west edge of Ollerton and consists of a Tourist Information Centre (TIC) with associated hard standing car park and landscaping; consisting primarily of amenity grassland and immature trees and scrub.

A Bat Roost Potential (BRP) survey of the TIC did not identify any physical evidence of bats at the time of the survey i.e. bat droppings, however, it did have features which could provide crevice dwelling bat species with roosting opportunities in some areas. Insulation at the eaves and the well sealed roof void would limit access for such species. Other habitats across the site would also offer limited opportunities for bats to commute and or forage with greater opportunities for such activity on the adjacent heathland and woodland areas. The survey did acknowledge that light levels on site could discourage less light tolerant bat species however none were actually recorded as part of the various surveys.

Night time surveys confirmed that the existing building appeared not to provide roosting opportunities, as no bats were recorded leaving or returning to any part of the building with the recorded activity being foraging and commuting. The report concluded that no further survey work would be necessary and that demolition work would be unlikely to result in any risk to bats on the site.

Birds

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). The Ecology report provides an assessment of the potential impacts on birds and indicates that the site could potentially support breeding birds. It is therefore recommended that ground clearance works are undertaken outside of the bird nesting season. These precautionary measures would be secured via an appropriately worded condition (see condition 15).

As the site is within the 5km buffer zone of the Potential Special Protection Area (pSPA) relating specifically to the presence of Woodlark and Nightjar, a precautionary approach should be adopted by LPAs to ensure that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse impacts upon these birds within the Sherwood Forest Area. Natural England and Nottinghamshire Wildlife Trust initially raised concerns over the potential impact on protected species and in particular the Nightjar and Woodlark populations known to exist on land nearby. Further information was requested of the applicant and this has resulted in the submission of a Risk Assessment report (dated 17th December 2014) following a meeting with the NWT. This considers both direct and indirect impacts upon the pSPA from the development. This Risk Assessment concludes that the development is unlikely to directly impact upon the species once mitigation is implemented (as discussed in more detail below) and I agree that the proposals would be unlikely to result in a direct impact on the pSPA and any impact from recreational pressure would be negligible. I consider that on balance the mitigation measures set

out below will mean that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Biodiversity enhancements

Recommendations and conclusion within the submitted Ecology Appraisal confirm that opportunities exist to improve on the species of trees and shrubs which can in turn broaden the spectrum of wildlife habitats in and around the site and indeed supplement the existing ecological character of this important location. These ecological enhancement would be secured by planning condition 18.

Overall I consider that impacts upon the ecology and wildlife on and around the site has been adequately considered and impacts have been adequately impact. NE, NWT and the County Ecologist have now all withdrawn their initial concerns and I am satisfied that the proposal conforms with the Development Plan and the NPPF in this regard.

Flood risk and drainage

The application site is located within flood zone 2 with a small portion of the site being within zone 3. The NPPF provides that both the Sequential and Exception Tests should be passed in order development to proceed. However in applying the Sequential Test, there is nowhere else for a replacement building to be located other than on the existing site (to site it elsewhere would be a relocation not a replacement) and consequently I conclude that it meets this Test. In accordance with the NPPF, a Flood Risk Assessment has been submitted to address the Exception Test. This included:

- an assessment of the surface water drainage requirements of the site;
- details the flood risk at the site and how this could be managed/mitigated to enable the proposed development to proceed without undue impact.

The Environment Agency has fully assessed the proposals and the FRA and subject to the imposition of appropriate conditions as set out above, they have raised no objections to the application, particularly around the issue of flooding. I therefore conclude that the proposal passes the Exception Test in that it is safe and would not cause flooding elsewhere. The application is thus considered to be in accordance with national and local planning policy in this regard.

Impact on amenity of neighbouring uses

There are no residential properties in close proximity to the site, the nearest dwellings being;

- South of the site approx. 51m away
- North East of the site approx. 57m away.

Bearing this in mind, the proposed development is not anticipated to have any undue impact on the living conditions of residential property either near to or further afield. The immediate neighbouring land uses clustered around the roundabout junction are considered to generally be compatible with each other and thus not unduly affected by the proposals. Furthermore your Environmental Health Officer has confirmed that the cooking extraction equipment should not give rise to unacceptable impacts from odours and noise.

Other Matters

Most matters raised by neighbours/interested parties have been addressed within this report. Others are covered briefly below.

Loss of existing public parking and other public amenities

The loss of existing public parking and public amenities such as the toilets has been raised as a concern. Parking matters have been covered elsewhere in this report relating to how this would work with the public house in operation. However during construction the developer has confirmed that due to Health and Safety issues, they are unable to allow continuity of car parking on the site as there is only one site access and all existing parking would be unavailable. Construction is anticipated as being a 25 week contract period. Some would see the lack of public parking as undesirable whilst others such as Natural England may see this as a benefit as it would involve less visitors to potentially disturb wildlife. Whatever the view, I consider that this period is relatively short term and unavoidable if the site is to be redeveloped. The public toilets would be lost with the demolition of the existing TIC. However it should be noted that these have been closed for the last two years anyway. The new pub would provide new facilities albeit to paying customers.

Conclusions and Planning balance

Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.

The development is anticipated to generate in the region of 40 to 50 full and/or part time jobs and this creates a significant opportunity for employment in the catering trade which is of benefit to the economy locally and consistent with key objectives set out in the NPPF. It is also acknowledged that further employment will result albeit somewhat temporary, in the form of construction workers along with other economic activity through the materials/services supply chain. The proposal provides for a development which will serve as a broad attraction to family entertainment, catering for customers of all ages, again consistent with the NPPF

I am satisfied that the proposal will ensure that the land required for the potential Ollerton roundabout improvements is safeguarded and will not lead to detrimental highway impacts. I am also satisfied that the ecological and landscaping issues have been addressed and that a satisfactory balance has been achieved between protecting the SSSI from direct and indirect harm whilst still allowing access to and/promoting the local nature reserve of Sherwood Heath immediately adjacent.

Bearing in mind the above, I consider the scheme to broadly comply with the aims and objectives of sustainable development as set out in the NPPF and the policies of the Development Plan. The proposals will bring back into a variable use an existing brownfield site without resulting in any demonstrable harm to residential amenity, highway safety, wildlife and ecology interests and will contribute to the local economy through the creation, direct and indirect of employment opportunities along with creating a social facility suitable for all ages etc. Furthermore the building is of an appropriate scale, design and appearance consistent with the pattern of development in the immediate vicinity of the site, typical of such development across the country. I therefore recommend approval.

RECOMMENDATION

That planning permission is granted subject to:

- i) The conditions shown below and;
- ii) The signing and sealing of a suitable Section 106 Agreement/Unilateral Undertaking to secure commuted sums of **£2,000** towards the ringing of Nightjar/Woodlark and appropriate fencing off of nesting areas within the SSSI and **£1,000** to provide a maintenance link track on the adjacent heath to replace the one to be lost;

Conditions

01 (time)

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 (materials)

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application (as detailed on the Schedule of External Finishes dated 29/01/15) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

03 (EA requested)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference SHF.1014.007.HY.R.001.A prepared by Enzygo Environmental Consultants in September 2014 and the following mitigation measure detailed within the FRA:

Internal finished floor levels shall be set no lower than 43.30m Above Ordnance Datum (AOD).

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

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

04 (EA Condition)

The development shall be implemented in full accordance with the approved surface water drainage scheme as shown on drawing numbers 12583/500 Rev D (Proposed drainage layout), 12583/501 (Typical Drainage Details) and the Drainage Calculations contained within the report by ABA Consulting dated 06/03/15 unless otherwise agreed in writing by the Local Planning

Authority.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

05 (EA Condition)

The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate provision of compensatory flood storage has been submitted to, and approved in writing by, the local planning authority.

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

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

06 (bin store)

Notwithstanding the approved plans the means of enclosure to the bin store is not permitted. Prior to first occupation details of an alternative design of bin store including its materials, shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall thereafter be implemented as approved unless otherwise agreed in writing by the Local Planning Authority through a non-material amendment.

Reason: To ensure that the design is adequate in the interests of visual amenity.

07 (opening times linked to lighting)

Prior to the development being first brought into use, a scheme shall be provided to the Local Planning Authority which detailed the proposed opening times of the public house and the times that the external lights will be switched off within the curtilage of the site for each day. The approved scheme will be complied with unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is necessary to avoid any unnecessary periods of external illumination so as to keep impacts upon ecology to a minimum. This condition is worded such that it does not unduly restrict opening hours of the public house and provides the applicant with more flexibility.

08 (landscaping implementation)

The approved landscaping scheme shown on drawing Landscape drawing WCC/M/RSON/AL/03 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.

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

09 (ground and FFL)

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

Reason: In the interests of residential and visual amenity.

010 (use of building)

The premises shall be used for a public house/restaurant and for no other purposes, including any other use falling within classes A3 and A4 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In recognition of its rural location away from the defined settlement and the benefits these uses would bring to the local tourism economy, benefits which a general A1 retail use may not also bring about.

011 (provision of cycle stands)

Prior to the building being first brought into use, the cycle stands as detailed on drawing 0082/13/02/06 shall be provided and shall be kept available for parking 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 order to ensure that adequate cycle parking provision is made to encourage sustainable modes of transport in line with SP7.

012 (provision of boundary fencing)

The development hereby permitted shall not be occupied until the boundary fencing along the north-west and south-west boundaries have been erected in accordance with the details shown on plan no 0082/13/02/06 unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: The erection of the fencing is important in terms of helping to reduce light-spill onto the adjacent habitat in the interests of ecology.

013 (plans)

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

Landscape drawing WCC/M/RSON/AL/03 (Feb 15)

Revised Lighting D24797/PY/B (12/12/14)
Future Road Improvement Plan 5 – 0082/13/01/16/D
Proposed drainage layouts – 500 Rev B
Play Equipment Plan (unreferenced but names Timber Humber Multiplay by Pay Parry Playground Services Ltd) received 09/10/14
Site Location Plan – 0082/13/02/01
Proposed Site Plan – 0082/13/02/03 Rev A
General Arrangement Floor and Roof Plans – 0082/13/02/04 Rev A
Proposed Elevations 0082/13/02/05 Rev A
Boundary Treatments 0082/13/02/06
Mechanical Services Details 348/08/M/01
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.

014 (lighting)

No external lighting (other than the approved scheme shown on drawing D24797/PY/B) shall be installed on site unless agreed in writing by the Local Planning Authority.

Reason: In order to protect the local wildlife/ecology from detrimental impacts from illumination.

015 (ground clearance)

No ground clearance works, hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a competent ecologist is present on site and undertakes a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and written confirmation is provided that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest. Any such written confirmation should be submitted to the local planning authority within 28 days of the work being carried out.

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

016 (construction phase mitigation for badgers)

During the construction phase, any features created such as pits, footings or trenches during development works should be provided with a means of escape for any badgers that may possibly use the site to forage on occasion and could fall into these features. This should be a suitably wide plank of wood, or similar, secured to the top of the bank. All construction materials should be kept off the ground. All areas of grassland should be searched before clearing terrestrial habitat and all construction should be undertaken in daylight hours.

Reason: In the interests of nature conservation and in line with the paragraph 8.3.5 of the Ecologist Appraisal dated October 2014 that accompanies the planning application.

017 (reptile clearance and protection)

No development (including ground works) shall be commenced on site until a suitable method statement has been prepared, submitted to and is approved in writing by the Local Planning Authority to show how the site will be cleared of reptiles and how the impacts upon reptiles will be managed and reduced. This statement shall include:

Identification of a suitable receptor site for any reptiles captured on site. Sherwood Heath LNR is considered the most suitable area, given that any reptiles present on site are likely part of the same population. Permission must be sought from the appropriate landowner prior to any translocation being undertaken;

Design of a suitable exclusion fencing layout to allow capture and prevent reptiles moving into the development area;

Working methodologies to cover the translocation of reptiles from within the exclusion fence to the receptor site;

Working practices to be followed during the site clearance and development activities to ensure no reptiles are harmed e.g. checks ensuring the integrity of the exclusion fencing.

The approved method statement shall thereafter be implemented in accordance with an agreed timetable and the development shall take place in accordance with it.

Reason: In order to afford reptiles appropriate protection in line with the recommendations of the Ecological Appraisal dated October 2014 by Torc Ecology Ltd submitted with and forming part of the planning submission.

018 (ecological enhancements)

No development shall be commenced until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the CP12 of the Development Plan and the advice contained in the NPPF.

019 (protection measures for trees/hedges)

No development shall be commenced until the trees and *hedges* shown to be retained as part of the application have been protected by the following measures:

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

d) no services shall be routed under the crown spread of any tree

e) no burning of materials shall take place within 10 metres of the crownspread 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.

020 (hard landscaping)

Prior to first occupation of the building hereby permitted, full details of the hard landscape works shall be submitted to and be approved in writing by the local planning authority. These details shall include car parking layouts and materials and all other hard surfacing materials and details of any means of enclosures (such as fencing) within the application site. The approved details shall be implemented on site prior to first occupation.

Reason: In the interests of visual amenity and biodiversity.

021 (signage/interpretation boards)

Prior to first occupation of the building hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which fully details the provision of signage within the site to promote the use of footpaths and areas of alternative green spaces that avoid sensitive ecological habitats. The scheme shall include the inclusion of information/ education/interpretation boards to inform residents of the importance and sensitivity of local biodiversity. The scheme shall also include details of the sizes, materials, precise locations, numbers and content of the signage/boards to be installed. The approved scheme shall be installed on site prior to first occupation of the building.

Reason: In order to afford adequate protection to the local wildlife and in particular to Nightjar and Woodlark whose habitats lie close by.

022 (foul drainage)

The foul drainage provision at the site shall include a phosphate dosing system within the Klargester sewage treatment plant to control the phosphate levels in the water to not more than 2mg/l that then discharges to the soakaways. This provision shall be implemented on site prior to first occupation of the building hereby permitted and shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting ecology at the site and in line with the applicant's submission (letter dated 26/02/2015 from the agent).

023 (highways)

No part of the development hereby permitted shall be brought into use until the alterations to the existing vehicular access have been completed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

024 (highways)

No part of the development hereby permitted shall be brought into use until the provision of a pedestrian access into the site from the A6075, as shown on drawing no. 0082/13/01 16 Rev. D, has been completed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

Notes to Applicant

01

The Environment Agency advises the application of the following:

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

The existing Visitors Centre holds a discharge consent from the Environment Agency for domestic septic tank effluent to ground of up to 5m³/day, reference T/70/46372/SG.

In order for the new occupier to proceed with this development a new permit to discharge effluent to ground/ soakaway will be required if the treatment plant discharges more than 2m³ of effluent a day into the ground through a drainage field. The applicant needs to ensure that the sewage plant is of a suitable size and design to adequately treat the effluent produced on site, both from the toilet facilities and the kitchen area.

It is strongly recommended that the applicant for this planning permission contacts the Environment Agency to ensure the planned foul sewage arrangements are following best practice and that the appropriate authorisations are in place. Please use the following link for further information <https://www.gov.uk/environmental-permit-how-to-apply/overview>

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'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.

04

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

05

This application is accompanied by a Planning Obligation which secures commuted sums of £2,000 towards the ringing of Nightjar/Woodlark on the adjacent wildlife site and/or the erection of fencing to protect nesting areas and £500 towards the replacement of a link of maintenance track in the adjacent heath which would be lost to the development.

06

The applicant is advised that the permissive right of way should not be designated as a bridleway and should only be used by pedestrians in the interests of ecology and in line with advice from Natural England.

Furthermore the applicant is advised that Natural England have indicated that works should not commence on site before a period of 21 days from the date of any decision notice.

07

In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (01623) 520735 for details.

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
Residential (C3)	93	-	93	0	N/A	N/A
Retail	615 (27 sq m of which relates to f/f ancillary staff amenities)	175	440	£100	252	£50,400
Totals						£50,400

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

$$\text{CIL Rate (B)} \times \text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)} / 220 \text{ (BCIS Tender Price Index at Date of Charging Schedule)}$$

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 $\frac{\text{Chargeable Floor Area (A) x C (BCIS Tender Price Index at Date of Permission)}}{220 \text{ (BCIS Tender Price Index at Date of Charging Schedule)}}$

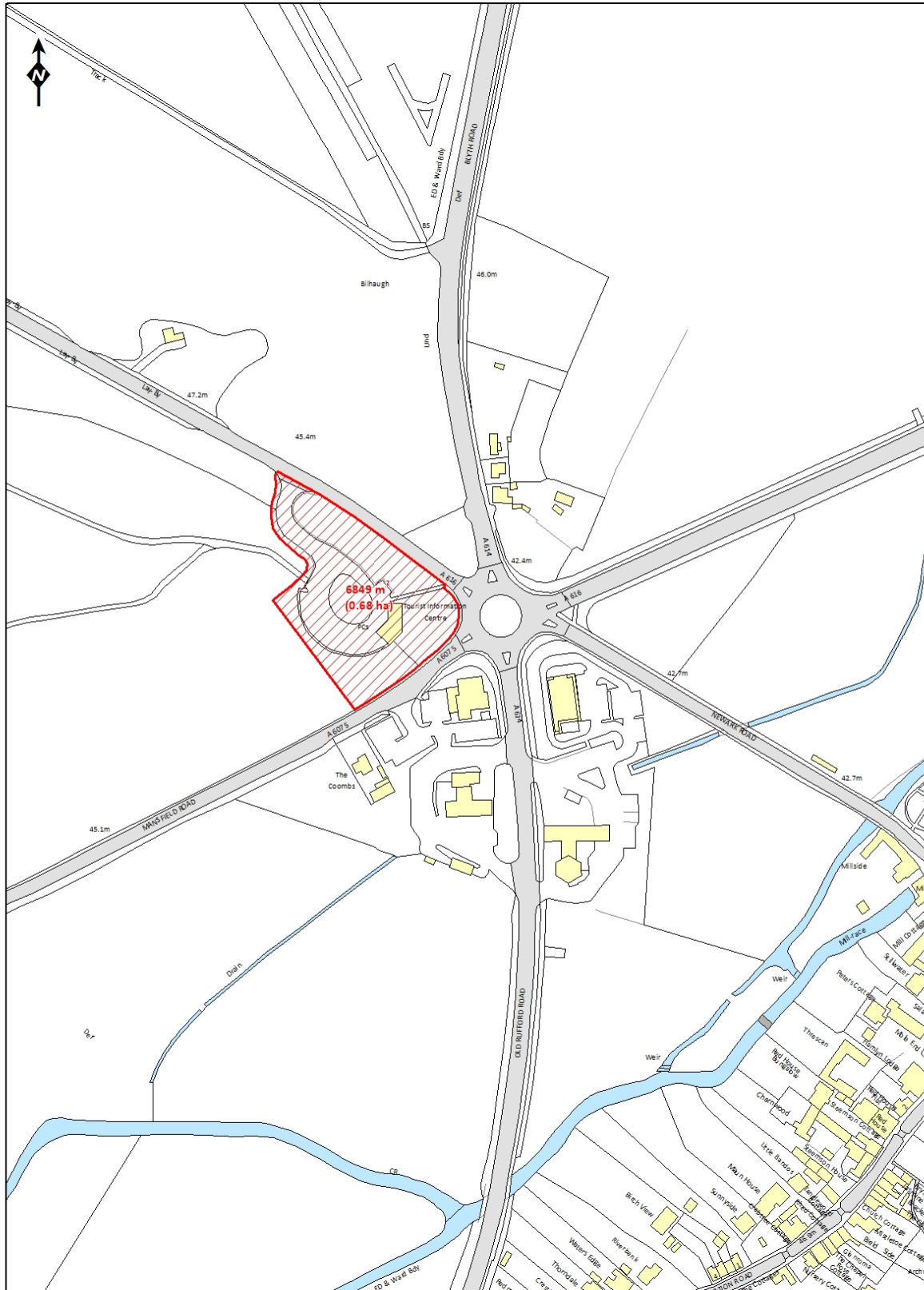
BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on extension 5834

K Cole
Deputy Chief Executive

Committee Plan - 14/01797/FULM



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Application No:	14/01974/FUL	
Proposal:	Change of Use of Scrub Land to Residential Garden Land (retrospective).	
Location:	55, 57, 59, 61 Portland Way, Clipstone, Nottinghamshire, NG21 9FE	
Applicant:	Ms Robinson, Mr & Mrs Lowe, Mr & Mrs Walker, Mr & Mrs Perrons	
Registered:	13.11.2014	Target Date: 08.01.2015

Member Update

You will recall that Members resolved to defer its decision regarding this application for three months at the Planning Committee held on the 3rd February 2015. Three months was initially allowed on the basis that the residents who have applied for planning permission would unlikely to be prejudiced by a delay and in order to allow the Parish Council and the Clipstone Allotment Association to progress with their own investigations regarding land ownership.

The applicants have requested that this issue is re-presented to the Planning Committee as a matter of urgency on the basis that land ownership is not a material planning consideration and therefore any delay in determination is unjustified.

As the applicants have made it clear that they are not willing to agree to a deferral of a decision on the matter, in agreement with the Deputy Chief Executive it has been decided to refer the matter back to Planning Committee and that it be made clear to Members that any decision must be made solely on planning grounds.

The report that follows is as it was presented to the February Planning Committee.

The Site

The site is a long rectangular piece of land which lies within the Urban Boundary of Clipstone which is defined as a service centre in the Newark and Sherwood Core Strategy. The site is bound by residential properties on Portland Way. Number 55, 57, and 59 are to the north east of the site and number 61 bounds the north of the site. To the south east of the site lies Clipstone Allotments, a designated public open space around the edge of which is Footpath No 16, a public right of way. The land appears to contain a number of shrubs and trees which essentially divide the allotments with the housing development. The Supporting Statement submitted with the application states that the land 'had been used for illegal tipping and had become largely overgrown'.

Relevant Site History

06/00826/FULM Erection of 48 dwellings three & four bedroom detached / link detached two storey houses – permission 08.09.2006

The Proposal

Full planning permission is sought change of use of scrub land to residential garden land. The change of use occurred in 2012 and this application is therefore retrospective. The site has been separated into 4 plots (all bound by closed panel wooden fencing) extending the existing residential gardens of 4 residential properties (55, 57, 59 & 61) to facilitate the change of use to residential amenity space.

Public Advertisement Procedure

Occupiers of 5 neighbouring properties have been individually notified by letter and a site notice was posted on 02.12.14.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Core Policy 9: Sustainable Design
Core Policy 12: Biodiversity and Green Infrastructure

Newark and Sherwood Allocations and Development Management DPD (Adopted July 2013)

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework Adopted (NPPF) March 2012
Planning Practice Guidance March 2014

Consultations

This application has been referred to the Planning Committee by Cllr S Soar as it provides a natural and important break from the Cavendish development and is being used as a land grab area.

Clipstone Parish Council – Object to the proposal as they regard this land to belong to the Allotment Association. The home owners knew what land they had brought when they purchased their homes. They wilfully broke down fences to get onto this wildlife habitat, which contain bats and other small animals. They should not be allowed to keep the land, and should make good any repairs and replace the fencing they destroyed at their cost.

NCC Highways – No Objection as this proposal does not impact on the public highway.

Nottinghamshire Wildlife Trust – Initial comment submitted was based on an inaccurate application description which did not include the fact that the proposal was retrospective. After emails and discussions with the Trust the case officer received informal confirmation that the trust could not seek an ecological survey but the trust was disappointed that the land had been cleared prior to a planning application and ecological survey as there is a lot of good habitat for a variety species within the local landscape.

Nottingham County Council Archaeology – No comment received at the time of writing this report.

Representations

Two comments of objection have been received and are summarised as follows:

- Site was a wildlife corridor with ecological value providing a habitat for a variety of wildlife including mammals, reptiles, insects and birds.
- Site has archaeological value as previously used during WW1 by the Clipstone Army Training Camp.
- Public footpath (no16) runs adjacent to site and the removal of the fences has negatively impacted upon the amenity value of this path and setting.
- The change of use will have no environmental benefit.
- The ownership of the site is questionable and it is not owned by the householders who have extended their curtilages.

Comments of Business Manager, Development

The Principle

The site is located within Clipstone which is defined as a Service Centre with a wide range of services and facilities as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. The land is not allocated for any specific purpose or use within the DPD. As such, it is considered to be a sustainable location for residential uses in accordance with the aims of Policy DM1 of the DPD, subject to an assessment of site specific constraints as detailed below.

Impact upon 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.

The change of use has resulted in the garden areas being approximately 10 metres closer to the allotments than the approved housing layout (planning application 06/00826/FULM). This area contains a number of trees and shrubs, some of which appear to have been retained within the extended garden areas now defined by the close boarded fence. Due to the retrospective nature of the application, it is difficult to ascertain the extent of soft landscaping lost. In any event, the trees or shrubs within this strip of land are not protected by any formal designations. Views of the

fencing from the allotments are also softened by existing shrubs and trees which fall outside of the application site.

The change of use has had a neutral impact with regard to the host properties and surrounding development. The closed panel wooded fencing is similar to the existing so is not out of character. I note the comment regarding the impact of the proposal on a public footpath close to the site. Notts County Council Rights of Way officers have confirmed that Footpath No 16 runs around the edge of the Allotments. Between the footpath and the garden fences there is space accommodating trees and planting that remain. I am therefore satisfied that the change of use and fencing that have been erected would not have a detrimental impact on the amenity of this footpath or its setting.

Overall, it is not considered that the loss of this land to gardens has resulted in a detrimental visual impact upon the character of the area in accordance with Core Policy 9 and Policy DM5 of the Local Plan.

Impact upon Neighbours

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The change of use has not resulted in any adverse impact upon the amenity of the occupiers of neighbouring dwellings by virtue of any loss of privacy or overshadowing given that no significant operational development has occurred. The neighbouring allotments to the south east of the site would also be unaffected by the change of use. Although the boundaries of the host residential properties (55-59) are now closer to the allotment site, the impact of this is neutral given the low impact of both the allotment use and residential amenity space. Overall, the proposal would not have an adverse impact upon residential amenity in accordance with Policy DM5 of the DPD.

Ecology

Core Policy 12 of the Core Strategy and Policy DM7 of the Allocations and Development Management DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. I note the comments received during consultation regarding the ecological value of the site. Nottinghamshire Wildlife Trust has been consulted regarding this application and have not objected. The Trust expressed disappointment that the change of use had occurred without an ecological survey as there is a lot of good habitat for a variety species within the local landscape. Now that the change of use has occurred there is unfortunately no evidence (i.e. an ecological report conducted by an ecologist) of what ecological value the site held and therefore no grounds to refuse the planning application on ecology grounds.

Archaeology

I note the comments received during consultation regarding the archaeological value of the site. Nottinghamshire County Councils Archaeology team have been consulted but no comment had been received at the time of this report. In any event, I consider it very unlikely that the nature of the proposal has resulted in any adverse impact upon archaeological remains.

Other matters

The site's ownership has been raised in objections to the proposal. This has been considered to carry no weight in the determination of this application as land ownership is a private matter which is not a material planning consideration.

RECOMMENDATION

That full planning permission is approved.

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 - 14/01974/FUL



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Application No:	14/02098/FUL		
Proposal:	Two, Three Bedroom Detached Bungalows.		
Location:	The Hollies, Rainworth, Newark On Trent, NG21 0FZ		
Applicant:	Mr Daniel Skillington		
Registered:	21.01.2015	Target Date:	18.03.2015

The Site

The application site is a plot of currently vacant land approximately 0.09 hectares in extent to the east of The Hollies in the main built up area of Rainworth. The site is bounded by residential development to the north, south and west albeit there is a public footpath immediately adjacent to the northern boundary of the site. The footpath links The Hollies with a designated area of public open space to the east of the site.

As existing the site is vacant land which looks to have been recently cleared of vegetation. At present the boundaries of the site are open with the exception of fencing which separates the residential curtilages of neighbouring properties to part of the eastern boundary and to the southern boundary.

Relevant Planning History

The site has been subject to planning history for residential development in connection with the land on the northern side of the public footpath which is also within the control of the applicant. This land has however recently been granted separate approval for the erection of two single storey dwellings and as confirmed by a site visit, this application has been implemented with works well underway to construct the dwellings.

The following applications were in relation to the current application site as well as the land to the north of the public footpath:

10/00016/OUT - Erection of three detached single storey dwellings. This was an outline application will all matters reserved for subsequent approval. Application approved.

13/00369/OUT - Erection of three detached single storey dwellings (Extant Permission, refer to 10/00016/OUT). Application approved. This permission remains extant until its expiry on 23rd September 2016.

Subsequently an application was approved last year for the land on the northern side of the footpath excluding the current application site.

14/01195/FUL - Erection of two detached bungalows. Construction is underway.

The Proposal

The proposal seeks full planning permission for the erection of two single storey, three bedroom dwellings served by a shared driveway from The Hollies.

Departure/Public Advertisement Procedure

Eight neighbours have been notified directly by letter. A site notice was published 12th February 2015 and a press notice was published on 28th January 2015. The overall expiry date for comments was 5th March 2015.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- MFAP 1 – Mansfield Fringe Area

Allocations and Development Management DPD Adopted July 2013

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 – Developer Contributions
- Policy DM5 – Design
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Rainworth Parish Council – Support the proposal.

NCC Highways – This application is for the construction of two detached bungalows, each with integrated garage, served by a new shared access onto The Hollies. As there is a Right of Way adjacent the application site, the applicant must consult NCC Rights of Way for advice/approval. Should any street furniture be required to be relocated as a result of this application, this will be at the applicant's expense. There are no highway objections to this proposal subject to conditions.

NCC Rights of Way - Thank you for consulting the Rights of Way team on the above planning application. Rainworth public footpath No.2 is adjacent to the development site, and I note the Ramblers concerns in their comment. However, I met twice with the developer last year to mark the exact line of the definitive public footpath. This has since been improved and surfaced by the developer. I am confident that he is fully aware of his responsibilities to keep the path open and

available during any site works, and has demonstrated this throughout the construction phase of the neighbouring bungalows on the other side of the path. I have no objections to the proposal.

Nottinghamshire Ramblers - Oppose the application because it is not clear what will happen to the footpath. The width of the path, its surface and the boundary treatment need defining to avoid future doubt over its status.

Neighbours/Interested Parties

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

- The Hollies comprises properties that are primarily 4 bedroom bungalows;
- Any new development should be consistent with the current consent for this plot of land and should not allow for a larger number of smaller properties to be squashed into the site that are inconsistent with the rest of the road;
- Land levels will lead to overlooking to existing neighbouring properties;
- There have been issues with noise and fires left over night and weekends;
- Sad to see the holly bushes removed from The Hollies.

Comments of the Business Manager, Development

Principle of Development

The proposal relates to the erection of two dwellings within the defined urban boundary of the settlement. Rainworth is identified within the Spatial Strategy as a Service Centre, thus a very sustainable location and one that is capable of supporting additional residential development.

Outline permission exists for three dwellings on the site combined with the land to the north of the public footpath. However all matters were reserved for subsequent consideration so it was not determined how many dwellings would sit within with the site now subject of this application, albeit the Council has granted consent for two dwelling to the north. This outline consent is still extant and is a material consideration.

I note the comments received during the consultation process which rightly point out that, when combined with the approval to the north of the site, the original plot of land considered the that the wider site was suitable for three dwellings at outline stage and it is now intended to provide residential curtilages for four dwellings overall. Nevertheless given the acceptance of residential development on the site in principle I do not consider this to be a legitimate reason to resist the application. The site density proposed is approximately 20 dwellings per hectare which is in fact below the recommendations of Core Policy 3 which ordinarily seeks for densities of no lower than an average of 30 dwellings per hectare. However I acknowledge that this density aspiration is more in line with housing developments on a larger scale and I consider that the constraints and character of the site would not allow for a scheme which meets these density aspirations.

In summary it is considered that the site is suitable for further residential development in principle subject to an assessment upon the site specific impacts.

Developer Contributions

A review of the planning history reveals that previous applications have been subject to discussions in relation to developer contributions for the provision of public open space. The

details within the officer report for the most recent decision (14/01195/FUL) are worthy of repetition here, which I agree with:

Much of the discussion in the determination of the extant outline permission focussed around the loss of amenity open space by assessment against Spatial Policy 8. The proposals map within the current Development Plan does not identify the site as public open space given that at the time of preparation of this plan there was an existing residential permission on the site. However, the previous Local Plan did identify the site as amenity open space. In considering the previous application it was acknowledged that due to maintenance issues, the use of the site as public open space had been limited and the site had fallen into a state of disrepair leading to instances of anti-social behaviour. The acceptance of this formed part of the justification to release the site for residential development. However the approval of the outline permission was subject to the provision of a Section 106 agreement for the contribution of alternative facilities. The applicant has confirmed that the commuted sum has been paid on completion of the land sale and indeed internal emails have confirmed that the invoice in relation to this Section 106 was paid on 1st July 2014. I therefore do not consider it necessary to further pursue a revised Section 106 for the current application nor would I raise an objection to the loss of the site as public open space since this has already been accepted by the extant permission.

Impact on Character

The site as existing forms a vacant plot which appears to have been recently cleared of vegetation. As such, the site forms an obvious gap in the street scene to an otherwise well-established residential area. The submitted plans demonstrate single storey development which is reflective of the scale of existing development found within the immediate surroundings.

The dwellings would be towards the eastern end of the site some 22m from the boundary with the highway. Owing to the positioning of neighbouring residential development, Plot D in particular would be a relatively discrete feature in the street scene. Nevertheless the design of the dwellings adopts similar characteristics to residential development in the surrounding area with internal garaging and projecting blank gables from the principal elevation. As such the proposal is deemed to respect the character of the surrounding area in line with the intentions of Policy DM5.

Impact on the adjacent Public Footpath

Despite the comments of Nottinghamshire Ramblers I would concur entirely with the consultation response of NCC Rights of Way Officer. Whilst no details have been submitted as part of this application (and neither would they be required to be given that the public footpath is outside of the application red line boundary) it is clear from a recent site visit that the public footpath is clearly marked and tarmacked and is more than adequate for public use to allow connectivity between The Hollies and the public open space to the east of the site. As such I have identified no detrimental impact on the integrity of the public right of way.

Impact on Amenity

An assessment of amenity relates both to the impact on existing residential development as well as the available amenity provision for the prospective occupiers of the development. In relation to the former, concern has been raised during the consultation process that the proposal would detrimentally affect neighbouring amenity notably through overlooking.

I have carefully considered this matter by a thorough review of the submitted plans but also by an on-site assessment. It is clear from a site visit from both the application site itself and from

neighbouring plots that there is difference in land levels. A plan demonstrating this difference has been requested to aide in the assessment of amenity however at the time of writing this is yet to be received.

Given the positioning of the proposed dwellings close to the site boundaries, Plot D in particular has significant potential to impact upon neighbouring amenity. The southern and western elevations of Plot D are just 1m away from the shared neighbouring boundaries. The distance between Plot D and the dwelling to the south; 6 Manton Close, would be spatially very close (approximately 7.5 from the corner of Plot D to the rear elevation of 6 Manton Close). No. 6 Manton Close has a relatively modest length of rear garden with the associated curtilage to the west of the dwelling being utilised for a driveway and car parking. As such the private amenity space associated with the property is minimal. It is my view that Plot D, despite being single storey in height, would have an overbearing impact on the occupiers of 6 Manton Close specifically but also potentially the adjoining bungalow; 7 Manton Close. This would be by virtue of the proximity to the shared boundary and the raised land level. The side elevation would encompass the brick wall of the front projecting gable as well as the full height of the blank side gable with a maximum pitch height of 4.6m.

In addition to this I have considered the impact of the proposal on the neighbouring development to the west of the site in terms of a loss of privacy through the inclusion a bedroom window on the principal elevation of Plot D. Whilst this may result in the neighbouring property (no. 6 The Hollies) being subject to a perception of being overlooked, I consider that the actual risk of overlooking would be relatively modest given that the window to window distance would be approximately 20m and the boundary treatment would largely mitigate the likelihood of this impact.

The aspiration for two dwellings within the plot results in compact plot sizes with rear gardens of under 5m in length. If the proposal was otherwise acceptable then in my view it would be a fine balance as to whether this alone would sustain a reason for refusal acknowledging that there is an area of public open space immediately adjacent to the site which could offer an overspill provision if required. However, when compounded with the other amenity concerns discussed it becomes apparent that the constraints of the site cannot deliver two units with adequate amenity provision. I therefore conclude on this issue that the proposal would be contrary to the Development Plan in this regard.

Impact on Highways

The Highways Authority has raised no objection to the proposal subject to the inclusion of appropriately worded conditions. I would concur with their comments that the proposal demonstrates adequate off road parking and will therefore not have a detrimental impact on highways safety.

Conclusion

Although the principle of development within the site is acceptable in principle and the design of the dwellings conforms to the character of the surrounding area, the proposal is recommended for refusal in terms of the impact of amenity. The site constraints mean that the proposed dwellings, specifically Plot D, are spatially very close to the site boundaries and as such would have an adverse impact on neighbouring amenity by virtue of an overbearing impact to the neighbouring properties along Manton Close. This is exasperated by the difference in land levels. Moreover, the provision of private amenity space available for the proposed occupiers would be substandard at less than 5m in length for their rear gardens. As such, it is concluded that the constraints of the

site do not allow for the provision of two residential units without an unacceptable adverse impact on amenity. This would be contrary to Policy DM5 of the Allocations and Development Management DPD.

Recommendation

Refuse, for the following reasons:

Reasons

01

In the opinion of the Local Planning Authority the site constraints mean that the proposed dwellings, specifically Plot D, are spatially very close to the site boundaries and as such would have an adverse impact on neighbouring amenity by virtue of an overbearing impact to the neighbouring properties along Manton Close. This is exasperated by the difference in land levels. Moreover, the provision of private amenity space available for the proposed occupiers would be substandard at less than 5m in length for their rear gardens. As such, it is concluded that the constraints of the site do not allow for the provision of two residential units without unacceptable adverse impacts on amenity. This would be contrary to Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material consideration.

Notes to Applicant

01

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

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to overcome the reason for refusals. Unfortunately this has been unsuccessful.

BACKGROUND PAPERS

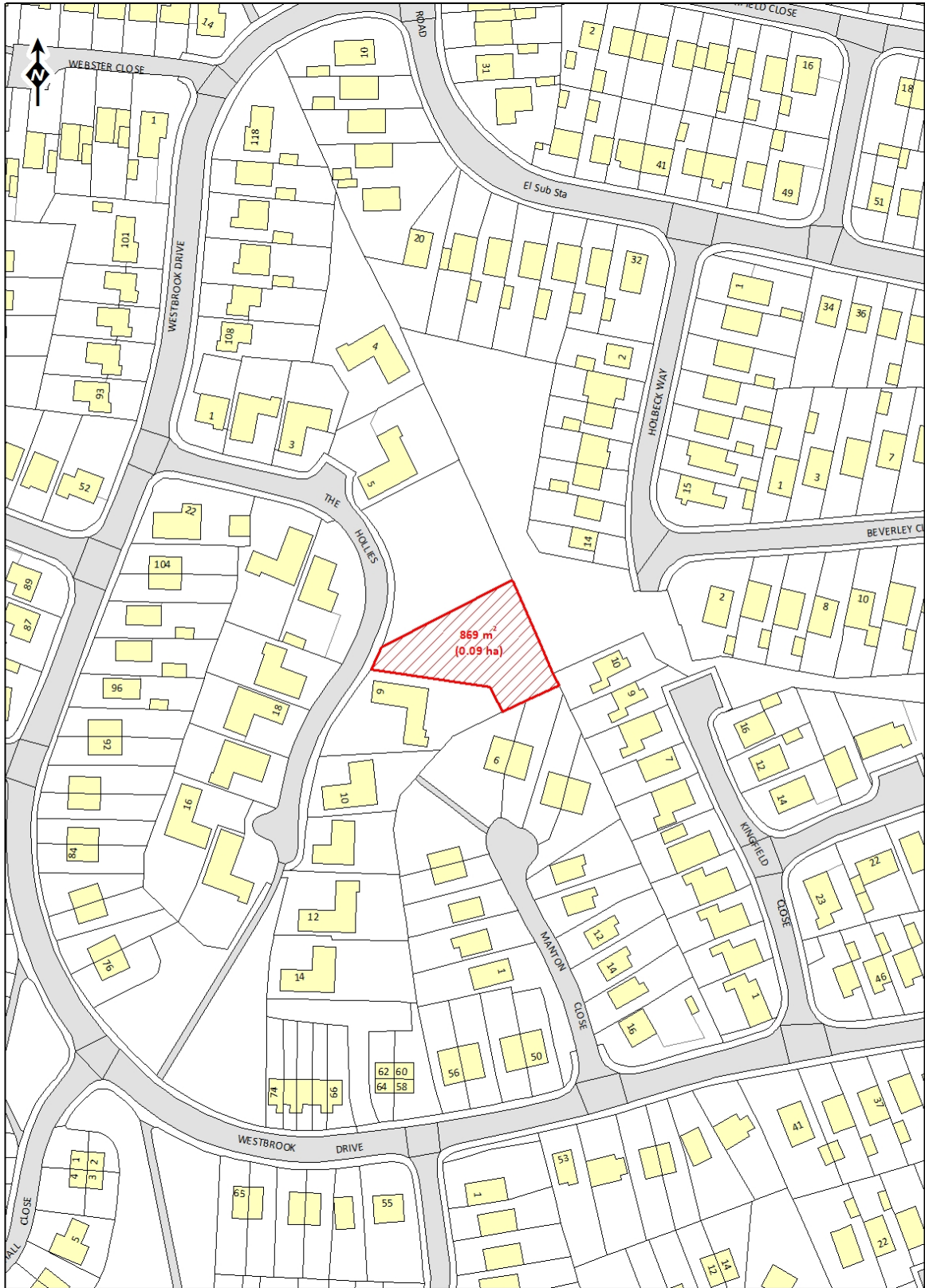
Application case file.

For further information, please contact Laura Gardner on 01636 655907.

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

K Cole
Deputy Chief Executive

Committee Plan - 14/02098/FUL



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Application No:	15/00097/FUL
Proposal:	Change of use of land and buildings from B1 (Business) and B8 (Storage and distribution) to the use for the Sales of Cars and Vehicles (Sui Generis)
Location:	Unit 1, Burma Road, Blidworth Nottinghamshire, NG21 0RS
Applicant:	Mr Gary Martin
Registered:	21st January 2015 Target Date: 18th March 2015
	Extension of Time for Decision Agreed until 27th March 2015

The Site

The site comprises of a large warehouse building with a permitted use for B1, B2 & B8 purposes located on the north side of Burma Road within Blidworth Industrial Park. It is located within the defined settlement boundary of Blidworth.

The site contains a singular vehicular access which leads immediately onto a parking area (where the cars for sale are currently being advertised), with the building located to the rear of the site.

The site has an office building located immediately adjacent to the east elevation on Enterprise Close. To the north of the site is Blidworth Miners Welfare social club and sports fields.

Site History

07/00530/FUL - Erection of portal framed industrial unit. Condition 8 of the permission specifies that the premises shall not be used for any purpose other than B1 (Business) or B8 (Storage and Distribution).

Description of Proposal

The application is retrospective and seeks full planning permission for the material change of use of the site from a business uses falling within Use Classes B1 (Business) and B8 (Storage and Distribution) to the current use for the display, storage and sale of cars/ vehicles which is considered *Sui Generis* (meaning a use class of its own) within the planning regime and as such planning permission is required.

At present there are 40 cars being displayed 'for sale' on the site, all of which are in the open area of the site. The applicant has confirmed that prior to the current use commencing in June 2014, the site was being used for the storage of vehicles (Class B8).

Public Advertisement Procedure

Ten neighbouring premises were notified by letter with the earliest decision date being 17th February 2015.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 – Sustainable Development

Newark and Sherwood Allocations & Development Management DPD

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5: Design
Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
National Planning Policy Guidance March 2014

Consultation Responses

Blidworth Parish Council – Object on the following ground(s);

- Over intensification of the site

Nottinghamshire County Council Highways – No objection subject to the imposition of conditions.

“Whilst the provision of 6 customer parking spaces for 30 display vehicles is acceptable, the Highway Authority needs to be sure that the operation of the site will not compromise highway safety. A parking layout should therefore be provided to show where the vehicles will be stationed. Sufficient space must also exist for drivers to enter and exit the site in a forward gear.”

NSDC Access and Equalities Officer – Has commented that in the absence of detailed plans of the proposals, it is recommended that the developer be advised to consider inclusive access for all. To this end, level step-free approach, generous doorways, space to easily manoeuvre, inclusive facilities and features and carefully laid out provision for disabled motorists within any parking are important considerations.

NSDC Environmental Health – No comments to make.

No neighbour/interested party letters were received as a result of the consultation process.

Comments of the Business Manager - Development

The main planning considerations in the assessment of this proposed development are as follows:

Principle of Development

The principle of the proposed development is established by National Planning Policy Framework (NPPF) and Core Policy 6 of the Newark & Sherwood Core Strategy 2011.

Core Policy 6 states that land and premises in existing industrial areas will normally be safeguarded and continue to be developed for business purposes. Where proposals are submitted for economic development uses, wider than 'B' Use Classes, regard will be had to the following;

- The extent to which the proposals are responding to local needs for such development;
- The lack of suitable, alternative sites being available to meet the demand that exists;
- The need to safeguard the integrity of neighbouring uses, including their continued use for employment purposes;
- The need to protect and enhance the viability of town centres; and
- The potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the district.

Being in a use class of its own, car sales garages are often difficult to locate as they are retail in nature but often are not the type of use that would be appropriate in a town centre location (as with other retail) given they tend to require large outdoor sales pitches. Because of this they tend to be located in suburban areas which can cause amenity concerns for neighbours or in more industrial areas.

In this case the proposal would be located on an industrial estate of relatively modest sized units. The proposal would ensure the continued use of the building and land for employment use, albeit not a 'Class B Use' and would therefore ensure protection for the viability of the town centre as well as not affecting the continued use of the adjacent properties for employment uses. The applicant has not provided any information as to whether the proposal is responding to a local need, or regarding the lack of suitable alternative sites. However I am unaware of any other sites that would be more suitable in the local area for this type of use and moreover in my view this use would cause no harm.

Furthermore it was noted during the course of the officer site inspection that the adjacent unit is currently vacant thus indicating that there would still be available industrial units remaining for appropriate industrial uses. For these reasons I conclude that the proposal accords with the intentions of Policy CP6.

Impact on Character of Area (design, layout, etc.)

The NPPF states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the Development Plan require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments.

There are no physical alterations proposed as part of the application. The sales pitch is organised in neat rows (and would be controlled as such by condition). As such, it is not considered that the

proposed development would result in any detrimental impact upon the character or appearance of the existing building or area in accordance with Core Policy 9 and Policy DM5 of the DPD.

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. The immediate area is an industrial estate and it is not considered that the proposed use would result in any adverse impact upon the amenity of nearby occupiers. Indeed, as the permitted use is B1 (Business) or B8 (Storage and Distribution) it is conceivable that the use applied for will result in less activity than allowed by the current permission.

It is therefore not considered that the proposed change of use would have a detrimental impact on neighbouring amenity and thus complies with the Development Plan in this regard.

Highways (inc car parking)

Spatial Policy 7 of The Core Strategy seeks to ensure that vehicular traffic does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. The nature of the proposed change of use is such that the times of most activity are likely to be a weekends, and this is when one would expect activity associated with the neighbouring industrial buildings to be at a minimum.

The proposal identifies that the site contains 30 car parking spaces that are currently being used for the display of vehicles for sale in addition to 6 customer parking spaces, 2 spaces for members of staff and a single disabled space. During the site inspection it was noted that the spaces are not currently marked out and there is no formal designation for customer/ staff parking. The result of this was an apparent lack of customer parking which could lead to a conflict with access/ egress from the site.

Based on the above observations, and the comments of Nottinghamshire County Highways, I consider that a condition should be imposed requiring details of how the applicant will permanently mark out the spaces and their designation in order to allow the free flow of traffic within the site without impacting upon the highway. Subject to this I consider that the proposal accords with SP7.

Conclusion

In conclusion the principle of the use of the site for the sale and display of vehicles is considered to be acceptable as the proposal would ensure the continued use of the building and land for employment use, and would therefore ensure protection for the viability of the town centre as well as not affecting the continued use of the adjacent properties for employment uses. Impacts upon the highway are also considered to be acceptable, subject to the imposition of a condition to control activity. The proposal is considered to accord with the Development Plan and the application is recommended for approval.

Recommendation

Approve, subject to the following condition:

Conditions

01

Within 28 days from the date of this permission, a scheme for approval shall be submitted to the Local Planning Authority which shows how the site will be demarked for parking (for both customers, staff and cars for sale) turning and servicing areas within the site as well as how this will be signposted. The approved scheme shall thereafter be implemented on site within 28 days of the date of approval, shall not be used for any other purpose other than the parking/turning/servicing areas as approved and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety and to ensure that is adequate on-site parking to discourage on-street parking.

Informative

01

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

02

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.

BACKGROUND PAPERS

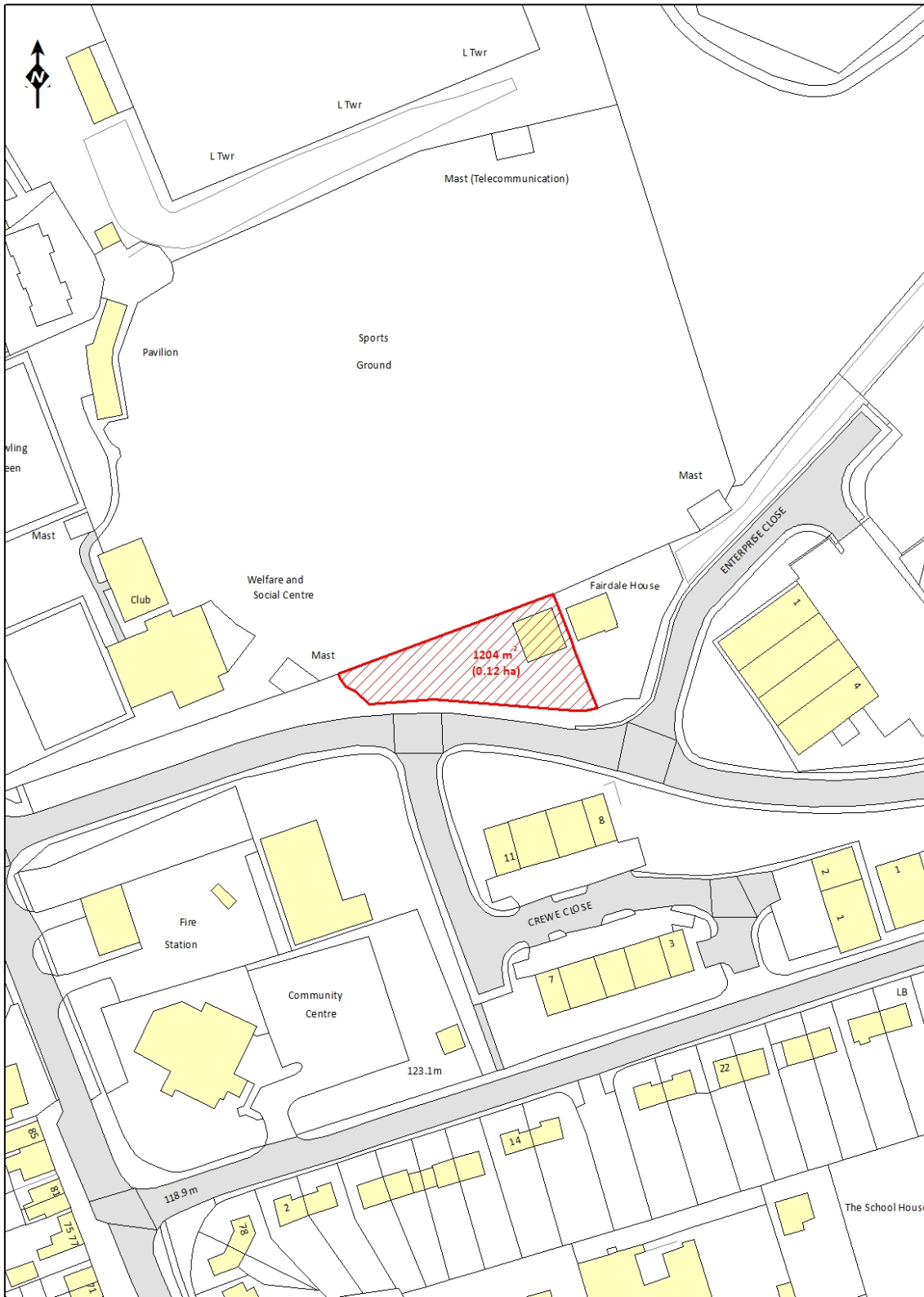
Application case file.

For further information, please contact Richard Marshall on 655801.

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 - 15/00097/FUL



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Application No:	14/02150/FUL	
Proposal:	Demolition of existing dwelling and the construction of a new replacement dwelling	
Location:	Hawton House, Chapel Lane, Epperstone	
Applicant:	Mr & Mrs Sheppard	
Registered:	8th December 2014	Target Date: 2nd February 2015

The Site

The application site Hawton House (formerly known as Timcot House) comprises a two storey detached red/brown brick dwelling with associated garaging and carport, located on Chapel Lane to the north of the centre of the village of Epperstone.

The property is sited in an elevated position, approximately 4m higher than the land level of Chapel Lane. The property is accessed via a driveway to the south of the dwelling, with a grassed area with stone retaining walls separating the property from the roadside. Amenity space is provided to the eastern and western sides of the property and the applicant has use of the paddock on the western (rear) boundary.

To the south of the property are a range of dilapidated agricultural buildings which form Chapel Farm. The Pantiles, a 1 ½ storey dwelling is situated to the south of the development site at a lower land level to Hawton House and parallel with Chapel Lane. To the north of the development site is Brigholme; a red/brown brick dwelling of similar appearance to Hawton House.

The site is situated within the Epperstone Conservation Area and the Nottingham Derby Green Belt.

The Proposal

The application is for full planning permission for the demolition of the existing two storey detached dwelling and the construction of a replacement three storey dwelling.

The dwelling would be sited on the approximate footprint of the existing dwelling, albeit with an additional projection to the south. The ridge of the proposed dwelling would be approximately 0.85m higher at its highest point in comparison to the existing dwelling.

A subterranean garage is also proposed which would be accessed from the existing driveway and be sited on the eastern side of the proposed dwelling.

It is proposed that the replacement dwelling be finished in brick with grey aluminium framed windows and doors and a slate grey interlocking tile roof.

Site History

14/01628/FUL - Demolition of existing dwelling and the construction of a new replacement dwelling. Withdrawn October 2014.

12/01676/FUL - Householder application for proposed conservatory and canopy to south elevation. Approved February 2013.

Public Advertisement Procedure

Occupiers of eight neighbouring properties have been individually notified by letter and a site notice has been displayed at the site. An advert has also been placed in the local press.

Consultations

Epperstone Parish Council – ‘Approves this application with some qualification regarding the overall size of the property.’

NSDC Conservation Officer- Objects

‘Chapel Lane is an attractive part of Epperstone Conservation Area, being a narrow and informal road, with low density residential development and a holloway created by rising land either side of the road. Development has generally either been directly up against the street front, with historic buildings set gable end onto the road, or with a late C20 phase of larger properties set well back from the road in substantial plots with greenery around. The application site falls into the latter category. There is nothing specifically of architectural or historical interest but it is a relatively low impact property, having a neutral impact on the character and appearance of the conservation area. It does, however, sit on quite elevated ground and is clearly visible in vistas along Chapel Lane.

In principle I would have no objection to the loss of this building, subject to a suitable new-build scheme, if the important elements of this site were retained, being a low level impact and sense of informality and greenery.

The scheme has been discussed greatly at pre-application stage and I still retain concerns about this scheme. A lot of my initial concerns about the proposed subterranean garage are now resolved and I think the engineered appearance of this excavation will be mostly hidden from view and can be disguised and accommodated with green landscaping.

However, the sheer size and bulk of the building, in this raised location, are still a problem for me. The visuals above show just how much more imposing the new structure will be by its raised bulk to the rear and the raised bulk to the side. It will become far more imposing in the street scene and dominate the attractive one and a half storey property it sits next to. I appreciate there is some separation distance between the properties and that the new build is set to the rear edge of the neighbouring property, but in views like those above, i.e. as one progresses through the conservation area along Chapel Lane, the new build will be quite dominant and the step up in ridge height will be quite apparent.

While I reiterate that there are rendered and painted properties in Epperstone, with the exception of Epperstone Manor these tend to be very modest in scale and appearance. Certainly a stark

white rendered structure up on this elevated plot, in this form, would be very imposing. A muted buff render would help mitigate this specific concern, as would of course the use of red brick instead. I am also concerned about the proposed interlocking grey tiles for the roof, which are neither traditional nor particularly attractive. As I have mentioned before I am not very keen on the exposed chimney stack, which in the whole is not a traditional feature. If this were the only feature on an otherwise well-proportioned property it could no doubt be absorbed, but on a structure which already imposes with its height and form, the exposed stack will only add more emphasis to this new build.

I have concerns that the proposed new structure will not only be more imposing but too imposing for this particular location, which has a low density, informal and green character. I feel it will dominate the historic properties in this area and detract from the character and appearance of the conservation area. I am also concerned that the materials and design features will add to its incongruous impact. I am not aware of any public benefits which might mitigate this harm. As such I would recommend refusal of this application.'

Nottinghamshire Wildlife Trust- No objection

I can confirm that we are satisfied with the methodology used and, given the findings, concur with the conclusions reached. The building is confirmed to be in a suitable location where bats are considered likely to be present and there were some potential features identified. However, on closer inspection these were considered to provide negligible opportunity for roosting bats and no evidence of use by bats was discovered. In line with Bat Conservation Trust Guidelines (Hundt, 2012) no further survey is required at this time.

We always support opportunities to incorporate biodiversity enhancements within and around developments, which is encouraged within the NPPF. We would be pleased to see inclusion of artificial bat roosting opportunity within the design of the replacement building, which is suggested within the bat survey report.

NCC Highways – No objection

'This proposal is for the construction of a replacement dwelling following the demolition of existing. The proposed development, as shown on dwg. No. MS-02, is to make use of the existing access, with sufficient parking/turning facilities within the site.'

NSDC Access and Equalities Officer - A Building Regulation application is required

Two letters of representation have been received offering the following (summarised) concerns;

- The new dwelling which is already on high ground will be considerably larger and with a higher ridge line than that of the existing;
- The extension to the south will be overbearing;
- The proposed design is unsympathetic and would not be in keeping with the village conservation area;
- The northern boundary is already marked by a native hedge and there is no need to plant a Leylandii hedge ;

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Policies relevant to this application:

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 4A Extent of the Green Belt
- Spatial Policy 4B Green Belt Development
- Core Policy 9 Sustainable Design
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment

Newark and Sherwood Allocations & Development Management DPD (Adopted July 2013)

Policies relevant to this application:

- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework Adopted (NPPF) March 2012 – Section 9 ‘Protecting Green Belt land’
- National Planning Policy Guidance, on-line resource 2014

Comments of Business Manager, Development

I consider the key issues in assessing this application relate to the (1) appropriateness of development and impact on the openness of the green belt, (2) the impact upon the character and appearance of the Conservation Area, (3) the impact on residential amenity, (4) highway safety and (5) ecological issues. Each issue is discussed below in turn.

Appropriateness of Development and Impact on the Openness of the Green Belt

The proposal relates to a replacement dwelling, which is acceptable in principle subject to consideration relating to the impact on the green belt.

The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that the replacement of a building is not considered to be inappropriate development in the Green Belt, provided it is not materially larger than the one it replaces. The NPPF further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to

any harm to the Green Belt. This approach is consistent with Spatial Policies 1 and 4B of the Core Strategy.

Neither the NPPF nor the Core Strategy defines what is meant by 'materially larger.' However generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floor space increase) in determining whether a replacement dwelling is materially larger than the original dwelling. However, what is materially larger in planning terms is essentially a matter of fact and degree and is not defined as either a quantitative (size, floor space, footprint, volume, etc) or qualitative (bulk, design, context) measure. Throughout the years there has been extensive case law on the subject with matters of interpretation varying.

Notwithstanding the degree of judgement involved in firstly determining whether a development proposal is inappropriate (by reason of being materially larger) it is useful to understand the size of the proposed dwelling compared to the existing dwelling. This is detailed in the table below.

Table 1 - Floor space

Existing dwelling floor space (including 1 st floor, garage and carport)	Proposed 3 storey dwelling floor space (Including subterranean garage)	% increase
194m ²	409m ²	111%
Existing dwelling floor space (including 1 st floor, garage and carport)	Proposed 3 storey dwelling floor space (excluding subterranean garage)	
194m ²	374m ²	93%

Table 2 - Footprint

Existing dwelling footprint (including garage & carport)	Proposed 3 storey dwelling footprint (including subterranean garage)	% increase
121.5m ²	201m ²	65%

Table 3 - Ridge Height

Existing dwelling ridge height	Proposed 3 storey dwelling ridge height	Height increase
6.7m	7.6m	0.9m

The floor space calculations indicate that the proposed dwelling would result in an increase in floor space significantly over the 50% typically used by local authorities to determine whether a replacement dwelling is materially larger than the original dwelling. In carrying out my calculations I have taken the provided measurements for the ground floor, garaging and carport and made an assumption for the existing properties 1st floor been the same as that of the ground floor. The

subterranean garage has been both included and excluded in the calculations for the proposed dwelling in table 1. The inclusion of subterranean structures and their impact on the openness of the Greenbelt is a matter of opinion. In addition, tables 2 and 3 provide a comparison of the Footprints and Ridge heights of the existing and proposed dwellings. As can be seen from the tables above, regardless of whether the proposed subterranean garage is included in the floor space calculations or not the proposed dwelling would still be significantly over the 50% floor space measurement typically used by local authorities to determine whether a replacement dwelling is materially larger than the original dwelling. When taking footprint and ridge height into consideration the proposed dwelling is also considered to be materially larger than the original dwelling.

Given the above considerations, I consider the proposed replacement dwelling would be materially larger than the building it would replace both in floor space, footprint and visual terms by way of the increased ridge height and would unduly impact on the openness of the Green Belt.

Paragraph 88 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is materially larger than the dwelling to which it would replace based on typically accepted limits, and the footprint size, bulk and massing of the dwelling would unduly impact on the openness of the Green Belt in this instance. No material considerations have been put forward by the applicant to justify a dwelling which is materially larger having a resultant impact on the openness of the Green Belt.

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 openness of the Green Belt.

Impact on the Character and Appearance of the Conservation Area

Chapel Lane is a narrow road with a relatively low density, with properties on the eastern side generally sited within close proximity to the roadside and to the west generally set further back and on elevated plots. The existing property is believed to be of 1970's construction and of little architectural merit. However it is considered to offer a relatively neutral impact in terms of impact on the character and appearance of the Conservation Area.

An earlier application (14/01628/FUL) was withdrawn amid concerns that the proposed subterranean garage would appear as an over engineered structure requiring the use of large retaining walls. In addition the replacement dwelling was considered to appear as overly dominant and include elements of incongruous design which due to the elevated position of the dwelling would be prominent in the public realm. Subsequent to the withdrawal of this application discussions have been entered into with the applicant regarding the garage and Officers are now satisfied that the proposed garage should not be overly visible in the street scene and as such would not detract from the character and appearance of the Conservation Area. However, in the majority the current proposal is relatively unaltered from the previous submission with the exception of a slight reduction of the ridge height and a reduction in overall floor space of approximately 6m². As such it is not considered that the concerns that were raised in the initial application have been sufficiently addressed in this subsequent submission to the satisfaction of Officers.

With regards to the proposal which forms the basis of this application, concern is raised due to the perceived increase in bulk of the building in comparison to that of the existing dwelling which is further exacerbated by the sites elevated location. As discussed above the overall floor space of the building is markedly larger than that of the existing dwelling which has the potential for the dwelling to appear as a dominant feature within what is currently a fairly attractive street within the Epperstone Conservation Area. The existing gable end of the dwelling would be replicated through the proposed replacement dwelling in terms of approximate height; however the ridges beyond this to the west and south would be approximately 0.9m higher; to provide useable space within the roof thus resulting in a three storey dwelling. The increase in overall footprint of the dwelling combined with the increased ridge heights and elevated plot position in comparison to properties on Chapel Lane would result in a development which is considered to be overly dominant and would not positively contribute towards the character and appearance of the Conservation Area.

Concern is also raised regarding the proposed building materials. Since the withdrawal of the previous application discussions have been ongoing with the applicant in order to ensure the proposed development was appropriate for its setting. The existing building is constructed of a buff red/brown brick which whilst in my view is unattractive, has a decidedly neutral impact on the surrounding Conservation Area. Properties within proximity to the development site are in general constructed of red brick with either small roof tiles or larger curved pantiles, with the exception of one stone built dwelling. The original application detailed that the replacement dwelling would in the majority be finished in an off white render with stone detailing on the large external chimney stack and on the western gable end. The stone detailing has been deleted from this revised application and correspondence has been received from the applicant during the course of this report being written requesting a change of materials and that the render proposed be changed for brick. The roofing material would be a slate grey interlocking tile.

Whilst the deletion of the stone detailing and change of material finish from render to brick is considered an improvement, concern is still raised that due to the elevated position combined with the bulk of the proposed dwelling, the development would appear as an incongruous addition in the street scene and would detract from the character of the area. Furthermore the proposed interlocking roof tiles are considered to be overly urban in appearance and not an appropriate material for use within the Conservation Area.

As such it is considered that the proposed replacement dwelling by way of its bulk, design and roofing materials would be a dominant feature to the detriment of the street scene and surrounding Conservation Area and as such be contrary to policy DM5 and DM9 of the NSDC DPD.

Impact on Residential Amenity

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

Consideration has been given to the impact of the proposed replacement dwelling on the amenity of surrounding residential properties. Concern has been raised by a neighbouring property that the proposed southern elevation of the dwelling would be overbearing. This element of the proposed build would project approximately 7m further to the south than the existing dwelling.

The degree of separation between this element of the building and the northern gable wall of the closest residential property to the south of the site (Pantiles) would be approximately 17m. Notwithstanding that the proposed dwelling would be situated on raised ground in comparison to properties to the south, due to the degree of separation it is not considered to overbear.

The closest windows on the proposed dwelling to Pantiles would be approximately 22m. As such the proposed development is not considered to result in overlooking of dwellings to the south. Four windows are proposed on the northern elevation at 1st floor height, however given that these would serve two bathrooms, a dressing room and a store it is considered that these would be obscure glazed. As such the proposed development would not result in overlooking of the garden area of Brigholme to the north. No overlooking is considered likely to the east given the nearest property would be approximately 26m away on the opposite side of Chapel Lane. Two balcony areas are proposed at first floor on the west elevation of the replacement dwelling. However, given that the land to the west is formed of open agricultural fields it is considered unlikely that the proposed fenestration and balcony areas would result in a loss of neighbouring amenity.

The proposal is not considered to detrimentally impact on surrounding residential amenity through overlooking, overbearing or loss of light and is therefore considered to comply with policy DM5 of the NDSC DPD.

Impact on Highway Safety

NCC Highways Authority has reviewed the submitted information and have raised no objection to the proposed development. As such the proposed development is considered to comply with spatial policy 7 of the Core Strategy.

Impact on Protected Species

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. The initial comments received from Nottinghamshire Wildlife Trust requested the submission of a bat survey to determine the presence of bats within the roof space of the property. A survey has been submitted and reviewed by Nottinghamshire Wildlife Trust who consider the methodology and findings of the survey to be acceptable and that no bats are considered to roost within the roof space of the dwelling.

As such, it is considered that no adverse ecological impacts would arise through the proposed development and the proposal is therefore considered to accord with Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

Conclusion

The proposed replacement dwelling is situated within the Nottingham Derby Green Belt where the principle of replacement dwellings which are not materially larger than the dwelling they are to replace is accepted. However, the proposed development is considered to be materially larger and no special circumstances have been provided to overcome this concern. The proposal is therefore considered to be contrary to the policy guidance provided in the NPPF and policy 4B of the NSDC Core Strategy.

In addition by way of the dwellings bulk, massing and proposed roofing materials it is considered to detract from the character and appearance of the Conservation Area and would appear as an incongruous addition. As such the development would be contrary to policy DM5 and DM9 of the NSDC DPD.

Recommendation

Refuse, for the following reasons;

01

In the opinion of the Local Planning Authority the proposed replacement dwelling would be materially larger than the dwelling it is to replace and would therefore constitute inappropriate development which would have an undue impact on the openness of the Green Belt. There are no very special circumstances to outweigh this harm. The proposed development would therefore be contrary to Spatial Policy 4b and the National Planning Policy Framework (2012) a material planning consideration.

02

In the opinion of the Local Planning Authority the design of the proposal by reason of its massing, form and materials would be out of context with surrounding properties to the detriment of the Conservation Area. The proposed development would therefore be contrary to Core Policies 9 and 14 of the Newark and Sherwood Core Strategy (2011), Policies DM5 and DM9 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework (2012) a material planning consideration.

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 will be subject to CIL. 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 for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to overcome the reason for refusals. Unfortunately this has been unsuccessful.

BACKGROUND PAPERS

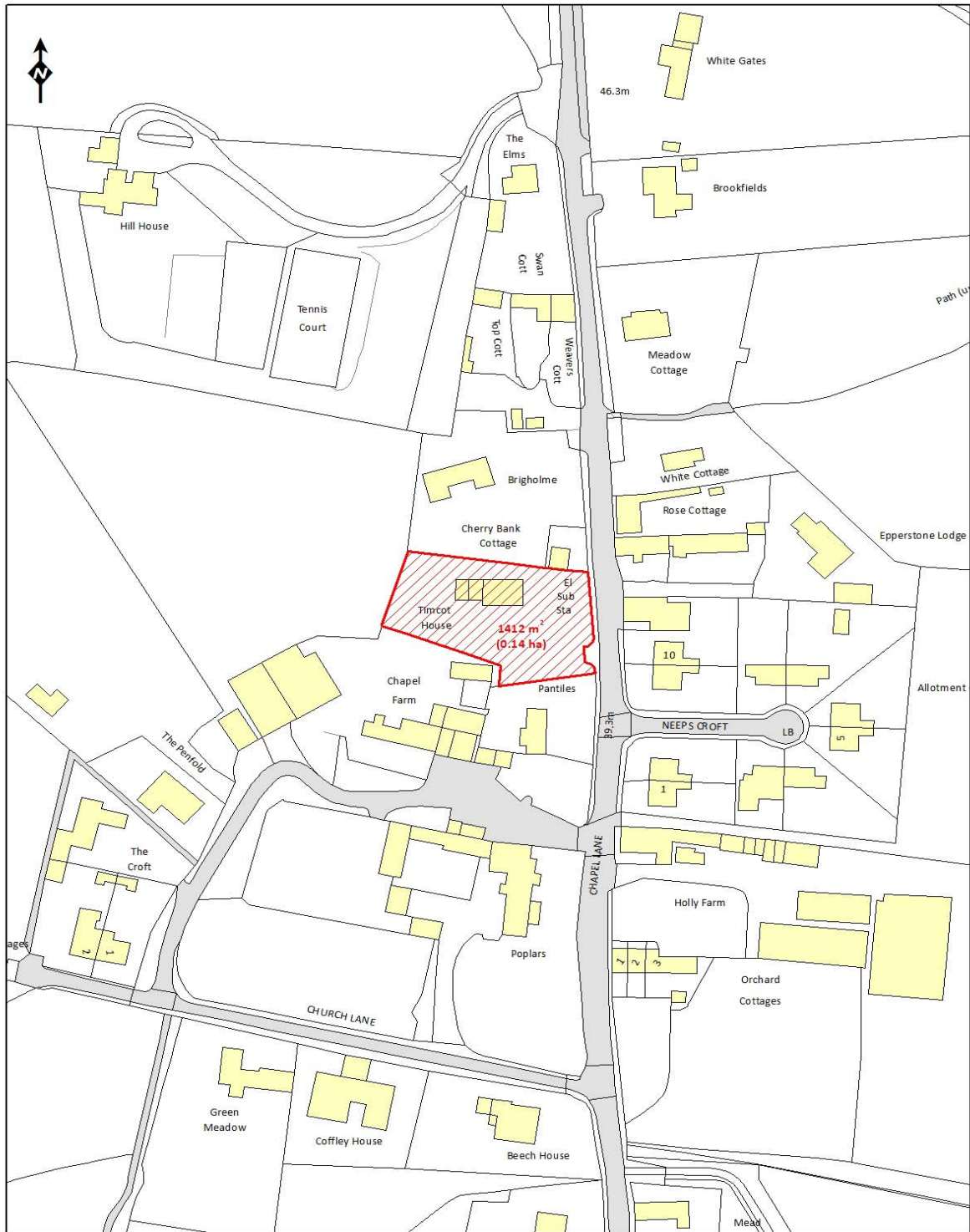
Application case file.

For further information, please contact James Mountain on Ext 5841

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

K Cole
Deputy Chief Executive

Committee Plan - 14/02150/FUL



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Application No:	15/00145/LBC	
Proposal:	New Pub Signs (Re-submission of application 14/01762/LBC)	
Location:	Saracens Head Hotel, Market Place, Southwell, Nottinghamshire	
Applicant:	Greene King Ltd	
Registered:	30 January 2015	Target Date: 27 March 2015

The Site

This application relates to a Grade II Listed hotel and restaurant located opposite to the junction of Market Place and Church Street within Southwell Town Centre. There is a central archway which allows access to an internal courtyard and car park at the rear. There is existing signage to the front façade in the form of blue plaques, lettering over the archway and 2 no. hanging signs, to the side entrance of the building in the form of small plaques and to a gable facing into the internal courtyard in the form of individual gold lettering.

Relevant Planning History

An advertisement consent application has been submitted in conjunction with the Listed Building consent application to which this report relates – ref. 15/00146/ADV.

The Proposal

Listed Building Consent is sought for the erection of signage as outlined below:-

- 2 no. timber moulded plaque signs one to the front elevation to the side of the archway and one to the entrance at the side of the building within the internal court yard at key access points.
- A timber crown logo and individual letters to a side gable facing into the internal courtyard above the existing ‘Saracens Head’ lettering. These will be mounted approximately 5.1m above ground level. The crown logo has a maximum width of 0.45m and height of 0.3m. The lettering has a maximum span of 1.1m and cumulative height of 0.2m.

A Design and Access Statement and Heritage Statement have been deposited with the application.

The applicant has confirmed by email on the 10th February 2015 that the external illumination originally proposed is now withdrawn from the scheme and the signs will be non-illuminated.

Departure/Public Advertisement Procedure

Occupiers of 38 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The 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, such as Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the following:

Newark and Sherwood Core Strategy Development Plan Document (adopted March 2011):

- Core Policy 9 – Sustainable Design
- Core Policy 14 – Historic Environment

Allocations and Development Plan Development Plan Document (adopted July 2013)

- Policy DM5 Design
- Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations:

- National Planning Policy Framework (NPPF) Adopted March 2012
- Shopfront and Advertisement Design Guide Supplementary Planning Document (SPD)
- Planning Practice Guidance: Advertisements.2014
- Planning Practice Guidance: Conserving and Enhancing the Historic Environment 2014
- Southwell Draft Neighbourhood Plan – currently out to consultation.

Consultations

Cllr P Harris has referred this application to Committee in the event of a recommendation of approval asking that the Town Council's comments are attached.

Southwell Town Council – Consider that the proposal lacks a real understanding and sensitivity regarding the unique history of the building, the history of the site and the wider conservation and historical area in which the building is situated. It is noted that the signage is not tailored to its location and is corporate in its finished design which is not in keeping with Southwell. It suggested that the proposal is modified to respect the age and historical importance of this 14th century building.

Southwell Civic Society – No objections are raised.

NSDC Conservation – Following clarification with regards to there being no illumination proposed, no objections are raised to the additional signs. Whilst the new Green King sign is adding a slight amount of signage clutter to the front elevation, it is very small in size and non-illuminated. The proposed section shows this to have no visible locators and that it will not be too thick. No objections are raised to proposed aluminum for the material providing a matt finish is used. No objections are also raised with regards to the new Green King sign on the rear of the carriage arch, which has been grouped with other signs in this location.

Similarly no objection is raised to the proposed gable sign, which fits above existing lettering signage and is scaled accordingly. Whilst the crown element is raised slightly from the wall face, this is a small part of the sign and overall will not be too intrusive. Subject to the signs having a matt finish no objections are raised.

English Heritage – Recommend that application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

NCC Highways Authority – No objections are raised.

NSDC Environmental Health – No comments are raised.

Nottinghamshire Ramblers Association – no comments are raised.

No representations have been received from local residents or other interested parties.

Comments of the Business Manager

The key planning consideration in the determination of this application is whether the proposed signage would have an adverse impact upon the historic character and fabric of the Listed Building.

Impact on the Listed Building

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant listed building consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The associated Planning Practice Guide states in paragraph 179 that retention of historic fabric is a fundamental part of any good alteration.

I note that the conservation planner has raised no objections to the proposal, given that the external illumination has now been withdrawn from the scheme. It is considered that the proposed gable lettering and logo sign are sympathetically proportioned in relation to the existing lettering and sit well within the scale and context of the building.

Although there are a small number of wall mounted signs located within the side entrance of the building, given their scale and the size and design of the proposed moulded sign I do not consider that an additional sign in this location would result in an over proliferation of signage which would unduly impact on the Listed Building.

Similarly the sign to the front elevation to the side of the archway would not in adversely impact upon the Listed Building, by virtue of its small scale and location.

Southwell Town Council are currently consulting on a Draft NP and having assessed the relevant policies I consider that the proposal is in accordance with them.

In conclusion the proposed works are not considered to have a detrimental impact upon the historic or architectural character of the building or its setting to justify refusal in this instance. The proposal thereby accords with the Act and the Development Plan and I recommend approval.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below.

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 the approved block plan, elevation and signage details and section plans deposited on the 29th January 2015.

Reason: So as to define this consent.

03

The signage hereby approved shall be constructed entirely of the material details submitted as part of the application and shall have a matt finish unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the historic significance of the building.

04

The signage hereby approved shall not be illuminated at any time as confirmed by email dated 10th February 2015.

Reason: In the interests of visual amenity and to preserve the historic significance of the building.

Note to Applicant

01

For the avoidance of doubt, this consent should be read in conjunction with the related advertisement consent ref. 15/00146/ADV.

02

The application as submitted is acceptable. In granting consent without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is

fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

Application case file.

Application ref. 15/00146/ADV

For further information, please contact Bev Pearson on ext 5840.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00145/LBC



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Application No:	15/00146/ADV	
Proposal:	New signage (Re-submission of application 14/01761/ADV)	
Location:	Saracens Head Hotel, Market Place, Southwell, Nottinghamshire	
Applicant:	Greene King Ltd	
Registered:	30 January 2015	Target Date: 27 March 2015

The Site

This application relates to a Grade II Listed hotel and restaurant located opposite to the junction of Market Place and Church Street within Southwell Town Centre. There is a central archway which allows access to an internal courtyard and car park at the rear. There is existing signage to the front façade in the form of blue plaques, lettering over the archway and 2 no. hanging signs, to the side entrance of the building in the form of small plaques and to a gable facing into the internal courtyard in the form of individual gold lettering.

Relevant Planning History

A Listed Building consent application has been submitted in conjunction with the advertisement application to which this report relates (ref. 15/00145/LBC) which is being considered concurrently.

The Proposal

Advertisement consent is sought for the erection of signage as outlined below:-

- 2 no. timber moulded plaque signs one to the front elevation to the side of the archway and one to the entrance at the side of the building within the internal court yard at a key access point.
- A timber crown logo and individual letters to a side gable facing into the internal courtyard above the existing 'Saracens Head' lettering. These will be mounted approximately 5.1m above ground level. The crown logo has a maximum width of 0.45m and height of 0.3m. The lettering has a maximum span of 1.1m and cumulative height of 0.2m.

A Design and Access Statement and Heritage Statement have been deposited with the application.

The applicant has confirmed by email on the 10th February 2015 that the external illumination originally proposed is now withdrawn from the scheme and the signs will be non-illuminated.

Departure/Public Advertisement Procedure

Occupiers of 38 properties have been individually notified by letter. A site notice has also been

displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Development Plan Document (adopted March 2011):

- Core Policy 9 – Sustainable Design
- Core Policy 14 – Historic Environment

Allocations and Development Plan Development Plan Document (adopted July 2013)

- Policy DM5 Design
- Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations:

- National Planning Policy Framework (NPPF) Adopted March 2012
- Shopfront and Advertisement Design Guide Supplementary Planning Document (SPD)
- Planning Practice Guidance: Advertisements 2014
- Planning Practice Guidance: Conserving and Enhancing the Historic Environment 2014
- Southwell Town Council's Draft Neighbourhood Plan – currently out to consultation

Consultations

Cllr P Harris has referred this application to Committee in the event of a recommendation of approval asking that the Town Council's comments are attached.

Southwell Town Council – Consider that the proposal lacks a real understanding and sensitivity regarding the unique history of the building, the history of the site and the wider conservation and historical area in which the building is situated. It is noted that the signage is not tailored to its location and is corporate in its finished design which is not in keeping with Southwell. It suggested that the proposal is modified to respect the age and historical importance of this 14th century building.

Southwell Civic Society – No objections are raised.

NSDC Conservation – Following clarification with regards to there being no illumination proposed, no objections are raised to the additional signs. Whilst the new Greene King sign is adding a slight amount of signage clutter to the front elevation, it is very small in size and non-illuminated. The proposed section shows this to have no visible locators and that it will not be too thick. No objections are raised to proposed aluminum for the material providing a matt finish is used. No objections are also raised with regards to the new Greene King sign on the rear of the carriage arch, which has been grouped with other signs in this location.

Similarly no objection is raised to the proposed gable sign, which fits above existing lettering signage and is scaled accordingly. Whilst the crown element is raised slightly from the wall face, this is a small part of the sign and overall will not be too intrusive. Subject to the signs having a matt finish no objections are raised.

English Heritage – Recommend that application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

NCC Highways Authority – No objections are raised.

NSDC Environmental Health – No comments are raised.

Nottinghamshire Ramblers Association – No comments are raised.

No representations have been received from local residents or other interested parties.

Comments of the Business Manager

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 67 of the NPPF I consider that the main issues in the determination of this application are related to amenity and public safety, taking account of cumulative impact. The intentions of national policy are reflected by policy DM5 of the Allocations and Development Management Document.

Impact on Amenity

The justification of Policy DM5 states that in terms of visual amenity the impacts of advertisements will be assessed by reference to criterion 4 of the policy regarding 'Local Distinctiveness'. This aims to ensure that the proposal would reflect the character of the locality in terms of scale, form and design.

The visual amenity of the area has to be considered in the context of the location of the site within an important part of Southwell Conservation Area. The building itself is also Grade II Listed. The Council's adopted SPD on shop fronts and advertisements outlines the general principles for signage on listed buildings. Lettering should always be simple and well-designed taking into account the character of the building.

It is considered that the proposed signs would be well related to the scale of the existing building which is an established and prominent hotel and restaurant within the centre of Southwell. I note that the conservation planner raises no objection to the proposal. Overall, it is not considered that the proposed advertisements would result in an over proliferation of signage to the detriment of the surrounding area. It is considered that the signs would appear as modest advertisements and would not detract from the visual amenity of the locality, intrude upon or interrupt existing historic features of the Listed Building or the setting of nearby listed buildings or the character or appearance of the Conservation Area.

Impact on Public Safety

The Highway Authority raises no objection to the proposed advertisements as they would not result in any unacceptable detriment to highway safety for pedestrians or other highway users.

Conclusion

Southwell Town Council are currently consulting on a Draft NP and having assessed the relevant policies I consider that the proposal is in accordance with them.

The proposed advertisements would not be detrimental to the character and appearance of the Listed Building and would not detract from the visual amenity of the locality, having regard to the character and appearance of the Conservation Area and the setting of Listed Buildings. The proposed signage would not result in any detriment to highway or public safety. Consequently, the proposed advertisements are considered to be in accordance with the provisions of the NPPF and Policies DM5 and DM9 of the DPD.

RECOMMENDATION

That advertisement consent is approved subject to the conditions and reasons shown on the attached recommendation sheet.

Conditions

01

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

02

The development hereby permitted shall not be carried out except in complete accordance with the approved block plan, elevation and signage details and section plans deposited on the 29th January 2015.

Reason: So as to define this consent.

03

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application and shall have a matt finish unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

No advertisement shall be sited or displayed so as to: (a) endanger persons using the highway.(b) obscure, or hinder the ready interpretation of, any traffic sign; or(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

09

The signage hereby approved shall not be illuminated at any time as confirmed by email dated 10th February 2015.

Reason: In the interests of visual amenity and to preserve the historic significance of the building.

Note to Applicant

01

For the avoidance of doubt, this consent should be read in conjunction with the related Listed Building Consent ref. 15/00145/LBC.

02

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

BACKGROUND PAPERS

Application case file.

Application ref. 15/00145/LBC

For further information, please contact Bev Pearson on ext 5840.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00146/ADV



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Application No:	15/00209/FUL		
Proposal:	4 No. two bedroom and 2 No. one bedroom flats with associated external works.		
Location:	Garages At Coronation Street, Balderton		
Applicant:	Newark and Sherwood Homes		
Registered:	09.02.2015	Target Date:	06.04.2015

This application is presented to the Planning Committee for determination in line with the Council’s Constitution as the Council has an interest in the development in that it owns the land in question. The Parish Council’s objection also necessitates the application to be determined by the Planning Committee.

The Site

The application site relates to an existing garage court on Coronation Street, Balderton. The site is adjoined by two-storey residential properties at no.2 and no.8 Coronation Street. To the rear the site is adjoined by gardens serving a bungalow at no.2 Laburnam Close and two storey terraced properties on London Road. The neighbouring properties on Coronation Street each have a window facing the application site at first floor level. The site is situated within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD.

Relevant Planning History

There is no relevant planning history for the site.

15/00260/FUL - A separate planning application for redevelopment of another garage site for 2no. one bedroomed flats on Grove View Road is currently being considered by the Council. The site is situated almost opposite, to the north east, of the garage court subject to this planning application. This application is likely to be presented to the Planning Committee for determination in due course.

The Proposal

Full planning permission is sought to demolish the garages on site and erect 4no. two bedroomed and 2no. one bedroomed flats with associated car parking and curtilage. The proposed flats would be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

The flats would be accommodated within a rectangular building with maximum dimensions of 22.3m width x 9.7m depth. The building would be split in to three sections with a flat at ground floor and a flat at first floor with a porch serving each section. The one bedroomed flats would be situated within the central section with two bedroomed flats in the section either side. The

building would have a gable sided roof with maximum heights of 5.45m to the eaves and 8.55m to the ridge.

The car parking spaces serving the flats would front the pavement on Coronation Street and 6no. spaces are proposed in total meaning a ratio of 1 space per flat.

The remaining space to the front and rear of the building would be soft landscaped with paths to the perimeter of the building. Space for bins is shown adjacent to the eastern and western boundaries of the site. 1.8m close boarded fencing is proposed to all boundaries.

A Design and Access Statement, topographical survey, Ecological Survey, Gas Monitoring Report and Geotechnical and Geo-Environmental Investigation report have also been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of 25 neighbouring properties have been individually notified by letter.

Earliest decision date 10.03.2015

Planning Policy Framework

The Development Plan

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

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

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

- | | |
|---------------|---|
| • Policy DM1 | Development within Settlements Central to Delivering the Spatial Strategy |
| • Policy DM3 | Developer Contributions |
| • Policy DM5 | Design |
| • Policy DM7 | Biodiversity and Green Infrastructure |
| • Policy DM12 | Presumption in Favour of Sustainable Development |

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December

2013)

- National Planning Policy Framework 2012
- Planning Policy Guidance (on line resource)

Consultations

Balderton Parish Council – Object to the proposals on the following grounds:

- Vehicular parking on Coronation Street is already inadequate and the loss of garages would have an adverse impact on the situation.
- Delivery vehicles already have difficulty accessing the road and the situation will be made worse.
- Users of the garages state that the garages are large enough and are used to house vehicles.
- Vehicles already park on the pavement and block driveways. Pedestrians and pushchair users often have to walk on the road.
- Surface water drainage on Coronation Street is problematic and there are concerns that additional properties will create further run-off.
- The village centre is located at the bottom of Coronation Street and this is a venue for events or when the sports pitches are in use when the car park is very busy and some vehicles are left on Coronation Street further adding to the problem.
- The Parish Council has not objected to similar developments on other sites but feel this location is totally inappropriate.

Nottinghamshire County Council (Highways) – Whilst it is regrettable to lose off-street parking provision, the Highway Authority understands that this is not something that Council can control. (The Highway Authority subsequently clarified that they were referring to the County Council not having control of the existing garage court).

The proposed development provides one space per dwelling, which given the scale of development appears to be sufficient. It is suggested that each space is allocated to a single residential unit to avoid neighbourhood disputes.

The carriageway and footway widths are sufficient to allow the turning of vehicles in/out of the proposed spaces even when parking occurs on the north side of the street.

Therefore, the Highway Authority raises no objections to this application subject to the conditions being attached to any consent requiring all parking spaces are surfaced and maintained in a hard bound material, a dropped vehicular footway crossing(s) being made available and that the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the spaces to the public highway. The Highway Authority has also requested that a note be attached to any consent bring it to the developer's attention that the development makes it necessary to construct / alter a vehicular crossing(s) over at footway of the public highway and that these works shall be constructed to the satisfaction of the Highway Authority.

NSDC (Strategic Housing) – No comments received.

NSDC (Environmental Health) – With reference to the above development, Environmental Health have received a combined Phase I and II Geotechnical & Geo-Environmental Investigation Report submitted by BSP Consulting on behalf of the developer. This includes an environmental screening

report, an assessment of offsite contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

Subsequent sampling and analysis reveals some considerable elevated PAH results, particularly in the made ground. The report then goes on to state that this should be remediated by removing the made ground, where less than 0.6 metres is present from garden and landscaping areas and reinstating with clean inert subsoil and topsoil. All Nottinghamshire Local Authorities require the top metre in garden areas to be free from contamination. Any material imported onto site will require approval by Environmental Health for chemical composition prior to placement. Furthermore, no details were submitted on how the remedial measures will be validated. In addition to the above, gas monitoring has been carried out. Whilst the gas screening value is currently calculated as zero, Environmental Health shall await the results from the final two gas monitoring exercises prior to agreeing that no gas protection measures are needed.

Until the above issues are addressed, Environmental Health would recommend the use of the Council's standard phased contamination condition.

NSDC (Access and Equalities Officer) – As part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10.

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

Severn Trent Water Authority – No comments received.

Police Architectural Liaison Officer – No comments received.

Natural England – No comments to make regarding this application.

Nottinghamshire Wildlife Trust – Pleased to see that an ecological survey has been carried out (Curious Ecologists, 2014) which included carrying out a Phase-1 habitat survey and a Code for Sustainable Homes ecology assessment.

The Trust are satisfied with the approach to the survey and the conclusions drawn. It is apparent from the report and from looking at aerial imagery that the site is predominantly comprised of hardstanding with garages and has limited ecological value. As such, the Trust have no objections to the proposals.

The ecological recommendations made within the report should be followed, as set out briefly below (see the ecology report for full details).

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

- **Bats.** Ideally, demolition works should take place over winter following the precautionary approach set out within the ecology report. If demolition works are delayed beyond April 2015, then bat activity surveys should be carried out.

The Trust are supportive of the habitat enhancement recommendations made within the report. In brief, this includes: shrub planting and under-planting with herbs; creation of a herb garden; and erection of bat and bird boxes. The Trust would encourage these measures to be taken up such that the development results in a net gain for biodiversity.

Neighbours/interested parties - Local residents have been notified of the proposals.

15no. written representations have been received objecting to the proposals and raising the following concerns:

Highway issues

- Parking is already at a premium, additional housing will only exacerbate this issue.
- Will existing garage tenants be offered an alternative?
- The dustbin lorry has trouble getting down Coronation Street, and emergency vehicles experience similar problems. More cars will lead to poor parking making this situation worse.
- Double parking from other streets already occurs, where will people park?
- The Garage space is currently used as overspill in addition to parking on Grove View. 6 spaces is not enough provision and there will be further overspill on to Coronation Street.
- Residents from London Road also park on Coronation Street.
- Parking is a particular issue on peak periods at the weekend with activities on the sports fields and the Balderton Village Centre (Community Centre). Parking currently exists in front of the garages but this will be gone.
- Congestion currently causes issues for pedestrians with prams or on scooters due to vehicles parking on the path.
- A resident on London Road has advised they currently use the garages and their closure would mean they would park on London Road causing disruption and maybe a hazard.
- The few people that do have off road parking on Coronation Street may find it impossible to get off their drives due to inconsiderate parking.
- There is a planning application in for flats on Grove View Road with the frontage being on to Coronation Street which will increase parking issues.

Impact on amenity

- The proposals will overlook the front elevation of a neighbouring properties impacting on privacy.
- The proposal will block the sun out.
- Impact on the privacy of houses on Laburnam Close.

Impact on the Character of the Area

- Loss of the open feel of the existing garage area and open views.
- The proposal is not in line with other buildings and will spoil the street view.
- The statement that the proposal will “contribute to the surrounding neighbourhood” is a matter of opinion without substantial backing of evidence.

Other issues

- With a yearly revenue of around £9000 surely the garages are an asset to the Council.
- The South East Corner of the site is part of 2 Laburnam Close, there has been no purchase of this land from Newark and Sherwood Homes and therefore the proposal cannot go ahead.
- Losing garages will make the cars of those concerned a target for vandals.
- Social Housing will add to anti social behaviour in the area.
- Loss of a garage for existing tenants will result in insurance premiums going up. Will NSDC pay for this or provide a garage elsewhere?
- The letter to residents states comments should relate to “planning matters”. This is contradictory as the Council can make fleeting statements yet a resident’s comments will be overlooked. Matters such as loss of view, decrease in property values should hold value in the decision making process.
- There are alternative sites and areas in Newark and surrounding areas that are derelict and in need of regeneration.
- Noise, traffic and untidiness from the construction.
- The street is in need of repair with potholes and flashflooding. Construction vehicles and machinery are likely to cause further damage.
- Construction vehicles could also cause damage to surrounding property or parked cars.
- If the development is approved collaboration and negotiation with existing residents would be appreciated to ensure road safety, emergency service access and car parking is sustained or improved.
- Flooding will only get worse with additional housing.
- Safety for children during the construction period when the site is not manned.
- Supporting documentation states the proposal will eliminate flytipping yet a local resident cannot recall a single instance of flytipping.

Comments of the Business Manager, Development

Principle of Development

The site is located within the built up area of Balderton and therefore within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, the Newark Urban Area is identified as being the main location for new housing and employment and is considered to be a sustainable location for new development. The principle of development is therefore acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety.

Impact on character of the area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The application site falls within a residential area of predominantly two storey dwellings and properties on Coronation Street have front elevations aligned with similar setback distances from the public highway. The proposed development would be set back approximately 6.25m from the front elevations of neighbouring dwellings to allow for off-street parking and amenity space to the front of the proposed building. Whilst this would represent a break from the existing building line, I note that the rear elevation of the proposed building would sit on a similar alignment to the properties at nos.2 and 8 Coronation Street and the design of the building with gable sided roof and similar height to these neighbouring dwellings would also help to assimilate the proposal into the street scene. A condition requiring precise details of materials will also ensure that the final appearance of the building does not detract from the character of the area.

Overall, I am satisfied that the design of the proposal is acceptable and will sit well within the context of the adjoining dwellings and the wider residential setting. The proposal therefore complies with the aims of Core Policy 9 and Policy DM5.

Impact on Residential Amenity

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

Given the design and layout of adjoining properties at nos. 2 and 8, the position of the proposal in respect to main habitable windows and amenity space on these neighbouring properties I am satisfied that the development would not result in any significant overbearing, overshadowing (loss of light) or overlooking impacts. The first floor side windows on these properties facing the application site are not main habitable windows and in any case are aligned close to the front elevation of the proposed building which will reduce any impact on these windows.

I note the proposed amenity space to the rear of the proposed building is a maximum of 8.231m. In considering whether the depth of this rear amenity space would allow for a suitable relationship with properties to the rear on London Road and 2 Laburnam Close, I am mindful of the distance and acute angle between windows serving the proposal and main windows on the rear elevations serving these neighbouring. I also note the considerable length of gardens serving properties on London Road. I am satisfied that given the position of the dwelling at no.2 Laburnam Close set away from the boundary with the application site, the orientation and distance from the immediate amenity space to the rear of this property is sufficient to ensure any impact on amenity is not so undue so as to warrant a reason for refusal in this instance.

I note the comments received relating to properties opposite the site being overlooked. I am mindful that the front elevations of properties are already in the public realm and the road on Coronation Street sits between the application site. The proposed building is also set back into the site meaning a separation distance of 22.0m between elevations which I am satisfied is acceptable and that there would be no significant overlooking impact.

Taking these considerations into account I am satisfied that on balance the proposed development will not unduly impact on neighbouring amenity and therefore meets the aims of Policy DM5.

Highway Issues

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, no materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received during the consultation in respect of the potential impact on on-street parking and the problems already experienced in the area from local residents and the Parish Council. I note that the proposal is for 4no. two bedroomed flats and 2no. one bedroomed flats and the level of off-street parking proposed is considered appropriate by the Highway Authority and would therefore comply with Policy DM5. The Highway Authority have also raised no concerns with regards to vehicular access issues on Coronation Street. On this basis, vehicular traffic generated by the development itself will not have a significant impact on existing on street parking problems or other traffic problems and would comply with Spatial Policy 7.

I have considered the issue of cars currently using the garage court needing to be parked elsewhere, potentially on the highway, and the loss of on street spaces to the front of the garage court. I have also clarified with the Highway Authority the point about parking on the Highway being out of the control of the Council. The Highway Authority have confirmed that this was in reference to the County Council as the garage court is not in their ownership and could be closed at any time without their permission. Similarly the garage court is outside of the control of the Local Planning Authority albeit it is acknowledged that the land is owned by the District Council. The road is also outside the application site and is therefore not in the control of the applicant. Parking on Coronation Street is not restricted by any Traffic Regulation Order. Even if the garages were retained, local residents are not under an obligation to use them and therefore there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Whilst some on street parking spaces would be lost to the front of the garage court, in the context of on street parking in the immediate area this would represent a small proportion of on street parking available.

I note that the Highway Authority have suggested that the parking spaces should be allocated per flat to avoid disputes. I consider this would be reasonable and would also allow for control by condition that the respective resident (or their landlord) is responsible for maintenance of the space. In the event that a resident does not own a car, there is the possibility that a space would be left underutilised, however given the availability of parking in the area highlighted in this report it is likely that a 'deal' between residents would soon be arranged. I also consider it reasonable to attach the other conditions suggested by the Highway Authority.

On balance, given on-site parking is being provided for the development and the continued use of the site for garage courts cannot be controlled, I am satisfied that the proposal will not result in such a significant change in circumstances so as to warrant a refusal of consent in this instance.

Affordable Housing

The proposal does not require the provision of affordable housing as it does not meet the thresholds outlined in national and local policies. However, the Design and Access statement deposited with the application states that the dwellings will initially remain in the ownership of

the District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing. I consider that this would be of benefit in terms of providing additional affordable housing stock within the District. Given that usually a development of this size would not necessitate an affordable housing contribution and that the principle of residential development in this location is acceptable, I do not consider that any conditions or Legal Agreements are required to secure affordable housing on the site in perpetuity.

Ecology

The Nottinghamshire Wildlife trust have raised no objections to the proposal. I note the comments in respect of bird nests and potential for bats on the site. There are presently no trees or shrubs on the site and therefore the only habitat potential would be within the garages. Upon external inspection, the garages appear to offer limited opportunity for bird nesting and bat roosts and this is confirmed in the supporting Ecology Survey. I am mindful that nesting birds and bats are protected by separate legislation and whilst it appears unlikely that any nesting birds or bat roosts will be found during demolition, I consider it would be reasonable to attach a note to applicant to make the applicant aware of their advice. As the development is likely to progress after April 2015, I consider that a condition to require a bat activity survey will be necessary in line with NWT advice.

Subject to a condition and the note to applicant, I consider that the proposal accords with the aims of Core Policy 12 and Policy DM7 which seek to ensure proposals conserve and enhance the biodiversity of the District.

Other Matters

I note the comments raised with regards to the loss of the garages on the site, potential for alternative accommodation and that those renting the garages were not consulted on this. As part of the planning application letters have been sent to those properties adjoining and facing the site and a number of other properties. NSDC are the owners of the site and the applicant (NASH) has served notice on the Council. These provisions are in line with the statutory requirements for the consideration of the planning application. Consultation between the Council and garage tenants with regards to alternative accommodation is a separate matter and not a requirement for consideration under the planning application.

With regards to the reference to the separate planning application on Grove View Road, this application will need to be considered on its own merits and will be reported to a future meeting of the Planning Committee. However, without prejudice to the recommendation on this separate application, I am mindful that that application relates to 2no. one bedroomed flats with dedicated off street parking for two vehicles.

Issues such as loss of view and devaluation of properties are not a material consideration in the determination of planning applications. Any impact on insurance premiums is a private matter for those concerned.

I note the comment querying statements in the supporting information relating to the proposals suitability for the area. To clarify, these are comments made by the applicant and not those of the Council. The Officer recommendation on the proposal's acceptability are outlined in this report.

With regards to the concern raised that part of the site was not within the Council's ownership and therefore the development could not be built as proposed, I have sought clarification on this point and my legal colleagues have confirmed the application site as proposed falls within the same ownership.

Potential for vandalism and anti-social behaviour are a Police matter and am I satisfied that the design and layout of the proposal would not in itself result in the potential for an increase in crime levels.

The site is located in the Newark Urban Area where the principle for residential development is acceptable subject to the considerations set out in this report. There is therefore no policy requirement for the applicant to consider alternative sites.

Management of the construction site including site safety, noise and untidiness are controlled by separate Environmental Health and Building Control legislation.

In terms of potential for flooding, I note the site is not in the flood zone nor a critical drainage area declared by the Environment Agency. The development will also remove the existing impermeable surface and will include areas of permeable soft landscaping. A condition can also be attached to any consent requiring drainage details for the site.

Given the existing use of the site and bearing in mind the comments of the Environmental Health Officer, I also consider it would be reasonable to attach the standard condition to address any contamination on the site.

Conclusion

On balance taking the above considerations into account I would recommend that planning permission be granted.

Recommendation

Approve, subject to the following conditions

Conditions

01

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

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

02

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

- Proposed Block Plan – drawing no. 1826/5/P01
- Proposed Site Plan – drawing no. 1826/5/PO4E

- Proposed Floor Plans – drawing no. 1826/5/P05C
- Proposed Elevations – drawing no. 1826/5/P06
- Proposed Streetscene - drawing no. 1826/1/P07

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

Reason: So as to define this permission.

03

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

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

No part of the development hereby permitted shall be occupied until all parking spaces shown on Drawing no.1826/5/PO4E are surfaced in a hard bound material and clearly delineated with spaces allocated 1no. per flat. The parking spaces shall thereafter be clearly delineated, allocated 1no. space per flat and maintained in such hard bound for the life of the development and retained for the parking of vehicles at all times.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to ensure appropriate parking is provided to serve the development in the interests of highway safety.

08

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

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

09

No part of the development hereby permitted shall be occupied until the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the spaces to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

10

Unless otherwise agreed in writing 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 Contamination

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 by 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 archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to 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 justification of commencement of the remediation scheme works.

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

011

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

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

012

No development shall be commenced until a bat activity survey has been carried out and the results, together with any appropriate mitigation strategy and timetable for implementation has been submitted to and been approved in writing by the Local Planning Authority. Any required mitigation shall be implemented in accordance with the approved strategy and implementation timetable.

Reason: In order to afford bats that may be utilising the site adequate protection and in line with the recommendations of the Nottinghamshire Wildlife Trust.

Informatives

01

The development makes it necessary to construct / alter a vehicular crossing(s) over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's danielle.deakin@nottsc.gov.uk tel.0115 99 32609 to arrange for these works to be carried out.

02

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

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

03

Your attention is drawn to the attached comments of Nottinghamshire Wildlife Trust dated 18th February 2015.

04

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

BACKGROUND PAPERS

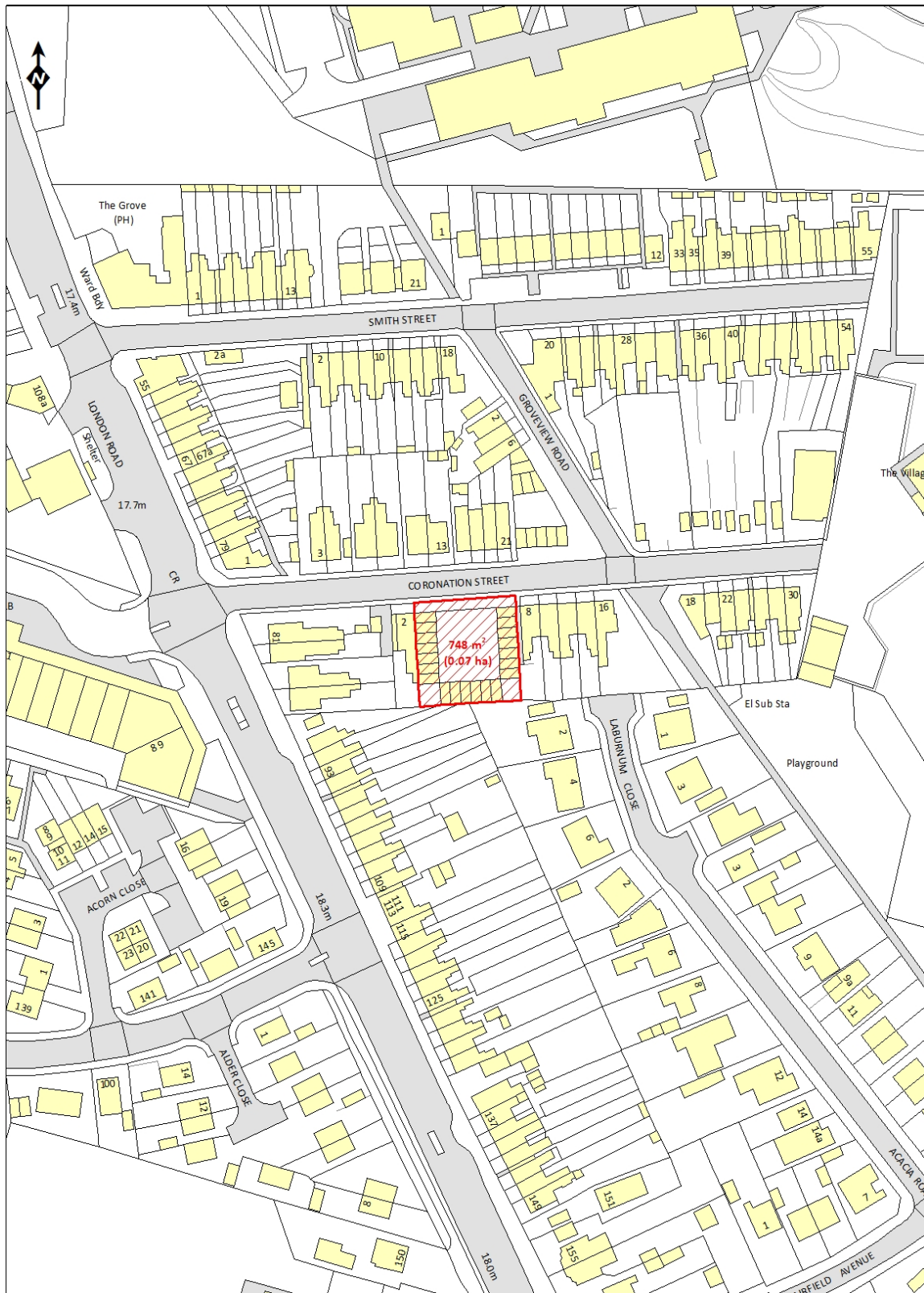
Application case file.
Housing Market and Needs Assessment 2014

For further information, please contact Martin Russell on 01636 655837.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00209/FUL



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Application No:	15/00031/FUL	
Proposal:	4 no. 2 bedroom flats and associated works	
Location:	Garage courts between 98 and 100 Wolfit Avenue, Balderton, Newark, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	08 January 2015	Target Date: 05 March 2015
	Extension of time agreed until 26 March 2015	

This application is presented to the Planning Committee for determination in line with the Council's Constitution as the Council has an interest in the development in that it owns the land in question.

The Site

This application relates to an existing garage forecourt located on the north western side of Wolfit Avenue within a residential area of Balderton. The site is currently occupied by 6 no. garages of varying states of repair, some of which are still in use, with hardstanding to the rear of the forecourt. The land is bounded to the sides by 1.8 and 2m high close boarded fencing and to the rear by close boarded fencing and mature conifer trees.

The immediately adjoining dwellings, nos 98 and 100 Wolfit Avenue to the north east and south west are two storey semi-detached dwellings. Both dwellings have first floor landing windows to the side elevations facing the application site. No. 98 Wolfit Avenue has a conservatory to the rear.

The garage site is adjoined to the north west by the frontage of a detached property at no. 6 the Oaks.

Relevant Planning History

There is no relevant planning history at this site.

The Proposal

The proposal is for the erection of 4 no. 2 bedroom apartments with associated parking and external works which will be managed by Newark and Sherwood Homes and will provide 100% affordable housing.

The apartment block will measure 9.5m in depth and 15.8m in width and will have a pitched roof with an eaves height of 5m and a ridge height of 8m. Single storey porches will be provided to serve entrances to the upper floor apartments. These each measure 2m in depth and 2m in width

and have a mono pitch roof with a maximum height of 3.4m. The entrances to the ground floor apartments will have a small canopy over the threshold.

4 no. off street parking spaces will be provided to the front of the building.

Departure/Public Advertisement Procedure

Occupiers of eleven properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy

Spatial Policy 2 - Spatial distribution of growth

Spatial Policy 6 - Infrastructure for Growth

Spatial Policy 7 - Sustainable transport

Core Policy 1 - Affordable Housing Provision

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 – Sustainable design

NAP1 – Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy

DM5 – Design

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Balderton Parish Council - Support the proposal

NCC Highways Authority – No objections are raised subject to conditions being attached should permission be granted requiring that no flat shall be occupied until the parking spaces as shown on the submitted plans has been provided, the parking spaces are constructed with provision to prevent discharge of water onto the public highway and that the parking spaces are surfaced in a suitably bound material. The applicant should also be advised to contact the Highway Authority with regards works to provide the new pavement and dropped kerb.

Nottinghamshire Wildlife Trust – Comment as follows:

“Thank you for allowing Nottinghamshire Wildlife Trust the opportunity to comment on the above enquiry. We welcome the Ecological Assessment undertaken and have no objections to the proposed development in principle. However, we wish to provide the following advice:

As a precautionary measure, we would still advise for clearance and demolition works to be undertaken outside of the bird breeding season. If this is not possible, then an ecologist should inspect the site for active bird nests immediately prior to demolition works commencing. Written confirmation should be submitted to the Local Planning Authority to confirm the absence of nesting birds or of the measures which will be undertaken to protect nesting bird interest onsite.

If any bats are found during demolition works, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice.

Neighbouring trees should be protected in accordance with BS5837:2012. We encourage the applicant to retain the onsite trees; however, if this is not possible, these should be replanted with a native species of a local provenance.

We wish to encourage the applicant to plant the species suggest in “Eco 2: Ecological Enhancement” section of the ecological report.”

NSDC Environmental Health – No comments are made.

NSDC Environmental Health Contaminated Land – The documents deposited with the application are noted. No results have been submitted following intrusive investigations and sampling. The submission of a laboratory certificate is therefore required. The report recommends the removal of source of the contamination. The applicant is required to specify how this will be validated.

The report suggests that clean topsoil is to be imported for placement on the garden but no further details are provided in relation to where the top soil is to be sourced from, what depth will be used and the analytical results for its suitability.

Until the above is addressed then it is requested that the standard phased condition should be attached.

NSDC Access and Equalities - As part of the developer considerations of access and facilities for all, with particular reference to disabled people, attention is drawn to the detailed requirements of Lifetime Homes Standards, as well as Approved Document M of the Building Regulations – Sections 6 to 10. It is recommended that the developer make separate enquiry regarding Building Regulations.

NSDC Strategic Housing - The District Council commissioned a housing market needs assessment in 2014 which has provided evidence of affordable housing need. As part of the study a sub area report was provided that looked at need at a localised level. Balderton is part of the Newark sub area (1) and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 266 flats, the highest demand for any type of property.

- Property size: 1 and 2 bedrooms account for the highest level of need. 234 households require 1 bedroom and 458 require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Balderton: 1,123 households preferred Balderton for their future location preference. This is highest level of demand after Newark.

The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.

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

- *Loss of privacy* – the windows to the side elevations of the proposed development would result in overlooking into first floor windows of adjoining properties giving direct views into bedrooms and bathrooms and the balconies to the rear elevations would result in direct overlooking into rear gardens and conservatories;
- *Overshadowing*- by virtue of the uncharacteristic roof height and pitch the proposal would result in overshadowing of properties and gardens (diagrams have been deposited to demonstrate this); the proposal would also infringe rights to light;
- *Misrepresentations in the Design and Access Statement deposited with the application* – paragraphs 4, 5 and 6 are misleading –

Para 4 -the garages are all privately owned and are in use, bearing no cost to the council: the site has not been maintained by the council: the site has generated revenue for the Council for many years:

Para 5 - there has been no evidence of fly tipping:

Para 6 - the roof pitch and scale of the building is out of character with the surrounding area and will dwarf other buildings in the immediate surroundings: the loss of the garages and parking spaces would be to the detriment of the amenity of nearby residents in terms of loss of off street parking, highway safety would be compromised as a result of additional on street parking; a presumption is made that existing garage users will be offered alternative council owned garage stock that may not be fit for purpose;

- *Ecology* - The description of the site in the Ecological Report deposited with the application ignores the substantial area of garden developed within the site under a council license. Although the description states that there are no other trees and ponds on site there are 5 trees and a wildlife pond the rest given over to patio and lawn which has been ignored.
- The apparent aim of the council is to remove possible genuine objections through the termination of a garden license and garage leases present on the site;
- *Highway issues* - The proposal will result in additional on street parking on a busy road which will risk highway safety and potential damage to cars. No visitor parking spaces are proposed. It is requested that the development be repositioned further back into the site in order to provide space for 2 vehicles parked off road in tandem.

- *Flooding* -Existing flooding issues would need to be addressed before any further development takes place.
- *Loss of views* - *No opportunity was given for local residents to purchase the land*
- One letter has also been received from the occupier of one of the garages enquiring about alternative garaging arrangements.

Comments of the Business Manager

Principle of Development

The site is located within the built up area of Newark (which encompasses Balderton) which is identified within the Core Strategy as a sub-regional centre under Spatial Policy 1. It has a defined urban boundary and is the major centre in the district providing services for the whole district. New housing and employment should therefore be focussed in this area as it is considered to be a sustainable location for new development.

Whilst I am satisfied that the site is located within the main built up area of a sustainable settlement, this does not provide a blanket carte blanche to development. However, I am of the opinion that the proposal for residential development within this area is acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety. These issues are discussed in detail below.

Impact on character of the area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The application site falls within a residential area which has a mix of single and two storey dwellings and three storey flats with open plan frontages and a variety of setback distances from the public highway.

I am satisfied that the design of the proposed building is acceptable and that in terms of appearance the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting.

In terms of the scale of the proposal, I am mindful that the ridge height of the proposed development is some 2m higher than that of the adjoining properties. However, I am of the view that this is not an unusual situation in this area. Immediately to the north east of the neighbouring pair of semi-detached two storey properties at 96 and 98 Wolfit Avenue there are 2 no. three storey blocks of flats and single storey dwellings exist to the south west further along Wolfit Avenue. Having considered a reduction in the ridge height of the building, I am of the opinion that this would consequently alter the pitch of the roof to such an extent that the appearance of the building would be unduly compromised.

The layout of the development has been designed such that the proposed building, (apart from the centrally located single storey porches) does not project forward of the immediately adjacent dwellings. Although 2 no. trees are proposed to be felled to the front of the site at its south eastern corner, the other mature trees to the frontage are to be retained. I am of the opinion that the loss of the trees would not result in any detrimental impact upon the visual amenity of the proposed development by virtue of the retention of the two more mature trees to the front of the site and the pockets of landscaping to the front of the building which will retain some sense of green space within the street-scene.

Taking these factors into account I consider that, on balance, the form, layout, scale, design and appearance of the proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area.

Impact on Residential Amenity

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

I note the comments received with regards to 'right to light'. Although right to light is covered by other legislation, I am mindful that in determining planning applications consideration should be given as to whether a proposal would result in an adverse impact upon light to any principal room window.

It is noted that although the proposed building does not project forward of the immediately adjoining dwellings (apart from the centrally located single storey porches) it does project 2m beyond their rear building lines. I am also mindful of the height of the proposed building in relation to these neighbouring dwellings. However, taking account of the orientation of the application site, the siting of the proposed building and its separation from and relationship with the adjoining dwellings, particularly no. 98 Wolfit Avenue, I do not consider that there would be any significantly greater overshadowing than currently exists to justify refusal on these grounds.

With regards to issues of overlooking and loss privacy, I am mindful that the windows to the side elevation of the adjoining properties at no. 98 and 100 Wolfit Avenue serve landings, which are not classified as principal rooms. Notwithstanding this, amended plans have been deposited which indicate the windows to the side elevation of the proposed development to be obscure glazed, the bedroom window to be fixed shut and the bathroom window being side opening with the opening part facing forwards towards the highway.

I am also mindful that there are first floor windows to the rear elevation of the proposed building two of which are vertical in design and have Juliette balconies. I am of the opinion that these would afford no greater overlooking into the rear gardens of the adjacent dwellings at no.s 98 and 100 Wolfit Avenue than any of their existing immediately neighbouring properties.

Taking account of the separation between the proposed building and the frontage of the dwelling to the rear at no. 6 The Oaks together with the existing boundary treatments, I also do not consider that the proposal would result in any greater impact on residential amenity of the

occupiers of this neighbouring property in terms of overlooking or overbearing impact than currently exists.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance.

Highway Issues

Spatial Policy 7 provides that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received in respect of potential impact on off street parking and highway safety issues. The proposal is for 4 no. 2 bedroom flats with 4 no. off street parking spaces provided and I note that the Highway Authority considers that this would not change the existing highway situation.

I have taken into consideration that the loss of the garages and forecourt to enable the proposed development may lead to cars currently using the garages being parked elsewhere, potentially on the highway. However I am equally mindful that parking on the public highway would not be within the control of the Local Planning Authority nor the Highway Authority. Furthermore the leases for the garages could be revoked and the garage court could be closed at any time without needing any permission of the Local Planning Authority or County Council. Even should the garages be retained, there is not a guarantee that local residents would be obliged to use them.

The Highway Authority has raised no objections to the proposed scheme subject to pre-occupation conditions. I consider it reasonable that such conditions be attached to an approval.

Taking the above into account given that on-site parking is to be provided to serve the development and the continued use of the garages cannot be controlled, I am satisfied that, on balance, the proposal would not result in such a significant change of highway circumstances to justify refusal on these grounds. The proposal therefore accords with SP7 and DM5 in this regard.

Affordable Housing

Paragraph 50 of the NPPF identifies that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community and should identify the size, type, tenure and range of housing required in particular locations to reflect local demand. CP3 of the Core Strategy reflects this advice stating, inter alia, that the 'District Council will seek to secure new housing development which adequately addresses the housing need for the District, namely, ...smaller houses of 2 bedrooms or less .

The proposal does not require the provision of affordable housing as it does not meet the thresholds outlined in national and local policies. However, the Design and Access statement

deposited with the application states that the dwellings will initially remain in the ownership of the District Council and will be project and asset managed by Newark and Sherwood Homes with occupiers being taken from the housing needs waiting list to provide for 100% affordable housing.

I note the comments received from Strategic Housing with regards to the housing need identified in the 2014 Housing Needs Assessment and consider that the proposal would make a small yet positive and valuable contribution towards the housing sectors which have the highest need and demand.

I note the comments received from Strategic Housing with regards to the housing need identified in the 2014 Housing Needs Assessment and consider that the proposal would make a small yet positive and valuable contribution towards the housing sectors which have the highest need and demand. Given that usually a development of this size would not necessitate an affordable housing contribution and that the principle of residential development in this location is acceptable, I do not consider that any conditions or Legal Agreements are required to secure affordable housing on the site in perpetuity.

Ecology

The aims of Core Policy 12 and Policy DM7 seek to ensure proposals conserve and enhance the biodiversity of the District.

The Nottinghamshire Wildlife Trust has raised no objections to the proposal. I note their comments and advice in relation to nesting birds and potential bat roost within the garages. I am mindful that nesting birds and bats are protected by separate legislation. Taking account of the Ecological Survey deposited with the application I am of the view that it is unlikely that any nesting birds or bat roosts would be found during demolition but consider that it would be reasonable to attach a note to applicant to draw the attention of the applicant to NWT comments.

Other Matters

I note the comments raised with regards to the details contained within the Design and Access Statement deposited with the application. Having visited the site I note that, although there were small amounts of fly tipping present at that time, the garages and forecourt were generally in a poor state of repair and of poor appearance. It was unclear as to how many garages are currently regularly used. The justification for the loss of the garages therefore must be balanced against the benefits of the proposed development. I understand that existing garage owners may be offered alternative garage accommodation should either a garage or garage plot be available at the going rent. I have forwarded any enquiries regarding this matter to the applicants for their attention as this would be a private matter between the applicants and any interested parties.

Furthermore, the proposed development would uplift an area of land and would contribute towards the District Councils shortfall of 1 and 2 bedroom affordable units. Given that the Highway Authority has raised no objections in terms of the loss of off street parking provision and highway safety I am therefore of the opinion that the benefits of the proposal outweigh the loss of the existing garages in this instance.

I note the comments received with regards to the current maintenance, cost and revenue generated by the application site. The local planning authority, in determining any application, must consider the merits of the proposal put before it. I am of the opinion that such matters

would carry limited weight in the determination of this application and would be outweighed by the benefits of the proposed development.

In relation to issues raised with the regards to the ecology report deposited with the application, I note the comments received with regards to the accuracy of the ecological report and that it ignores the substantial area of garden developed within the site under a council license. It is commented that, although the document states that there are no other trees and ponds on site, there are in fact 5 trees and a wildlife pond with the rest given over to patio and lawn, which again has been ignored. However, the application site itself relates to a series of garages and a hard surfaced garage forecourt. It is not a residential garden or landscaped area. There are no substantial trees, other than those to neighbouring boundaries or to the highway frontage, nor any ponds within the site itself.

Taking this into account I do not consider that the development would have any adverse impact upon the ecological quality of the application site and indeed the Nottinghamshire Wildlife trust have raised no objections to the proposal which would support this.

With regards to Garden Licenses, although this this would be a private matter, written confirmation has been received from the applicant that the termination of the Garden Licence (which requires a 6 month period) was prepared by the District Council's solicitors and served on the 22nd August 2014. This notice expired on the 25th February 2015.

With regards to issues of flooding, I note the applicant has been in discussions with Severn Trent Water prior to the submission of the application that subsequently Severn Trent Water has not raised any comments following on the application. I am also mindful that the application site does not fall within a designated flood zone. Notwithstanding this I am of the view that it would be reasonable to attach a condition, should permission be granted, requiring the submission and approval of drainage plans for the disposal of surface water and foul sewage.

In relation to comments received with regards to loss of views and the sale of the land, these would not be material planning considerations and would therefore carry little weight in the determination of this application.

Conclusion

On balance taking the above considerations into account I would recommend that planning permission be granted.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Proposed Block Plan – drawing no. 1826/1/P01
- Proposed Floor Plans – drawing no. 1826/1/P05C
- Proposed Elevations – drawing no. 1826/1/P06B
- Proposed Streetscene - drawing no. 1826/1/P07A

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

Reason: So as to define this permission.

03

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

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other

plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; and
- hard surfacing materials.
- An implementation/phasing plan.

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

Occupation of any of the proposed flats shall not take place until the proposed parking spaces are constructed in a suitably bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary. This should include the provision to prevent the discharge of surface water from the parking spaces to the public highway. The spaces provided shall be as indicatively shown on drawing number 1826/1/PO4C and the parking spaces along with the provision to prevent the discharge of surface water from the parking spaces to the public highway shall then be retained for the life of the development.

Reason: In the interest of highway safety and to ensure that surface water run-off is adequately dealt with.

08

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

09

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

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

Informatives

01

The off-site works to provide a new pavement and dropped kerb will require you to undertake works in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended), and therefore land over which you have no control. In order to undertake these works, you will be required to enter into an agreement under Sections 184 or 278 of the Act. You are therefore required to contact the County Council's Highway Management Team (North) on 0300 500 8080 to arrange for these works to take place. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

02

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

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

03

Your attention is drawn to the attached comments of Nottinghamshire Wildlife Trust dated 17th February 2015.

04

The 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

proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

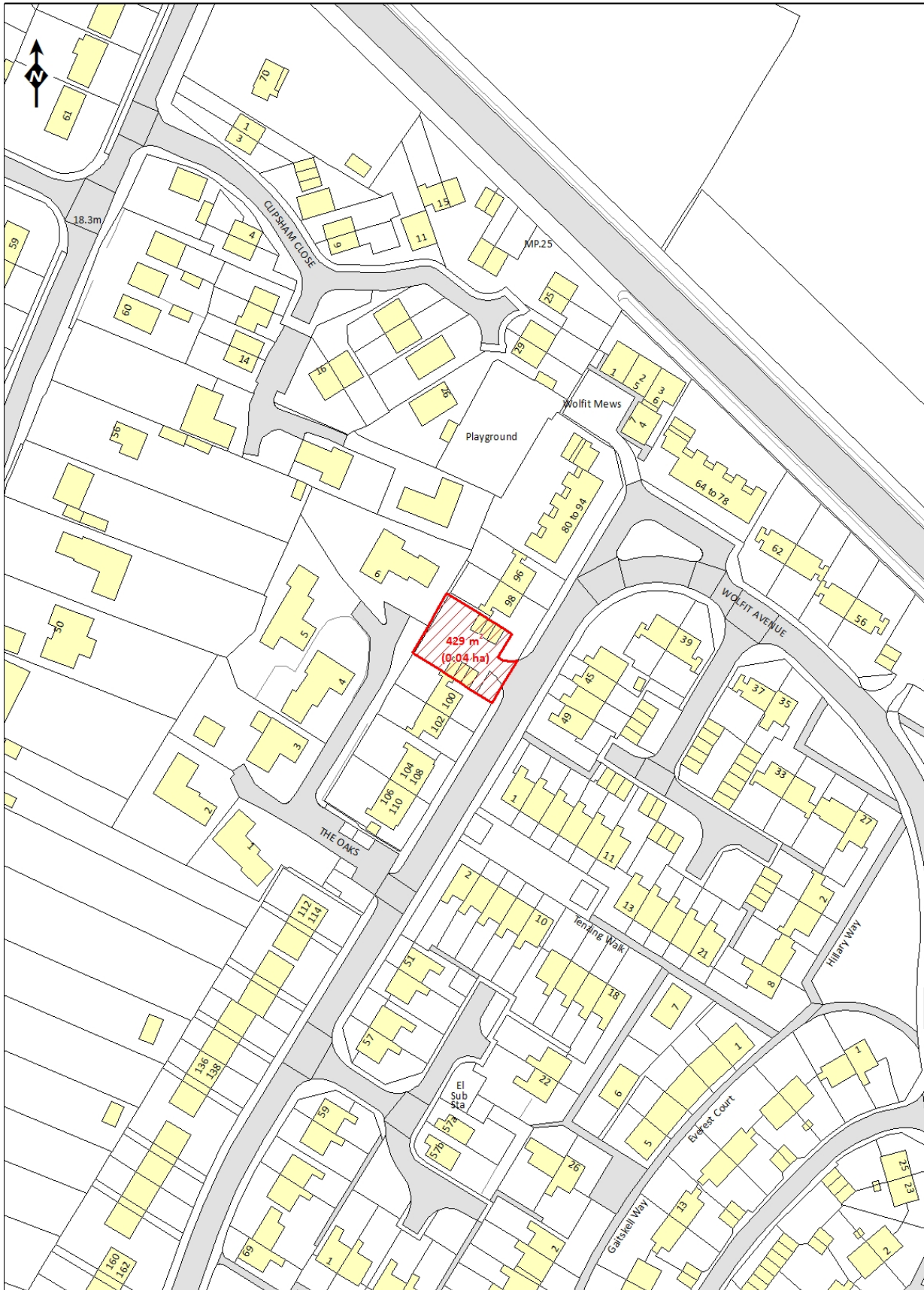
Application case file.
Housing Market and Needs Assessment 2014

For further information, please contact Bev Pearson on 01636 655840.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00031/FUL



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Application No:	15/00035/FUL		
Proposal:	Six Houses and Car Parking		
Location:	Land at Vicars Court, Clipstone, Nottinghamshire, NG21 9AS		
Applicant:	Mr Kang		
Registered:	05.02.2015	Target Date:	02.04.2015
	Agreed Extension of Time until 10.04.2015		

The Site

The application site is a modest plot of land approximately 0.09 hectares in extent on the corner of Vicars Court within the main built up area of Clipstone to the south of Clipstone Local Centre as defined by the proposals map within the Allocations and Development Management DPD. As existing the site comprises a vacant plot of land characterized by low lying scrub land.

The boundaries of the site are predominantly open to the highway and neighbouring plots. However there is fencing to the northern boundary which abuts neighbouring residential curtilages. The surrounding area is characterized by a variety of uses including the aforementioned Local Centre to the north of the site along Mansfield Road. The residential development surrounding the site is largely modern in character and includes recently approved permissions in the process of being built. It is also noted that there is an extant permission for residential development on the opposite side of Vicars Court to the east. There is a public footpath to the east of the site along Vicars Court which leads to Vicar Water to the south of the site.

Relevant Planning History

05/01951/RMA – Erection of 6 houses. Application approved February 2006. This permission was not implemented and expired in April 2009. The current scheme for consideration is based on the approved plans with the original plans submitted being identical to those previously approved. As discussed below the current scheme has been amended slightly during the life of the application.

04/00509/OUT – Residential Development. Application approved April 2004.

The Proposal

The proposal seeks full planning permission for the erection of six two-storey dwellings comprising three semi-detached pairs. Four of these dwellings would be three bedroom dwellings whilst Plots 5 and 6 towards the east of the site would be two bed roomed.

The proposal has been amended slightly during the life of the application through the submission of a revised site plan. The revised plan now demonstrates fewer car parking spaces along the

southern boundary of the site as well as plotting extant permissions (some of which are in the process of being built) on neighbouring sites to allow a full assessment of the likely impacts of the scheme. There have also been minor changes to the internal arrangement of Plot 6 and its associated fenestration details.

Departure/Public Advertisement Procedure

Occupiers of twenty eight properties have been individually notified by letter. A re-consultation has been carried out on the basis of the revised site plan and as such the overall expiry date for comments is 26th March 2015.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- MFAP 1 – Mansfield Fringe Area

Allocations & Development Management DPD

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 – Developer Contributions and Planning Obligations
- Policy DM5 – Design
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Clipstone Parish Council – Object to the proposal on the grounds of the septic tank – feel it could become very unhygienic, causing ground pollution and bad smells, also, there seems to be too many homes going on one small plot of land for families to reasonably live on.

NCC Highways Authority – No comments received to date.

Environment Agency – The EA have not been formally consulted as there is no requirement to do so. However they have verbally advised that a permit (from them) is required for proposed septic tanks and/or package treatment plants, which they would likely object to in a built up area as the starting point is to connect to the public sewer unless there are good reasons why they cannot. They also advise that the site lies within a Source Protection Zone 3 (the least ‘worst’ with Z1 being the worst and most impactful).

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

Nottinghamshire Ramblers – No observations.

Severn Trent Water – No comments received to date.

No representations have been received from neighbouring or interested parties.

Comments of the Business Manager

Principle of Development

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Clipstone as a Service Centre for the Mansfield Fringe Area. It is intended that the function of Service Centres will be to act as a focus for service provision for a large local population and a rural hinterland. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan. It is noted that the site has been subject to a previous approval for six dwellings although this permission expired some six years ago and the development plan has evolved significantly since this time.

Impact on Character

The proposed development seeks to provide 6 dwellings within a site area of approximately 0.1 hectares which equates to a housing density of approximately 60 dwellings per hectare. Core Policy 3 aims to achieve densities of no lower than 30 dwellings per hectare. Clearly the scheme presented in this instance represents development density well beyond this aspiration and indeed I note the comments of the Parish Council in that part of their objection is based on the over intensification of the site. Having carefully considered this matter, on balance I find that numerically the level of dwellings is acceptable. In reaching this judgement I am particularly mindful of the site specifics in terms of the character of the surrounding area. The recent approval on the opposite side of Vicars Court demonstrates a density of 40 dwellings per hectare and the site immediately to the north of the site which is in the process of being built represents a density of 67 dwellings per hectare. I am also conscious that the site has previously been deemed as an appropriate site area to provide 6 dwellings. The scheme demonstrates a mix of dwelling types with both two and three bedroom properties.

The original scheme carried forward from the 2006 approval showed the intention to provide a total of 12 car parking spaces; two being in the north eastern corner of the site and 10 being along the southern boundary accessed from Vicars Court. This was raised as a concern during the life of the application as it was considered that this level of hard standing would be a harsh appearance on the street scene. The amended site plan has removed 4 of the spaces along the southern boundary now proposing two sets of 3 spaces with an approximate 3.6m in between and a wider area of open space at the south eastern corner of the site. I am acutely aware that this still amounts to a significant level of hardstanding forward of the principal elevations of the properties which is undesirable in design terms.

In weighing whether this would justify a refusal of the scheme I have again taken into account the context of the surrounding area. On the opposite side of Vicars Court to the south there are apartment blocks with car parking spaces addressing the street frontage. I am also aware that the recently approved scheme immediately to the north of the site also features car parking in front of

the dwellings. To some degree therefore this character of car parking has been established. The revised site plan at least demonstrates an improvement in that there is now sufficient space to provide some element of landscaping, specifically at the south eastern corner of the site. As a consequence, subject to the imposition of a landscaping condition if the application were to be approved I do not consider that the matter of parking layout alone would justify a reason for refusal.

The elevation details of the proposed dwellings employ a modern design with modest porch gables for Plots 1-4 and a larger gable to Plots 5 and 6. The variety of house types within the proposal adds visual interest to the scheme as interpreted from Vicars Court to the south. I am conscious that the site occupies a corner plot and therefore also addresses the street scene along its eastern boundary. This element of the scheme would feature the side gable of Plot 6 and two car parking spaces. Owing to revisions sought on amenity grounds, the eastern side gable of Plot 6 now features two first floor windows. Whilst this is undoubtedly not the most desirable design approach in terms of the likely first vantage point of the site, in the interests of achieving a satisfactory layout within the constraints of the site, the overall design is considered satisfactory. Again I would defer to the details of a landscaping condition in an attempt to seek the optimal level of landscaping along the eastern boundary of the site.

The area is characterised by a variety of design types including both flats and two storey dwellings as well as bungalows immediately west of the site. The proposal is therefore deemed to conform to the character of the surrounding area and is acceptable in this regard. The plans have indicated that the facing materials will be bricks and interlocking tiles. Whilst this is deemed acceptable in principle I consider it reasonable to attach a condition to any permission requesting further details of the materials proposed.

Impact on Amenity

Policy DM5 details that an assessment of amenity for new developments should be taken both in the context of impact on existing development as well as ensuring that appropriate amenity provision is available for potential occupiers.

In terms of the proposed amenity provision, each property has been allocated a rear garden area. These vary in size owing to the angled northern boundary of the site. The smallest in length is afforded to Plot 4 at just 7m from the rear elevation of the dwelling and approximately 4.2m from the rear of the conservatory. I am conscious that this level of amenity was considered acceptable when the reserved matters application was assessed in 2006 albeit there have been changes to the material planning considerations since this time.

Notwithstanding the policy changes, the surrounding area has been subject to development, particularly to the north of Plots 5 and 6 which fundamentally alters the assessment of the current proposal. This recent and ongoing development (two storey development) was noted whilst on site and formed part of the rationale for requesting a revised site plan to demonstrate the positioning of the nearby approved schemes. I am now confident that the revised site plan allows for a thorough assessment of neighbouring amenity. Scaling from the submitted plan, the distance between the rear elevation of Plot 6 and the gable end of the development to the north of the site (approved by reference 14/01584/FUL) is just under 9m. It is worthy of note that when this application was considered, there was no extant approval on the application site. Whilst there are no defined distances to which development is considered acceptable in overbearing terms, in usual circumstances distances of at least 12m would be sought. Clearly the proposal falls short of

this distance. This matter has been subject to intense scrutiny and indeed a second amended plan has been requested to re-position the window of bedroom 2 for Plot 6 from the rear elevation to the eastern side elevation. This will help to mitigate the overbearing impact of the gable end to the occupiers of Plot 6. The other window on the rear elevation is not considered to serve a principal room being for a small study room. I am conscious that given the orientation of the plots, the gable end is unlikely to amount to a significant loss of light to windows on the rear elevation.

The development to the north of the site also leads to potential impacts on amenity in terms of overlooking. In particular the perpendicular arrangement of the site could lead to mutual overlooking from the first floor of Plots 3 and 4 into the garden spaces afforded to the northern development. In terms of the proposal site, I am conscious that there would be an element of buyers beware given the development to the north exists on site. In considering whether this overlooking would lead to a detrimental impact for the occupiers of the neighbouring development I have attached weight to the context of the surrounding area. The northern site is already subject to a similar arrangement due to the residential development along Mansfield Road. This includes a recently approved scheme at 133 Mansfield Road whereby there is an extant permission for the replacement of a shop with a two storey building with residential development at first floor. The bedroom windows approved for the first floor would be in relatively close proximity to the shared boundary. Therefore on balance, it is my view that the current proposal would not be materially worse than the situation already likely to come forward on site.

I concede that the proposal before Members for consideration does not achieve optimum standards of amenity which we would ideally wish to see for new housing developments. However, given the constraints of the site and the context of residential development in the surrounding area I feel it would be very difficult to resist the application purely on the basis of a detrimental impact in amenity terms. On this basis, the proposal is considered at the very cusp of acceptability in amenity terms. It is recommended that any permission granted includes a condition to remove permitted development rights to restrict further development on the site outside of the control of the local planning authority.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Highways Authority has made no comment to the proposal to date. Nevertheless, the level of car parking proposed by the revised site plan is considered commensurate with provision elsewhere in the surrounding area. The reduction in the number of spaces in comparison to the original proposal (and indeed the reserved matters scheme approved in 2006) is not considered harmful to the highways network owing to the sustainable location of the site in close proximity to the defined local centre of Clipstone. It is considered that in highway terms the scheme is acceptable. However comments of the Highways Authority will be reported to Members as a late item.

Other Matters

Foul Drainage

I acknowledge the comments of the Parish Council in relation to the provision of a septic tank for

drainage. Whilst Severn Trent Water have been consulted, no comments have been received to date. The Environment Agency have advised (verbally) that the installation of a septic tank would require a permit from them. In a built up area the EA would expect the scheme to connect to the public sewer unless they can demonstrate a good reason why they cannot connect. They have verbally indicated that the EA would likely object to a septic tank in this location and have confirmed that there is no requirement for the LPA to consult them as part of the planning application as this matter would be picked up by their permit team post planning, through the separate permit process. Given this, I consider that it is necessary to impose a condition to control the disposal of foul drainage as if the EA refuse the permit for a septic tank there may be a situation whereby STW need to agree connection to a public sewer.

Land Contamination

Approvals in the surrounding area have raised concern from colleagues in Environmental Health specifically with regard to higher than expected levels of contamination in the topsoil presumably owing to previous colliery land uses in the area. As such, I consider it reasonable to attach a condition to any planning permission granted requesting further investigation prior to development.

CIL

The proposal would not be liable to pay a CIL contribution as the site falls within the Mansfield Fringe charging zone which is rated zero for residential development. The proposal does not intend to make any other developer contributions such as affordable housing and since the recent changes to National Policy; the proposal no longer crosses the thresholds required for such contributions.

Conclusion

Notwithstanding the fact that the site has been subject to a previous approval for a very similar scheme, there has been a notable change in circumstance since this permission expired in 2009. Firstly through changes to the development plan but also through recent development and extant approvals in the immediately surrounding area.

It is conceded that the proposal has not managed to achieve an exemplary level of development either in terms of design or resultant amenity. However, following the changes negotiated throughout the life of the application, the proposal is considered to be on the cusp of acceptability and is recommended for approval with a number of conditions to ensure that the development as built secures the most favourable scheme of this intensity that can be delivered within the constraints of the site. The proposal will utilise a currently vacant plot of land to aide to the residential delivery of the District Councils housing aspirations in a sustainable settlement.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

Conditions

01

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

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

02

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

Proposed Site Plan (reference number) 03A received 16/03/2015

Proposed Elevations reference number) 02B received 16/03/2015

Proposed Floor Plans 01 B received 16/03/2015

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

Reason: So as to define this permission.

03

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

Facing Materials

Roofing Tiles

Reason: In the interests of visual amenity.

04

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

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

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

07

No part of the development hereby permitted shall be brought into use until the car parking spaces shown on the Site Plan are constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

08

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 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).

09

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

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

Informative

01

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

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

02

The application has been subject to revisions during the life of the application to ensure it is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: (01623) 520022 to arrange for these works to be carried out.

BACKGROUND PAPERS

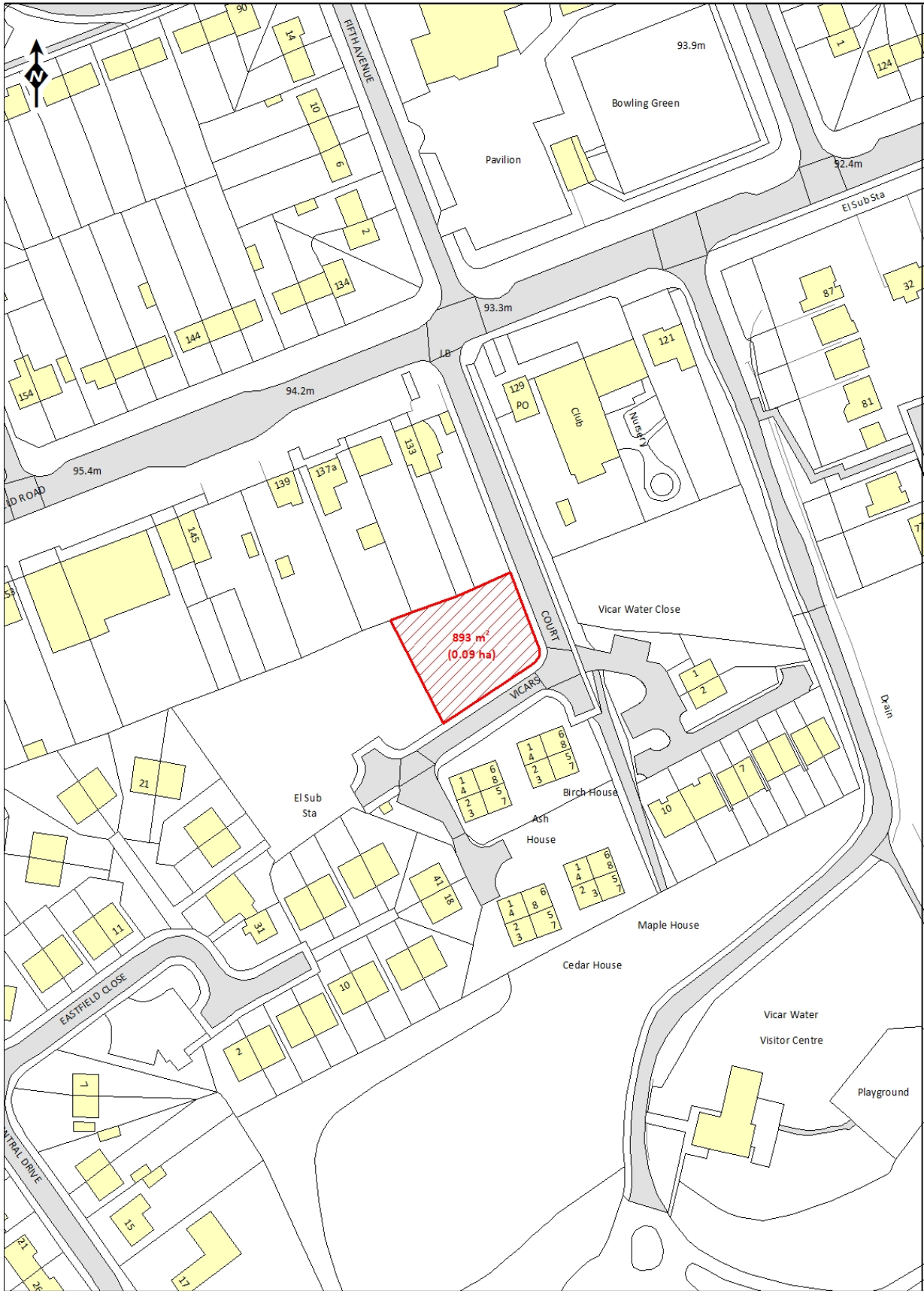
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00035/FUL



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Application No:	15/00166/FUL	
Proposal:	Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities.	
Location:	Palace Theatre, 16 Appleton Gate, Newark On Trent, Nottinghamshire, NG24 1JY	
Applicant:	Mr Matthew Finch - Newark and Sherwood District Council	
Registered:	03.02.2015	Target Date: 31.03.2015

The Site

The application site lies within the main built-up area of Newark and within Newark Conservation Area. The site is within the historic core of the town and lies within close proximity to a number of listed buildings. Located on the eastern side of Appleton Gate, the site is situated adjacent to Old Magnus Buildings (Grade II* listed) currently under restoration to become the National Civil War Centre. The churchyard of the Church of St Mary Magdeline is in close proximity to the south on the opposite side of Appleton Gate. Newark College is situated to the east of the site. In terms of street scene the area is predominantly substantial Georgian townhouses. The character of the area is on the edge of the town centre and comprises mixed uses including commercial, entertainment, education, residential and religious.

The application site itself is a rectangular plot relating to 0.13 hectares of land, almost the entirety of which is occupied by the built form of the Palace Theatre; a Grade II listed building. The theatre was constructed in 1920 as a centre of entertainment for the people of Newark and the surrounding area. The Palace Theatre has undergone a number of changes since it was built, most relevant being the conversion from a cinema to a theatre, and the removal of seats to the rear of the stalls to form the Function Room. Twelve staff car parking bays are available to the east of the site with visitors having the opportunity to park in the Appleton Gate Car Park approximately 100m to the north of the site. The site is owned by the District Council.

Relevant Planning History

15/00167/LBC - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities. *Associated listed building consent also pending consideration.*

The Proposal

The current proposal sets out to form a link between the Palace Theatre and the adjacent National Civil War Centre as well as to re-order and refurbish the front of house facilities, thus providing shared welcome areas and service facilities between the two sites as well as including a new tourist information hub. The current use of the building as a theatre will remain unchanged, and there are no proposed works to the auditorium or stage areas. The proposal can be divided into a number of elements with the works proposed summarised as follows:

Forming a link

- It is proposed that the museum shop of the National Civil War Centre be extended northwards by approximately 1.5m to adjoin the Palace Theatre and span the existing gap between the two buildings
- This will necessitate the removal and re-routing of an existing gas main as well as the reorientation of the fire escape stairs to escape eastward through the courtyard
- Formation of an opening through the southern wall of the Palace Theatre Box Office to be set back from the western façade

Enhancing the Box Office

- Removal of four existing WC cubicles and subsequent demolition of surrounding walls
- Installation of new platform lift into existing shaft
- Raising Box Office floor level by approximately 100mm in order to provide a consistent floor level with the Museum
- Replacement of existing steps between the Box Office and Foyer necessitating the excavation of the existing Foyer floor and the provision of a supporting column in the south west corner of the Foyer
- Removal of external ramp and making good of pavement

Enhancing the Function Room and Bar Area

- Formation of two new doorways and one new window to the south elevation
- Removal of existing double doors and fixed panels above and formation of new opening to the south of the existing doorways
- Refurbish the existing northern bar and replacement of southern bar

Enhancing the WC Provisions

- Redistribution of provisions
- Creation of two additional cubicles within the Function Room access through a new opening
- Relocation of the entry door into the Function Room

Improving the Catering Facilities

- Provision of new kitchen at first floor in position of existing store rooms including new riser formed in the north east corner extracting via a new vent in the north wall
- A similar vent will be installed in the south elevation to provide an incoming air source
- Creation of a stud partition wall to the east of the kitchen

The proposal also includes general internal refurbishment including laying of carpets etc. Although it is acknowledged that a number of the works detailed in the above description of the proposal would not require the benefit of planning permission by virtue of them being for internal works, given that they have direct implications to the context of the scheme, it is considered appropriate to include the intentions of the entire proposal in the interests of clarity. It is noted that there is an associated application for listed building consent which is also before Members for consideration.

Departure/Public Advertisement Procedure

A site notice was posted on 20th February 2015. A notice was published in the local press on 19th February 2015. The date of overall expiry for comments was 13th March 2015.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 7: Sustainable Transport
- Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities
- Core Policy 6: Shaping our Employment Profile
- Core Policy 7: Tourism Development
- Core Policy 9: Sustainable Design
- Core Policy 14: Historic Environment
- Newark Area Policy 1: Newark Urban Area

Allocations and Development Management Document DPD (adopted July 2013)

- Policy NUA/TC/1: Newark Urban Area - Newark Town Centre
- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5: Design
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM11: Retail and Town Centre Uses
- Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Historic Environment Planning Practice Guide

Consultations

Newark Town Council – No Objection.

Newark Civic Trust – Support the Proposal.

NSDC Conservation – Main external alterations proposed comprise the following:

1. south elevation: alterations at ground floor level of the Palace Theatre, including removing sections of the wall, blocking up existing windows, removing the existing fire escape staircase and re-positioning a new one, insertion of new glazed doors and window, demolition of the existing boundary wall between the Palace and the OMB towards the front of the site, build new external steps;
2. west elevation: extension of new single storey element of the Old Magnus Buildings to physically join the south elevation of the Palace Theatre, remove external ramp, insert two new doors within shopfronts, redecorate main entrance including steps;
3. north elevation: insertion of additional kitchen vent;
4. east elevation: no alterations.

Main internal alterations proposed comprise the following:

1. Ground floor: raise floor of box office by 100mm, to align with museum, take out existing steps (and lift) between box office and foyer and insert new steps further back within the building, extend existing lift to be retained down to box office level, remove some existing toilet facilities within foyer and re-provide within function room, enlarge openings between foyer and function room, insert two new doors into existing openings between function room and auditorium, remove metal framed ceiling within function room.
2. First floor: remove internal walls to create new kitchen, acoustic improvements between kitchen and auditorium.

General front of house areas: strip artex/woodchip – DO NOT strip woodchip from raised decorative friezes – make good and redecorate.

Externally, the proposals that will impact most on the significance of the heritage asset is the removal of parts of the historic fabric in the south elevation of the Palace. The harm from this has been reduced by setting back the new opening further east away from the street to reduce visual impact. This nib, retained internally, will ensure that the line of the existing wall to be readable when viewed from Appleton Gate. Details of the proposed doors and window to be inserted should be controlled through condition. The merging of the two historical plot boundaries and the physical joining of the contemporary single storey element of the OMB with the south elevation of the Palace will also result in some harm in merging the two sites, however, the contemporary design of the extension is so markedly different from the grandeur of the traditional Palace, clearly defined by its circular pillar, the contrasts in design enable a reading of the two separate sites. Towards the rear of the site, the traditional brickwall that divides the two sites would be retained and in the external seating area a contrast in stone tiles on the ground will define the position of the boundary wall. The building of additional external steps may result in impact on archaeology and a watching brief has been suggested and should be conditioned. The remaining external proposals are more minor, the removal of the external ramp at the front will better reveal the significance of the asset, as will the repositioning of the fire escape in a less prominent location further back into the site.

Internally, areas that have remained largely unaltered and retain important architectural features have a higher level of significance in heritage terms and include the auditorium, the foyer and its staircase and the Byron room. The enriched cornice details and plaster ceilings with decorative carvings remain in these areas. The auditorium (apart from two new entrance doors) and Byron room are unaltered by the proposals and the detailed architectural features in the foyer are to be retained. Although it is proposed to strip out the artex and woodchip from the foyer, this is not proposed where the woodchip covers over the raised decorative friezes. The plaster ceilings and their decorative detailing will remain intact. The removal of part of the internal wall between the foyer and the function room will result in the removal of some historic fabric which is considered to be harmful and result in these two distinct areas being more integrated. However, some small columns will remain, resulting in the readability of this divide remaining to some extent. Three fire shutters are required to be fixed to serve this openings and a condition would be required showing this detail and ensuring that they are fixed on the function room side of the opening. The alterations proposed to the lift/staircase between the box office and the foyer will give an overall effect of better revealing the significance of this area. Whilst of no architectural interest, the existing box office proportions reflect the small shop areas that were once served by the two existing shopfronts. The opening up of this area internally will result in harm as the shopfronts will

lose their existing small internal retail spaces, that can still be read. It is acknowledged that this readability still strongly exists from the external elevation. Increasing the internal floor level of the box office area by 100mm will have some impact, however, the alterations proposed to the external doors to accommodate this (reducing the depth of their fanlights) is limited and considered not to have a harmful effect on the special interest of this building. Internally, the existing box office area has no architectural interest and given the positive resulting benefit of having one internal floor level within the reception area of the proposed extension to the OMB, it is considered to be of no adverse impact.

The external openings proposed in the south elevation will reveal themselves within the function room, which was refurbished in the 1970's and within which there is no architectural significance, rather than intruding into the more significant foyer area, however, it is considered that regardless of this, the loss of this historic fabric is harmful, even though it would result in providing natural light to a room that currently has no external interaction. Whilst the insertion of the additional toilet facilities will project into the existing function room, this is a relatively small projection and given the low significance of this room in heritage terms, is considered to be of no adverse impact. The removal of the metal framed ceiling in this room, which was inserted in the 1970's, will better reveal the significance of this room. In insertion of new doors between the function room and the auditorium is considered to have a neutral impact.

At first floor level, the introduction of a new kitchen area, will result in the removal of several internal walls. The walls are stud partitions and this area is of low significance in heritage terms, it is tucked area in the eaves of the roof, with no architectural interest. The proposal to insert a new wall within this area is considered to have no adverse impact. Acoustic insulation is proposed between the new kitchen and the auditorium. A condition should be imposed to ensure that these works are carried out on the kitchen side of the wall, leaving the existing auditorium wall unaffected.

The impact of the proposals have been duly considered against Section 66(2) and 72(1) of the Act, and have been found to be compliant with both.

Conclusion

The removal of the historic fabric, both externally and internally, and the opening up internally of the small front retail units represents less than substantial harm to the special interest of this listed building. However there are also some elements of the scheme which are benefits in heritage terms and better reveal the significance of the building. In accordance with the NPPF, consideration must also be given to any public benefit. As set out in the submitted information, economically, the Palace Theatre is under enormous strain to generate enough income to support itself. As such it is at some risk of closure. Combining these two Council owned sites will allow the creation of one entrance and circulation area for both the theatre and the Civil War Museum. The economic, social and environmental benefits of the proposed scheme to the town would provide benefits beyond the minor loss of historic fabric and justify the adverse harm caused to significance. The new combined facilities would provide a hub for tourism and play a major part in the development of heritage and the local economy. On balance, the proposals have been adequately justified and appropriate weight given the wider public benefits.

English Heritage – Thank you for consulting English Heritage on the planning application for the proposed integration of the front of house areas of the Palace Theatre with the National Civil War Centre. The Palace Theatre, constructed in 1920, is a grade II listed building of special interest in a

national context. It sits adjacent to the Old Magnus buildings, listed at Grade II* and the proposal seeks to form a link between the theatre and the new extension (under construction) to the former regency headmasters house. The buildings are located within the Newark Conservation Area, within the historic core of the town on Appleton Gate, which is predominantly a Georgian Streetscape of townhouses.

We have read the supporting information and previously advised extensively on the separate proposals for the creation of the National Civil War Centre. The Design and Access Statement submitted is incorrect in suggesting that English Heritage has been involved in detailed recommendations for this current proposal. With regards the principle of linking both buildings, we recommend the determining authority will need to be convinced there is robust justification for this proposal – this would be taken in the context of the approved extension, which has left a narrow gap between both buildings. That said, we understand there may be a compelling argument for linking the buildings to help sustain and diversify the use of the palace theatre. We recommend the detailed design of all parts of this scheme including assurance of retention of enriched cornice details and plaster ceilings, are considered with the benefit of advice from your conservation officer. We recommend this application is considered in line with the NPPF and the Planning Practice Guidance.

The Theatres Trust - I write regarding the above planning and listed building applications for the integration of the front of house areas of the Palace Theatre with the National Civil War Museum, including the refurbishment of the box office, foyer and function room, bar area, WCs, and catering facilities. The Theatres Trust supports the proposal. Please see our detailed comments below.

Remit: The Theatres Trust is The National Advisory Public Body for Theatres, safeguarding theatre use or the potential for such use; we provide expert advice on theatre buildings including, new design, heritage, property and planning. Established by The Theatres Trust Act 1976, the Trust delivers statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO), requiring the Trust to be consulted on planning applications 'involving any land on which there is a theatre'.

Advice/comment: The Trust supports the application in principle because the reorganisation and refurbishment of the Grade II listed theatre's front of house areas will provide essential new and upgraded facilities to be shared with the adjacent Civil War Museum. Theatres need to be upgraded and refurbished if they are to keep pace with the public's expectations and the needs of performers and producers and we are keen to help theatre owners do more to improve, adapt and sustain their building stock to attract new audiences and support their viability.

The reconfiguration of the foyer and function space creates much needed additional and more functional circulation space for audiences to access and move around the theatre, including improved disabled access. The current box office is a cramped and tight space that was not designed for this purpose and the relocation of the WCs and proposed extension to the Museum allows for the creation of a much larger entry and area for the proposed shared box office and ticket desk linking the two uses.

The relocation of the café bar and opening up the internal and external walls of the function room will provide the room with natural light and make this space more accessible, welcoming and connect it to the outdoor terrace between the theatre and the museum. The opportunity to raise

the ceiling height in the function room is supported and the Trust welcomes the new carpet, painting and refresh of these public spaces and facilities.

It is understood that the proposed catering facilities are an essential part of the business model for the theatre and museum, however, the location of the proposed kitchen, kitchen support areas, and mechanical extraction directly under the balcony and adjacent to the auditorium wall may need reconsideration, or adequate noise and vibration mitigation measures will be needed to ensure there is no noise transfer between the two uses.

Whilst shared facilities have many benefits, it is important that management and operational issues are clear from the outset to ensure that the shared space is both designed and can work effectively. It is important to recognise that the museum is likely to be used at different times to the theatre. We recommend that you consider the implications of Birmingham City Council's recently announced proposals concerning the new Birmingham Library development which also includes a new shared foyer and box office space with the adjacent Birmingham Rep Theatre. In December the Council announced plans to halve the number of staff in the Library and reduce opening hours from 73 to 40 hours a week. To avoid any negative impact on the future viability and operation of the theatre we recommend that prior to approval there is clarification on how the shared spaces will be jointly managed, and that the theatre will not be limited in its operation in any way by the staffing or opening hours of the museum, and vice versa.

The proposed works generally involve areas of the theatre that have been altered in the past and will not adversely impact or affect the theatre's special architectural or historic interest. The proposal will help sustain and modernise the theatre and Trust would therefore recommend the granting of listed building and planning consent, attaching any conditions accordingly.

NCC Highways – The proposed alterations are not expected to impact on the public highway, therefore, there are no highway objections to this application.

NSDC Access and Equalities Officer – Detailed comments in relation to Building Regulations.

NSDC Environmental Health – No comments to make.

Council for British Architecture – No comments received.

The Georgian Group – No comments received.

Victorian Society – No comments received.

Society for the Protection of Ancient Buildings – No comments received.

Twentieth Century Society – No comments received.

Millgate Conservation Society – No comments received.

NCC Archaeology - No comments received.

No letters of representation have been received from neighbouring or other interested parties.

Comments of the Business Manager, Development

The application relates to work to a listed building and as a consequence one of the main planning considerations in the assessment of the application will be the significance of the development on the listed building itself as well as the surrounding designated heritage assets including directly adjacent listed buildings and the designated conservation area within which the site is situated. The proposal relates to an established theatre in the main built up area of Newark and thus the implications to the longevity of the cultural facility within the site will also be of relevance.

Principal of Development

The site is located within the main built up area of Newark and is therefore considered to be a sustainable location close to other services and facilities with very good transport links. The Grade II listing status of the building and its location within Newark's historic core make it an important and significant contribution to the town's tourist attraction. Area Policy NAP 1 of the Core Strategy seeks to *'promote Newark Town Centre as one of the District's key tourism destinations by developing and enhancing cultural, leisure and entertainment facilities and uses and heritage assets which attract visitors and residents to the area, including tourist accommodation and facilities.'* This is mirrored by the support for tourism and visitor development offered by Core Policy 7. As a consequence I find the principle of development to be acceptable in principle.

Impact on Significance of Heritage Assets

Palace Theatre is a Grade II listed building situated within the Historic Core of the town as well as the designated conservation area. The site is surrounded by numerous other designated heritage assets including the Old Magnus Buildings to the south of the site which are Grade II* listed and thus recognised as being within the top 6% of the nation's built heritage. With regards to these buildings it is noted that works are currently ongoing to implement planning permissions and associated listed building consents for the restoration of the site to become the National Civil War Centre. Indeed the proposal presented for consideration here directly responds to the ongoing works at the Old Magnus Buildings through an intention to link the two sites.

In terms of the assessment for the application for planning permission it is necessary to focus assessment on the external alterations and interventions which would require planning permission. Notably, the extension to the southern elevation of the theatre which would connect the theatre with the Old Magnus Buildings with the intention of providing an enhanced tourist offer for the town. The extension has employed a design approach which directly responds to the approved extension to create the National Civil War Centre and thus would be interpreted in association with the adjacent building. In some respects the extension would be viewed as part of the adjacent site rather than an extension to the theatre thereby allowing a degree of visual separation to be maintained. Given the modest width of the extension, the vantage points where the existing break between the buildings (once the works to the Old Magnus Buildings have been completed) would be appreciated would be relatively limited in any case. The prominence of the Palace Theatre, particularly the northern entrance corner would be unaffected by the proposal albeit the combined entrance to both the theatre and National Civil War Centre would offer an alternative visual draw to the building. It is my view that this would not harm the significance of the asset.

The external alterations in terms of the reconfiguration of the fire escape and staircase on the southern elevation would be relatively discrete features in the public realm owing to the

positioning of the proposed extension.

The other element of the scheme most notably concerned with external changes is the proposed enhancement to the box office. Whilst predominantly relating to internal interventions the proposal also requires the repair of the main façade to the original shop units. I would concur with the stance of the D&A Statement that the removal of the external ramp offers an opportunity to enhance the appearance of the primary façade.

Impact on the Tourism Offer of the Site

As referred to above in the discussion of the Principal of the Development the proposal accords with local planning policy in terms of presenting the opportunity to enhance the tourism offer of the District. I have noted the comments of the Theatre Trust cited in full above. Whilst supporting the application they have sought clarification as to how the proposed catering facilities will integrate with their positioning directly under the balcony and the implications this may have on noise transfer in terms of the connection with the museum. For the purposes of clarity and to prevent the need for revised applications if issues in relation the Theatre Trust comments present themselves in the future, these comments have been passed to agent acting on behalf of the council for further comment. A response letter dated 11th March 2015 has been received regarding the management and operation of both the Palace Theatre and adjacent National Civil War Centre. Nevertheless it is my view that the internal operations of the established use within the site do not form a material consideration to the determination of the planning application.

The applicant has submitted an additional supporting document during the life of the application which justifies the rationale behind the proposal in terms of the marketing strategy for visitors to Newark and Sherwood. This document outlines that the vision is to create the Palace Theatre and National Civil War Centre as the arrival destination for tourists and visitors to the town:

The strategy will be to attract visitors to the site before signposting them in a planned way around the rich array of attractions in the town, district and wider county, with the aim of creating economic benefits for the area and a positive visitor experience to generate repeat visits and positive word of mouth testimonials.

The document also outlines the heritage, economic and financial benefits of the scheme calculating that overall the integrated site could be worth an additional £68k-£119k to the local economy per annum (based on information from VisitEngland and forecasted visitor trips). Clearly this would represent a significant benefit to the tourism offer of the District to which I have attached weight in the planning balance.

Impact on Residential Amenity

The area is characterised by a mixture of uses including both commercial and residential. The majority of the external interventions presented by the proposal would affect (and indeed directly integrate with) the southern boundary of the site which is shared with the Old Magnus Buildings. I am mindful that the improved tourist offer presented by the proposal may increase the level of visitor activity to the site. However, given the existing wide range of uses currently along this part of Appleton Gate and its proximity to the town centre, the road is unlikely to resemble a quiet residential area in terms of likely levels of background noise currently experienced in the road. I therefore do not consider that this proposal would result in such a detrimental impact on residential amenity in terms of noise and disturbance over and above the existing scenario to warrant refusal of planning permission.

Impact on Highways Network and Access

Again, it is acknowledged that as a consequence of the proposal the site may become a more attractive destination for recreational visits from members of the public. The proposal does not intend to revise the existing car parking offer (currently restricted to twelve bays for staff parking) given the limited availability of land within the site to provide additional parking. Nevertheless the town centre locality of the site means that there are numerous public car parking sites within close proximity to the site and it is acknowledged that the site is served by good public transport links. No objection has been raised by the Highways Authority and as such I see no reason to resist the application on the grounds of highway safety.

The submitted D&A Statement acknowledges within Section 3.1 that any proposed development presents issues relating to accessibility. The internal works present an opportunity to improve the circulation within the building.

Conclusion

In weighing the planning balance of the scheme I have attached significant weight to the benefit of the proposal in terms of the enhanced tourism offer which the scheme presents. I concur with the comments of internal conservation expertise that the harm to the listed building would be less than substantial and I have identified no other material considerations which would warrant refusal of the scheme.

RECOMMENDATION

That the application be referred to the Secretary of State with a recommendation that full planning permission is granted subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Proposed Plan Basement – 200 Rev. A
- Proposed Plan Ground Floor – 201 Rev. B
- Proposed Plan First Floor – 202 Rev. B
- Proposed Plan Circle – 203 Rev. A
- Theatre Proposed Elevations – 210 Rev. A
- Proposed Elevation – 211 Rev. A
- Sections as Proposed – 220 Rev. A

- Sections as Proposed 221 Rev. A

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

Reason: So as to define this permission.

03

No development shall be commenced until samples of all facing materials have been submitted to and approved in writing by the local planning authority. The details in relation to the glazed link extension detailing and proposed ground stone finishes shall match that on the Old Magnus Buildings. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

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.

- External windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cill.
- Extractor vents.

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

05

No development shall be commenced until details of the fire shutter to openings between the foyer and the function room have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

06

No development shall be commenced until a scheme for an Archaeological Watching Brief has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority.

Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

Informative

01

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

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

02

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

BACKGROUND PAPERS

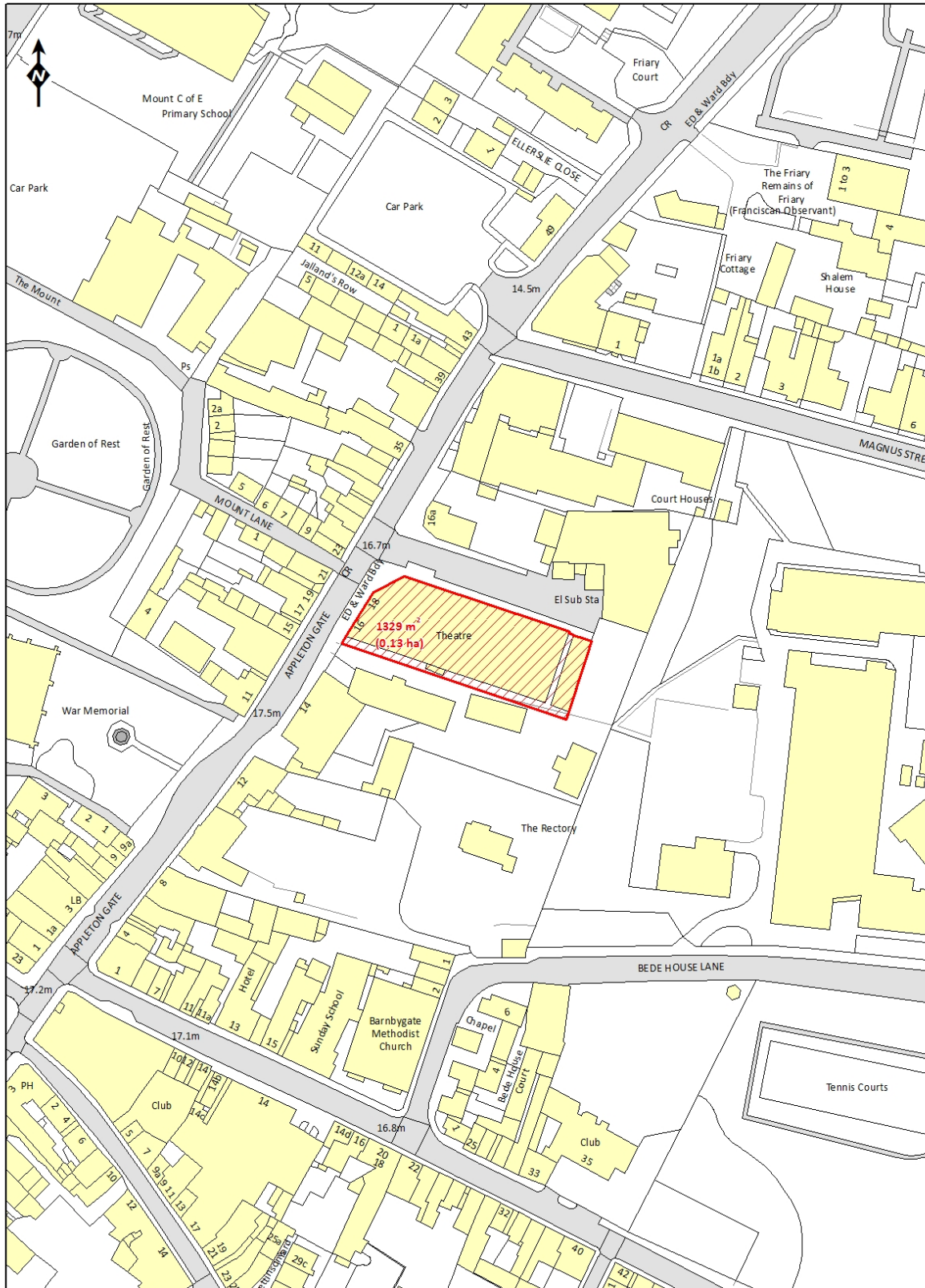
Application case file.

For further information, please contact Laura Gardner on 01636 655907.

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

K Cole
Deputy Chief Executive

Committee Plan - 15/00166/FUL



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Application No:	15/00167/LBC	
Proposal:	Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities.	
Location:	Palace Theatre, 16 Appleton Gate, Newark On Trent, Nottinghamshire, NG24 1JY	
Applicant:	Mr Matthew Finch - Newark and Sherwood District Council	
Registered:	02.02.2015	Target Date: 30.03.2015

The Site

The application site lies within the main built-up area of Newark and within Newark Conservation Area. The site is within the historic core of the town and lies within close proximity to a number of listed buildings. Located on the eastern side of Appleton Gate, the site is situated adjacent to Old Magnus Buildings (Grade II* listed) currently under restoration to become the National Civil War Centre. The churchyard of the Church of St Mary Magdeline is in close proximity to the south on the opposite side of Appleton Gate. Newark College is situated to the east of the site. In terms of street scene the area is predominantly substantial Georgian townhouses. The character of the area is on the edge of the town centre and comprises mixed uses including commercial, entertainment, education, residential and religious.

The application site itself is a rectangular plot relating to 0.13 hectares of land, almost the entirety of which is occupied by the built form of the Palace Theatre; a Grade II listed building. The theatre was constructed in 1920 as a centre of entertainment for the people of Newark and the surrounding area. The Palace Theatre has undergone a number of changes since it was built, most relevant being the conversion from a cinema to a theatre, and the removal of seats to the rear of the stalls to form the Function Room. Twelve staff car parking bays are available to the east of the site with visitors having the opportunity to park in the Appleton Gate Car Park approximately 100m to the north of the site. The site is owned by the District Council.

Relevant Planning History

15/00166/FUL - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities. *Associated planning application also pending consideration.*

The Proposal

The current proposal sets out to form a link between the Palace Theatre and the adjacent National Civil War Centre as well as to re-order and refurbish the front of house facilities, thus providing shared welcome areas and service facilities between the two sites as well as including a new tourist information hub. The current use of the building as a theatre will remain unchanged, and there are no proposed works to the auditorium or stage areas. The proposal can be divided into a number of elements with the works proposed summarised as follows:

Forming a link

- It is proposed that the museum shop of the National Civil War Centre be extended northwards by approximately 1.5m to adjoin the Palace Theatre and span the existing gap between the two buildings
- This will necessitate the removal and re-routing of an existing gas main as well as the reorientation of the fire escape stairs to escape eastward through the courtyard
- Formation of an opening through the southern wall of the Palace Theatre Box Office to be set back from the western façade

Enhancing the Box Office

- Removal of four existing WC cubicles and subsequent demolition of surrounding walls
- Installation of new platform lift into existing shaft
- Raising Box Office floor level by approximately 100mm in order to provide a consistent floor level with the Museum
- Replacement of existing steps between the Box Office and Foyer necessitating the excavation of the existing Foyer floor and the provision of a supporting column in the south west corner of the Foyer
- Removal of external ramp and making good of pavement

Enhancing the Function Room and Bar Area

- Formation of two new doorways and one new window to the south elevation
- Removal of existing double doors and fixed panels above and formation of new opening to the south of the existing doorways
- Refurbish the existing northern bar and replacement of southern bar

Enhancing the WC Provisions

- Redistribution of provisions
- Creation of two additional cubicles within the Function Room access through a new opening
- Relocation of the entry door into the Function Room

Improving the Catering Facilities

- Provision of new kitchen at first floor in position of existing store rooms including new riser formed in the north east corner extracting via a new vent in the north wall
- A similar vent will be installed in the south elevation to provide an incoming air source
- Creation of a stud partition wall to the east of the kitchen

The proposal also includes general internal refurbishment including laying of carpets etc.

Departure/Public Advertisement Procedure

A site notice was posted on 20th February 2015. A notice was published in the local press on 19th February 2015. The date of overall expiry for comments was 13th March 2015.

The Development Plan

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local

Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as Sections 16, 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and its Guidance.

Other Material Planning Considerations

The National Planning Policy Framework and its Guidance. These documents state the Government's objectives for the historic environment and the rationale for its conservation. They recognise the unique place the historic environment holds in England's cultural heritage and the multiple ways it supports and contributes to the economy, society, and daily life. Tests are identified to ensure that any damage or loss against the historic environment is permitted only where it is properly justified.

Consultations

Newark Town Council – No Objection.

Newark Civic Trust – Support the Proposal.

NSDC Conservation – Main external alterations proposed comprise the following:

1. south elevation: alterations at ground floor level of the Palace Theatre, including removing sections of the wall, blocking up existing windows, removing the existing fire escape staircase and re-positioning a new one, insertion of new glazed doors and window, demolition of the existing boundary wall between the Palace and the OMB towards the front of the site, build new external steps;
2. west elevation: extension of new single storey element of the Old Magnus Buildings to physically join the south elevation of the Palace Theatre, remove external ramp, insert two new doors within shopfronts, redecorate main entrance including steps;
3. north elevation: insertion of additional kitchen vent;
4. east elevation: no alterations.

Main internal alterations proposed comprise the following:

1. Ground floor: raise floor of box office by 100mm, to align with museum, take out existing steps (and lift) between box office and foyer and insert new steps further back within the building, extend existing lift to be retained down to box office level, remove some existing toilet facilities within foyer and re-provide within function room, enlarge openings between foyer and function room, insert two new doors into existing openings between function room and auditorium, remove metal framed ceiling within function room.
 2. First floor: remove internal walls to create new kitchen, acoustic improvements between kitchen and auditorium.
- General front of house areas: strip artex/woodchip – DO NOT strip woodchip from raised decorative friezes – make good and redecorate.

Externally, the proposals that will impact most on the significance of the heritage asset is the removal of parts of the historic fabric in the south elevation of the Palace. The harm from this has been reduced by setting back the new opening further east away from the street to reduce visual impact. This nib, retained internally, will ensure that the line of the existing wall to be readable when viewed from Appleton Gate. Details of the proposed doors and window to be inserted should be controlled through condition. The merging of the two historical plot boundaries and the physical joining of the contemporary single storey element of the OMB with the south elevation of the Palace will also result in some harm in merging the two sites, however, the contemporary design of the extension is so markedly different from the grandeur of the traditional Palace, clearly defined by its circular pillar, the contrasts in design enable a reading of the two separate sites. Towards the rear of the site, the traditional brickwall that divides the two sites would be retained and in the external seating area a contrast in stone tiles on the ground will define the position of the boundary wall. The building of additional external steps may result in impact on archaeology and a watching brief has been suggested and should be conditioned. The remaining external proposals are more minor, the removal of the external ramp at the front will better reveal the significance of the asset, as will the repositioning of the fire escape in a less prominent location further back into the site.

Internally, areas that have remained largely unaltered and retain important architectural features have a higher level of significance in heritage terms and include the auditorium, the foyer and its staircase and the Byron room. The enriched cornice details and plaster ceilings with decorative carvings remain in these areas. The auditorium (apart from two new entrance doors) and Byron room are unaltered by the proposals and the detailed architectural features in the foyer are to be retained. Although it is proposed to strip out the artex and woodchip from the foyer, this is not proposed where the woodchip covers over the raised decorative friezes. The plaster ceilings and their decorative detailing will remain intact. The removal of part of the internal wall between the foyer and the function room will result in the removal of some historic fabric which is considered to be harmful and result in these two distinct areas being more integrated. However, some small columns will remain, resulting in the readability of this divide remaining to some extent. Three fire shutters are required to be fixed to serve this openings and a condition would be required showing this detail and ensuring that they are fixed on the function room side of the opening. The alterations proposed to the lift/staircase between the box office and the foyer will give an overall effect of better revealing the significance of this area. Whilst of no architectural interest, the existing box office proportions reflect the small shop areas that were once served by the two existing shopfronts. The opening up of this area internally will result in harm as the shopfronts will lose their existing small internal retail spaces, that can still be read. It is acknowledged that this readability still strongly exists from the external elevation. Increasing the internal floor level of the box office area by 100mm will have some impact, however, the alterations proposed to the external doors to accommodate this (reducing the depth of their fanlights) is limited and considered not to have a harmful effect on the special interest of this building. Internally, the existing box office area has no architectural interest and given the positive resulting benefit of having one internal floor level within the reception area of the proposed extension to the OMB, it is considered to be of no adverse impact.

The external openings proposed in the south elevation will reveal themselves within the function room, which was refurbished in the 1970's and within which there is no architectural significance, rather than intruding into the more significant foyer area, however, it is considered that regardless of this, the loss of this historic fabric is harmful, even though it would result in providing natural light to a room that currently has no external interaction. Whilst the insertion of the additional toilet facilities will project into the existing function room, this is a relatively small projection and

given the low significance of this room in heritage terms, is considered to be of no adverse impact. The removal of the metal framed ceiling in this room, which was inserted in the 1970's, will better reveal the significance of this room. In insertion of new doors between the function room and the auditorium is considered to have a neutral impact.

At first floor level, the introduction of a new kitchen area, will result in the removal of several internal walls. The walls are stud partitions and this area is of low significance in heritage terms, it is tucked area in the eaves of the roof, with no architectural interest. The proposal to insert a new wall within this area is considered to have no adverse impact. Accoustic insulation is proposed between the new kitchen and the auditorium. A condition should be imposed to ensure that these works are carried out on the kitchen side of the wall, leaving the existing auditorium wall unaffected.

The impact of the proposals have been duly considered against Section 66(2) and 72(1) of the Act, and have been found to be compliant with both.

Conclusion

The removal of the historic fabric, both externally and internally, and the opening up internally of the small front retail units represents less than substantial harm to the special interest of this listed building. However there are also some elements of the scheme which are benefits in heritage terms and better reveal the significance of the building. In accordance with the NPPF, consideration must also be given to any public benefit. As set out in the submitted information, economically, the Palace Theatre is under enormous strain to generate enough income to support itself. As such it is at some risk of closure. Combining these two Council owned sites will allow the creation of one entrance and circulation area for both the theatre and the Civil War Museum. The economic, social and environmental benefits of the proposed scheme to the town would provide benefits beyond the minor loss of historic fabric and justify the adverse harm caused to significance. The new combined facilities would provide a hub for tourism and play a major part in the development of heritage and the local economy. On balance, the proposals have been adequately justified and appropriate weight given the wider public benefits.

English Heritage – Thank you for consulting English Heritage on the planning application for the proposed integration of the front of house areas of the Palace Theatre with the National Civil War Centre. The Palace Theatre, constructed in 1920, is a grade II listed building of special interest in a national context. It sits adjacent to the Old Magnus buildings, listed at Grade II* and the proposal seeks to form a link between the theatre and the new extension (under construction) to the former regency headmasters house. The buildings are located within the Newark Conservation Area, within the historic core of the town on Appleton Gate, which is predominantly a Georgian Streetscape of townhouses.

We have read the supporting information and previously advised extensively on the separate proposals for the creation of the National Civil War Centre. The Design and Access Statement submitted is incorrect in suggesting that English Heritage has been involved in detailed recommendations for this current proposal. With regards the principle of linking both buildings, we recommend the determining authority will need to be convinced there is robust justification for this proposal – this would be taken in the context of the approved extension, which has left a narrow gap between both buildings. That said, we understand there may be a compelling argument for linking the buildings to help sustain and diversify the use of the palace theatre.

We recommend the detailed design of all parts of this scheme including assurance of retention of enriched cornice details and plaster ceilings, are considered with the benefit of advice from your conservation officer. We recommend this application is considered in line with the NPPF and the Planning Practice Guidance.

The Theatres Trust - I write regarding the above planning and listed building applications for the integration of the front of house areas of the Palace Theatre with the National Civil War Museum, including the refurbishment of the box office, foyer and function room, bar area, WCs, and catering facilities. The Theatres Trust supports the proposal. Please see our detailed comments below.

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Advice/comment: The Trust supports the application in principle because the reorganisation and refurbishment of the Grade II listed theatre's front of house areas will provide essential new and upgraded facilities to be shared with the adjacent Civil War Museum. Theatres need to be upgraded and refurbished if they are to keep pace with the public's expectations and the needs of performers and producers and we are keen to help theatre owners do more to improve, adapt and sustain their building stock to attract new audiences and support their viability.

The reconfiguration of the foyer and function space creates much needed additional and more functional circulation space for audiences to access and move around the theatre, including improved disabled access. The current box office is a cramped and tight space that was not designed for this purpose and the relocation of the WCs and proposed extension to the Museum allows for the creation of a much larger entry and area for the proposed shared box office and ticket desk linking the two uses.

The relocation of the café bar and opening up the internal and external walls of the function room will provide the room with natural light and make this space more accessible, welcoming and connect it to the outdoor terrace between the theatre and the museum. The opportunity to raise the ceiling height in the function room is supported and the Trust welcomes the new carpet, painting and refresh of these public spaces and facilities.

It is understood that the proposed catering facilities are an essential part of the business model for the theatre and museum, however, the location of the proposed kitchen, kitchen support areas, and mechanical extraction directly under the balcony and adjacent to the auditorium wall may need reconsideration, or adequate noise and vibration mitigation measures will be needed to ensure there is no noise transfer between the two uses.

Whilst shared facilities have many benefits, it is important that management and operational issues are clear from the outset to ensure that the shared space is both designed and can work effectively. It is important to recognise that the museum is likely to be used at different times to the theatre. We recommend that you consider the implications of Birmingham City Council's recently announced proposals concerning the new Birmingham Library development which also

includes a new shared foyer and box office space with the adjacent Birmingham Rep Theatre. In December the Council announced plans to halve the number of staff in the Library and reduce opening hours from 73 to 40 hours a week. To avoid any negative impact on the future viability and operation of the theatre we recommend that prior to approval there is clarification on how the shared spaces will be jointly managed, and that the theatre will not be limited in its operation in any way by the staffing or opening hours of the museum, and vice versa.

The proposed works generally involve areas of the theatre that have been altered in the past and will not adversely impact or affect the theatre's special architectural or historic interest. The proposal will help sustain and modernise the theatre and Trust would therefore recommend the granting of listed building and planning consent, attaching any conditions accordingly.

NSDC Access and Equalities Officer – Detailed comments in relation to Building Regulations.

NSDC Environmental Health – No comments to make.

Council for British Architecture – No comments received.

The Georgian Group – No comments received.

Victorian Society – No comments received.

Society for the Protection of Ancient Buildings – No comments received.

Twentieth Century Society – No comments received.

Millgate Conservation Society – No comments received.

NCC Archaeology - No comments received.

No letters of representation have been received from neighbouring or other interested parties.

Comments of the Business Manager, Development

As set out under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. National advice is contained within Section 12 of the NPPF and accompanying *Historic Environment Planning Practice Guide* (HEPPG- notably paragraphs 178-192). Policies CP14 and DM9 of the Council's LDF provide additional guidance on proposals affecting designated heritage assets.

Impact on Significance of Heritage Assets

Palace Theatre is a Grade II listed building situated within the Historic Core of the town as well as the designated conservation area. The site is surrounded by numerous other designated heritage assets including the Old Magnus Buildings to the south of the site which are Grade II* listed and thus recognised as being within the top 6% of the nation's built heritage. With regards to these buildings it is noted that works are currently ongoing to implement planning permissions and associated listed building consents for the restoration of the site to become the National Civil War

Centre. Indeed the proposal presented for consideration here directly responds to the ongoing works at the Old Magnus Buildings through an intention to link to the two sites.

The proposal relates to both external and internal works the former of which have been assessed in relation to the corresponding application for full planning permission. The assessment included with the report for full planning permission is considered worthy of repetition here in the interests of clarity:

Notably, the extension to the southern elevation of the theatre which would connect the theatre with the Old Magnus Buildings with the intention of providing an enhanced tourist offer for the town. The extension has employed a design approach which directly responds to the approved extension to create the National Civil War Centre and thus would be interpreted in association with the adjacent building. In some respects the extension would be viewed as part of the adjacent site rather than an extension to the theatre thereby allowing a degree of visual separation to be maintained. Given the modest width of the extension, the vantage points where the existing break between the buildings (once the works to the Old Magnus Buildings have been completed) would be appreciated would be relatively limited in any case. The prominence of the Palace Theatre, particularly the northern entrance corner would be unaffected by the proposal albeit the combined entrance to both the theatre and National Civil War Centre would offer an alternative visual draw to the building. It is my view that this would not harm the significance of the asset.

The external alterations in terms of the reconfiguration of the fire escape and staircase on the southern elevation would be relatively discrete features in the public realm owing to the positioning of the proposed extension.

The other element of the scheme most notably concerned with external changes is the proposed enhancement to the box office. Whilst predominantly relating to internal interventions the proposal also requires the repair of the main façade to the original shop units. I would concur with the stance of the D&A Statement that the removal of the external ramp offers an opportunity to enhance the appearance of the primary façade.

The internal works proposed have been subject to scrutiny by internal colleagues in conservation as detailed above in the consultee section of this report.

Internally, areas that have remained largely unaltered and retain important architectural features have a higher level of significance in heritage terms and include the auditorium, the foyer and its staircase and the Byron room. The enriched cornice details and plaster ceilings with decorative carvings remain in these areas. The auditorium (apart from two new entrance doors) and Byron room are unaltered by the proposals and the detailed architectural features in the foyer are to be retained. Although it is proposed to strip out the artex and woodchip from the foyer, this is not proposed where the woodchip covers over the raised decorative friezes. The plaster ceilings and their decorative detailing will remain intact. The removal of part of the internal wall between the foyer and the function room will result in the removal of some historic fabric which is considered to be harmful and result in these two distinct areas being more integrated. However, some small columns will remain, resulting in the readability of this divide remaining to some extent. Three fire shutters are required to be fixed to serve this openings and a condition would be required showing this detail and ensuring that they are fixed on the function room side of the opening. The alterations proposed to the lift/staircase between the box office and the foyer will give an overall effect of better revealing the significance of this area. Whilst of no architectural interest, the existing box office proportions reflect the small shop areas that were once served by the two

existing shopfronts. The opening up of this area internally will result in harm as the shopfronts will lose their existing small internal retail spaces, that can still be read. It is acknowledged that this readability still strongly exists from the external elevation. Increasing the internal floor level of the box office area by 100mm will have some impact, however, the alterations proposed to the external doors to accommodate this (reducing the depth of their fanlights) is limited and considered not to have a harmful effect on the special interest of this building. Internally, the existing box office area has no architectural interest and given the positive resulting benefit of having one internal floor level within the reception area of the proposed extension to the OMB, it is considered to be of no adverse impact.

The external openings proposed in the south elevation will reveal themselves within the function room, which was refurbished in the 1970's and within which there is no architectural significance, rather than intruding into the more significant foyer area, however, it is considered that regardless of this, the loss of this historic fabric is harmful, even though it would result in providing natural light to a room that currently has no external interaction. Whilst the insertion of the additional toilet facilities will project into the existing function room, this is a relatively small projection and given the low significance of this room in heritage terms, is considered to be of no adverse impact. The removal of the metal framed ceiling in this room, which was inserted in the 1970's, will better reveal the significance of this room. In insertion of new doors between the function room and the auditorium is considered to have a neutral impact.

At first floor level, the introduction of a new kitchen area, will result in the removal of several internal walls. The walls are stud partitions and this area is of low significance in heritage terms, it is tucked area in the eaves of the roof, with no architectural interest. The proposal to insert a new wall within this area is considered to have no adverse impact. Acoustic insulation is proposed between the new kitchen and the auditorium. A condition should be imposed to ensure that these works are carried out on the kitchen side of the wall, leaving the existing auditorium wall unaffected.

The impact of the proposals have been duly considered against Section 66(2) and 72(1) of the Act, and have been found to be compliant with both.

Conclusion

The removal of the historic fabric, both externally and internally, and the opening up internally of the small front retail units represents less than substantial harm to the special interest of this listed building. However there are also some elements of the scheme which are benefits in heritage terms and better reveal the significance of the building. In accordance with the NPPF, consideration must also be given to any public benefit. As set out in the submitted information, economically, the Palace Theatre is under enormous strain to generate enough income to support itself. As such it is at some risk of closure. Combining these two Council owned sites will allow the creation of one entrance and circulation area for both the theatre and the Civil War Museum. The economic, social and environmental benefits of the proposed scheme to the town would provide benefits beyond the minor loss of historic fabric and justify the adverse harm caused to significance. The new combined facilities would provide a hub for tourism and play a major part in the development of heritage and the local economy. On balance, the proposals have been adequately justified and appropriate weight given the wider public benefits.

RECOMMENDATION

That the application be referred to the Secretary of State with a recommendation that listed building consent is granted subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Proposed Plan Basement – 200 Rev. A
- Proposed Plan Ground Floor – 201 Rev. B
- Proposed Plan First Floor – 202 Rev. B
- Proposed Plan Circle – 203 Rev. A
- Theatre Proposed Elevations – 210 Rev. A
- Proposed Elevation – 211 Rev. A
- Sections as Proposed – 220 Rev. A
- Sections as Proposed 221 Rev. A

Reason: So as to define this consent.

03

No development shall be commenced until samples of all facing materials have been submitted to and approved in writing by the local planning authority. The details in relation to the glazed link extension detailing and proposed ground stone finishes shall match that on the Old Magnus Buildings. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

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.

- External windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cill.
- Extractor vents.

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

05

No development shall be commenced until details of the fire shutter to openings between the foyer and the function room have been submitted to an approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Informative

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

BACKGROUND PAPERS

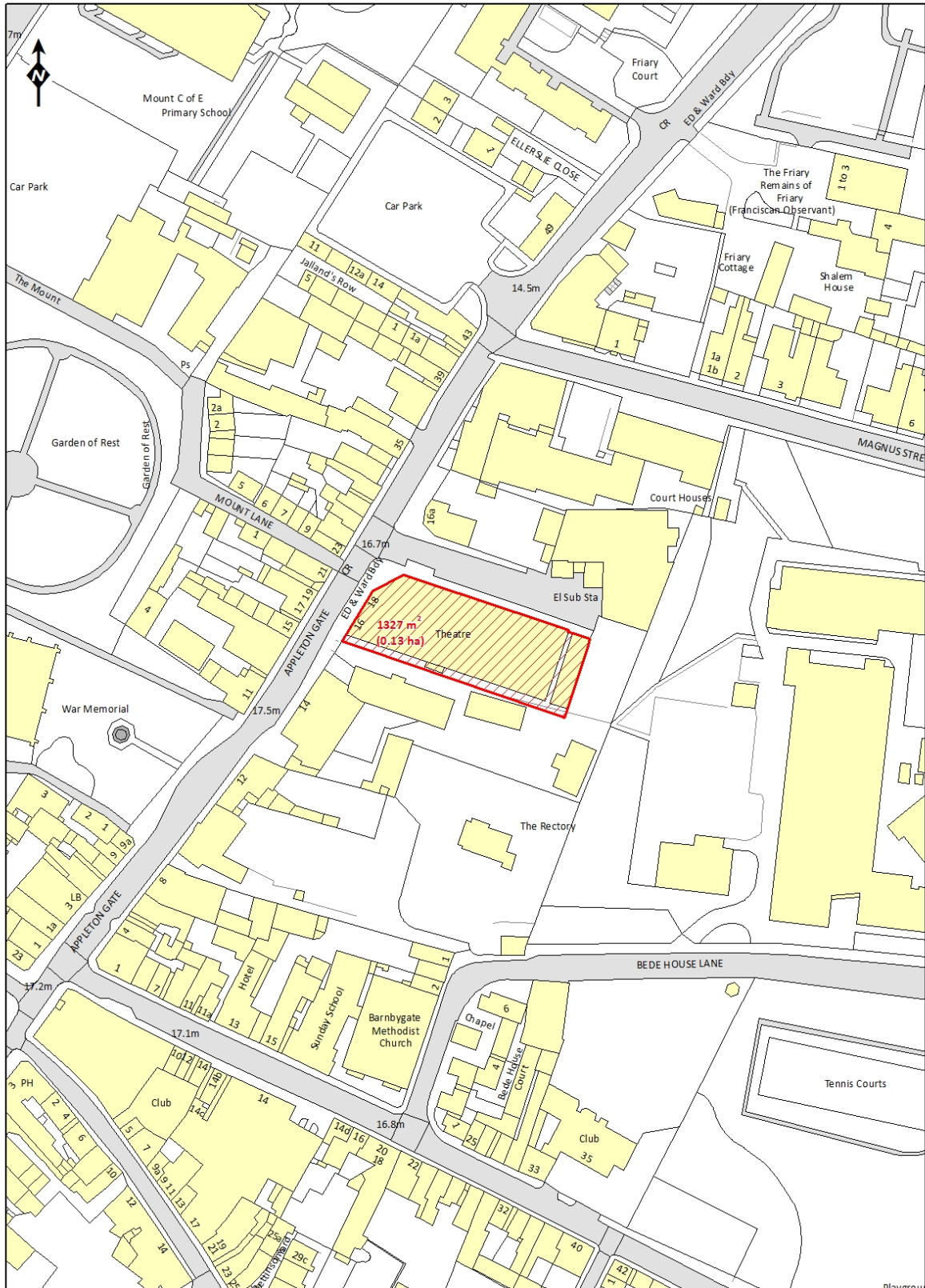
Application case file.

For further information, please contact Laura Gardner on 01636 655907.

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

K Cole
Deputy Chief Executive

Committee Plan - 15/00167/LBC



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Application No:	14/01541/OUT		
Proposal:	Erection of 1 No. four bedroom detached two storey dwelling with all matters reserved		
Location:	Aviemore, Old Great North Road, Sutton On Trent, Nottinghamshire, NG23 6QL		
Applicant:	Mrs Sharon Williams		
Registered:	28.08.2014	Target Date:	24.10.2014

Members will recall that the application was on the agenda for the March 3rd Committee meeting in which the resolution was to defer the application in order to get clarification from Planning Policy colleagues as to the extent of the defined existing employment area. It has been confirmed that the site is within the existing employment area as defined by the Proposals Map for Sutton on Trent and as such the application is presented to Members on an identical basis to that which was presented at the March 3rd meeting.

The report that follows is identical to that previously presented to Members but with the late representation from the applicant contained within it.

Description of Site and Surrounding Area

The application site is a modest rectangular plot of land to the east of the B1164. The site as existing comprises part of the residential curtilage of the dwelling known as Aviemore which is adjacent to the site to the east. Aviemore is accessed via Old Great North Road.

The site is within the main built up area of Sutton on Trent albeit it is towards the northern end of the village with open countryside on the opposite side of the B1164. Neighbouring development immediately adjacent to the site boundaries forms residential curtilages however there are numerous industrial uses in close proximity surrounding the site.

Relevant Planning History

There is no site history of relevance to the site itself although it is noted that there was a recent approval (under delegated powers) for a single dwelling on the land to the north of 'Aviemore' by the same applicant under reference number 13/00377/FUL.

The Proposal

The proposal seeks outline consent for the erection of a single residential dwelling with all matters reserved. It is intended to divorce the application site from the host dwelling with the erection of a 2m high timber fence along the north eastern boundary of the site. Vehicular access would then have to be taken from the B1164 to the west.

Members will recall that the applicant offered (by way of a late representation after the last agenda went to print) to fund a Traffic Regulation Order for the restriction of the current 50mph speed limit to 40mph on the stretch of the highway associated with the applicant.

Departure/Public Advertisement Procedure

Two neighbours have been notified directly by letter. The overall expiry date for comments was 06.12.2014.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 – Sustainable Design

Allocations and Development Management DPD Adopted July 2013

- Policy ST/EA/1 – Sutton on Trent – Existing Employment Policy Area
- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 – Developer Contributions and Planning Obligations
- Policy DM5 – Design
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Sutton on Trent Parish Council – Support the proposal.

NCC Highways – Original comments received 30th September 2014 as follows:

The applicant has provided a drawing of how vehicle access might be gained from the B1164. The drawing shows access visibility splays of 2.4m x 220m to the north, and 2.4m x 134m to the south.

The B1164 at this point is subject to a 50mph speed restriction. Visibility splays should therefore be 2.4m x 160m in both directions, unless speed readings are produced in accordance with TA22/81 that demonstrate actual speeds are commensurate with the available and shorter distance to the south.

Without this supporting evidence I would have to recommend refusal of this application on the grounds that safe access visibility is not available and highway safety is therefore compromised.

The applicant was made aware of these comments during the life of the application and subsequently the safety of the highways access has been subject to further investigations and

discussions. Unfortunately the applicant has failed to find a resolution which would satisfy the Highways Authority, confirmed by email dated 9th January 2015:

I confirm that I am satisfied that my comments to the Planning Authority are justified and robust.

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

NSDC Environmental Health - The application has been the subject of discussions with colleagues in Environmental Health albeit a formal consultation response to the current application has not been submitted. Comments from a previous application nearby have been forwarded for review which discuss complaints received in relation to night shift working on the established employment uses in the area.

Neighbours/Interested Parties

No letters of representation have been received.

Comments of the Business Manager, Development

Principle of Development

The site forms part of the amenity space for the host dwelling; Aviemore, and is therefore classed as Greenfield land. The settlement of Sutton on Trent is defined within the NSDC Core Strategy as a Principal Village where the function is to support the Sub-Regional Centre and Service Centres and to secure new employment opportunities, regenerate vacant land and provide housing. The site is within the village envelope as defined within the Allocations and Development Management DPD but is also defined as being within an existing employment area thus requiring assessment against Policy ST/EA/1. This policy states that within existing employment areas new dwellings will not normally be permitted due to the likely conflict with the proliferation of employment uses.

Impact on Amenity

An assessment of amenity relates to both the impacts on existing residential neighbours as well as the amenity provision for the proposed occupiers of the dwelling. The red line site location plan demonstrates the land within the ownership of Aviemore and shows a retained rear garden length of approximately 18m for the host dwelling. The indicative plan for the proposal site demonstrates that appropriate separation distances could be achieved between the dwellings such that there would be no detrimental impacts in terms of overbearing or overlooking. I also note the intended boundary treatment of a 2m timber fence which would aid in securing privacy for both the host and the proposed dwelling. A detailed assessment of amenity could be undertaken at reserved matters stage where details such as positioning of windows could be considered.

As identified the site is within an existing employment area where the general stance is to resist additional residential development. I acknowledge that there has been a recent approval on land to the north of Aviemore (reference 13/00377/FUL) however this was prior to the publication of the Allocations and Development Management DPD and thus prior to consideration of Policy ST/EA/1.

The council's Environmental Health Officer has raised concerns with regards to the implications of the nearby industrial uses in terms of noise disturbance and the subsequent impact on amenity for the proposed occupiers. Environmental Health has recently received noise nuisance complaints in the area and are of the understanding that increased demand on the employment sites has led to

the reinstatement of night shift working on the employment sites. As a consequence I believe it is a legitimate concern that the mixed use nature of the area would result in an inadequate standard of amenity for the proposed occupiers of the dwelling. To quote comments from Environmental Health on a previous scheme;

Mixing residential premises next to business premises creates tensions that can place unfair burdens on business while seriously affecting the nearby resident. Such conflicts can require intervention by the criminal law to resolve. Surely a better way forward is to adopt a precautionary approach and limit the scope for such conflict, rather than adding another potential complainant to the area.

Notwithstanding the aforementioned extant permission on a site nearby, it is my view that the Council should use the adoption of the Allocations and Development Management DPD as a clear direction of travel for the intentions of residential development in the area. If this application were to be approved then a precedent would be set for similar applications in the vicinity and the existing situation would be worsened contrary to the intentions of Policy ST/EA/1.

This matter has been raised with the agent during the life of the application however it has been deemed unreasonable to insist on the submission of a noise assessment given the extra expense this would incur to the applicant and that (as discussed below) the proposal would be resisted on highways grounds in any case. Notwithstanding this, the agent acting on behalf of the applicant did request a delay to the decision in order to allow time to address this matter. No further details have been received by the agreed deadline and I consider it to be unreasonable for the Council to delay the decision further.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

As implied by the consultation section of this report, the impact on the safety of the highways network has been subject to lengthy discussions during the life of the application. Specifically further works and investigations have been carried out in relation to the splay measurements that a potential proposed access point could achieve. A planning consultant acting on behalf of the applicant has confirmed that the technical visibility calculation from the nearside channel amounts to 134m and that a hedgerow has been cut back allowing a more advantageous position. However, the Highways Authority has confirmed that all additional information has been reviewed and it remains that the visibility splay distance would be less than the requirement of guidance. With the speed and nature of Great North Road, guidance recommends that at a point 2.4m back from the edge of carriageway a driver should be able to see an approaching vehicle at a distance of 160m measured to the nearside channel. This is not possible in this case. On this basis concern has been raised by the Highways Authority that if the current application were to be approved a precedent may be set and it would compromise highway safety.

After the last agenda went to print, the applicant offered to fund a Traffic Regulation Order for the restriction of the current 50mph speed limit to 40mph on the stretch of the highway associated with the application. In response the Highways Authority confirmed that this would not be an acceptable solution to overcome the highways objection.

Whilst the application has been submitted as an outline application with all matters reserved, the applicant has failed to demonstrate that the site will be capable of securing a safe access to the

development at reserved matters stage. It would therefore be inappropriate to accept the principle of a dwelling within the site given that the constraints of the site do not allow for the provision of a safe vehicular access which meets the guidelines of NCC in relation to this matter.

Impact on Character

As the proposal constitutes an outline application with all matters reserved there is no opportunity to consider the detailed design of the dwelling at this stage. Nevertheless I am confident that the size of the plot could comfortably accommodate a residential curtilage which would be broadly commensurate with other plots in the immediate vicinity including the dwellings known as Landseer to the north and Fairway to the south.

Conclusion

The outline application for an additional dwelling has failed to demonstrate that the site could accommodate a residential curtilage with a safe highways access and appropriate level of amenity for the proposed occupiers. As a consequence the application is recommended for refusal.

Recommendation

Refuse, for the following reasons:

Reasons

01

The proposed development fails to demonstrate that safe access visibility can be achieved within the site and would therefore compromise highways safety. The proposal is therefore contrary to the principles of Spatial Policy 7 of the LDF Core Strategy and Policy DM5 of the LDF Allocations and Development Management DPD. The proposal would also be contrary to the aims of the NPPF, a material planning consideration.

02

The site is within an Existing Employment Policy Area as defined by the Proposals map for Sutton on Trent. The presence of existing employment uses conflicts with the proposed residential use of the site and would amount to an unacceptable level of amenity being available for the proposed occupiers of the dwelling. In addition to this, if the application were to be approved then a precedent would be set for further residential development within the area. The proposal is therefore contrary to Policy ST/EA/1 and Policy DM5 of the LDF Allocations and Development Management DPD. The proposal would also be contrary to the aims of the NPPF.

Notes to Applicant

01

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

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to overcome the reason for refusals. Unfortunately this has been unsuccessful.

BACKGROUND PAPERS

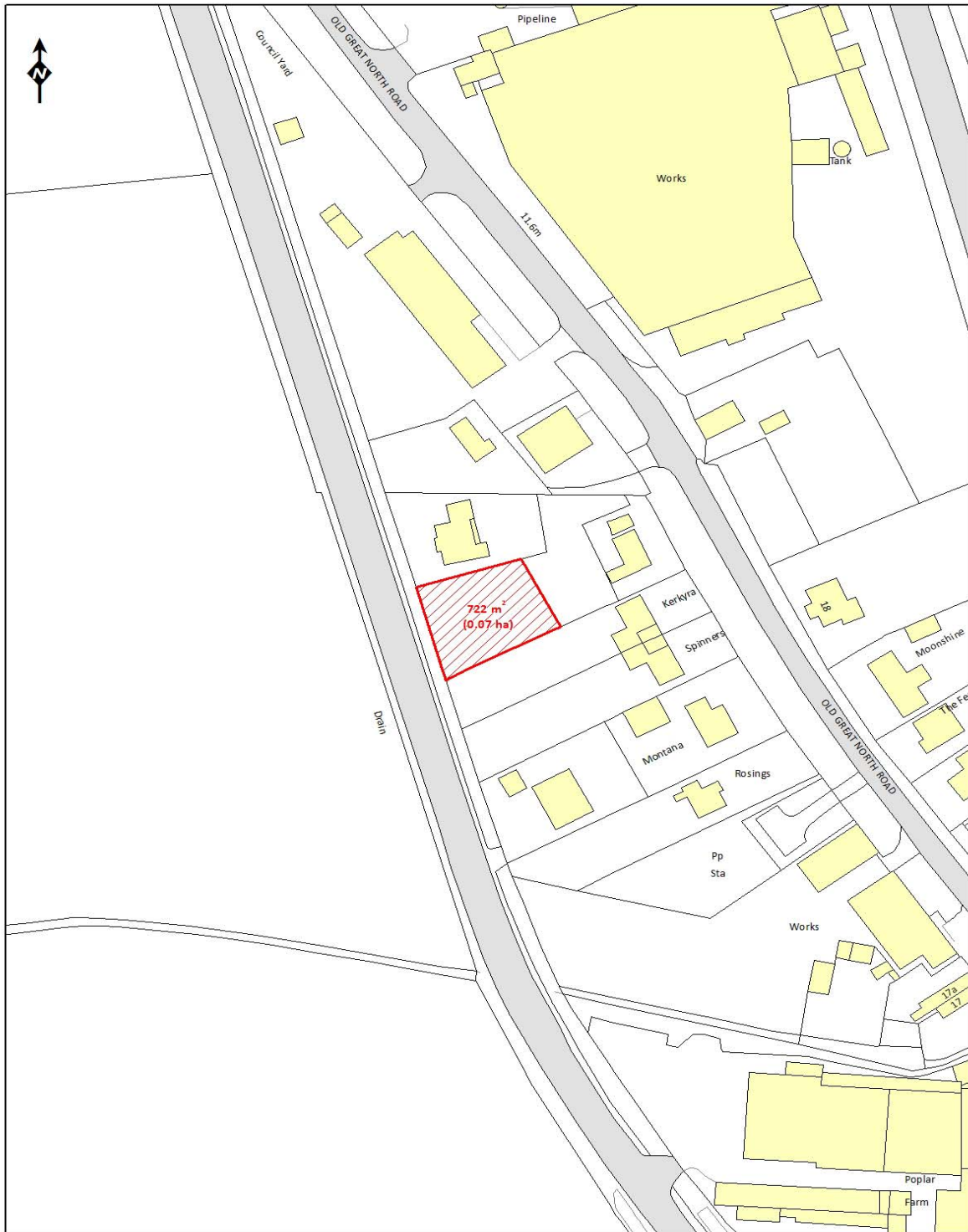
Application case file.

For further information, please contact Laura Gardner on 01636 655907.

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

K Cole
Deputy Chief Executive

Committee Plan - 14/01541/OUT



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