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Our Ref: AWM/CLS

Date: 29 December 2016

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on **Tuesday, 10 January 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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

None

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 6 December 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

ALSO IN

ATTENDANCE: Councillor: R.J. Jackson

111. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs Y. Woodhead

112. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that the following Members declared interests in the items shown below:

<u>Member/Officer</u>	<u>Agenda Item</u>
All Members	Agenda Item No. 10 – Site adjacent to the Old Grain Store, Old Epperstone Road, Lowdham (16/01271/FUL) – Personal interests as the applicant was a fellow Councillor.
Councillors D.R. Payne, I. Walker and B. Wells	Agenda Item No. 11 – Dixons Retail Plc, Distribution Centre, Long Hollow Way, Winthorpe (16/01505/FULM) – Personal interests as members of the Trent Valley Internal Drainage Board who were one of the consultees.
Councillors Mrs C. Brooks, G.P. Handley and D.R. Payne	Agenda Item No. 12 – Land North of Belle Vue Lane, Blidworth (16/01144/FULM) – Personal interests as Directors of Newark & Sherwood Homes given this was an application submitted by the company.

113. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

114. MINUTES OF THE MEETING HELD ON 1 NOVEMBER 2016

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

115. LAND ADJACENT CHERRY VIEW, BILSTHORPE ROAD, EAKRING (16/01745/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the construction of a pair of semi-detached residential cottages. The properties would have a floor space of approximately 95m² each split over two floors.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant in response to points raised by an objector and providing supporting plans demonstrating the location of the proposed development in relation to the recently refused eco-homes scheme. There were also further communications from Eakring Parish Council and a District Council housing officer.

In determining the application, Members considered whether the application site was located within the main built-up area of the village or in the open countryside and whether the character and appearance of the proposed development was appropriate.

AGREED (with 12 votes for and 2 against) that, contrary to officer recommendation, full planning permission be refused on the following grounds:

The site was considered to be outside the main built up area of Eakring; the proposal would be harmful to the rural hinterland and the setting of the conservation area and given the design of the existing properties and their frontage onto Bilsthorpe Road, the application was considered to be inappropriate back-land development.

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

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

116. LAND OPPOSITE DARWIN COURT, DARWIN DRIVE, SHERWOOD ENERGY VILLAGE, OLLERTON (16/00902/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the erection of 24 two bedroom apartments and 27 three bedroom houses with associated amenity space, access and parking.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicants agent which set out revised landscape drawings; Ollerton & Boughton Town Council objecting to the proposal; and the Highways Authority and the case officer which suggested additional conditions to be put on any granting of planning permission.

Councillor R. Shilling representing Ollerton & Boughton Town Council spoke against the application stating that the application went against the original concept of the Sherwood Energy Village and there were more appropriate sites in the area for a residential development of this nature.

In determining the application, Members considered the proximity of the skate park to the proposed development and whether the Sherwood Energy Village had met its original objective in terms of employment opportunities and the overall availability of employment land within the District. In addition the Members also referred to the outline permission granted in 2001 which did include a provision for housing on the site.

AGREED (with 10 votes for, 3 against and 1 abstention) that planning permission be approved subject to:

- (i) the conditions contained within the report and those detailed on the late items schedule;
- (ii) the inclusion of the Highways Authority requested conditions as detailed in the late item schedule and the amendment to the landscaping schedule also as detailed on the late item schedule; and
- (iii) the completion of a S106 Agreement to secure the developer contributions set out in the report and requiring a management company be established for maintenance of communal areas and adjacent swales.

117. ANNEXE BURGAGE COTTAGE, BURGAGE LANE, SOUTHWELL (16/01424/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the erection of an extension to the existing annexe to create a new 4 bedroomed dwelling and erection of a new garage.

In determining the application, Members considered accessibility issues and the impact the proposal would have on the conservation area and the residential amenity of surrounding properties.

AGREED (with 13 votes for and 1 abstention) that full planning permission be refused for the reasons contained within the report.

118. ORCHARD END, BISHOPS DRIVE, SOUTHWELL (16/01563/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the demolition of the existing property and a replacement detached dwelling.

Members considered that demolition had already taken place in the conservation area which meant that an offence could have been committed.

AGREED (with 10 votes for, 3 against and 1 abstention) that:

- (a) full planning permission be approved subject to the revised conditions as specified by officers; and
- (b) as the demolition of the former building had been undertaken without any consent, officers from the legal section be asked to determine if it was in the public interest to pursue a prosecution.

119. LAND ADJACENT BROOKFIELD, EPPERSTONE ROAD, LOWDHAM (16/01504/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the erection of three two-bedroomed dwellings and two four-bedroomed dwellings.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the case officer which suggested two additional conditions to be put on any granting of planning permission.

AGREED (unanimously) that full planning permission be granted, subject to the conditions contained within the report and the two additional conditions as detailed on the late items schedule.

120. SITE ADJACENT 'THE OLD GRAIN STORE', OLD EPPERSTONE ROAD, LOWDHAM (16/01271/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought retrospective planning consent for the use of the land and existing building for a fuel production business in connection with the agricultural business. The application also sought retrospective consent for a metal storage container, biomass boiler and woodchip clamp. Such use had been in operation from February 2015.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Councils Environmental Health Officer. This representation reflected a change in advice given ongoing complaints about smoke nuisance affecting nearby properties and reference to the height of the chimney.

Members considered the application and whether the application was appropriate and proportionate given it was in the greenbelt. Members also considered the operating hours and if there were any issues with wood chippings blocking the watercourse.

AGREED (unanimously) that the Committee were minded to grant approval and the Business Manager - Development be given delegated authority to approve subject to:

- (i) the conditions set out in the report;
- (ii) a chimney stack assessment and if necessary, an air quality assessment (being completed before permission is granted) that attracts no objection from the Council's Environmental Health Officer;
- (iii) the chimney to the biomass boiler being raised no higher than 10 meters;
- (iv) the applicant being invited to submit a revised block plan to include the new lean to building already on site; and
- (vi) an amendment to condition 5 restricting the operating hours on Saturday from 07:00 to 12:00 and any reasonable condition relating to the maintenance of the watercourse.

(Councillor R.J. Jackson withdrew from the meeting during consideration of this item).

121. DIXONS RETAIL PLC, DISTRIBUTION CENTRE, LONG HOLLOW WAY, WINTHORPE (16/01505/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a new warehouse building adjacent to the existing distribution building 2. The new building would be used for the storage of cardboard prior to its recycling and machinery in connection with the cardboard bailing process.

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

122. LAND NORTH OF BELLE VUE LANE, BLIDWORTH (16/01144/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for residential development of the site to include a total of twenty one residential units (fifteen two-bedroom and six one-bedroom flats/maisonettes).

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the County Council Policy Team and Highways.

AGREED that full planning permission be granted, subject to:

- (i) the conditions contained within the report;
- (ii) any reasonable conditions as requested to be imposed by the Highways Authority; and
- (iii) the signing and sealing of a Section 106 Agreement to secure the matters summarised in the table forming the Note to Applicant No. 4 as detailed in the report.

123. APPEALS LODGED

AGREED that the report be noted.

124. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 6.48pm

Chairman

Application No:	16/01618/OUTM	
Proposal:	Residential development of up to 113 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. All matters reserved except for access.	
Location:	Land At Oldbridge Way, Bilsthorpe, Nottinghamshire, NG22 8TF	
Applicant:	Mrs Pam Dutton	
Registered:	11.10.2016	Target Date: 10.01.2017
	Extension of Time Agreed in Principle	

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

The Site

The application site is a large, broadly linear plot approximately 8.25 hectares in extent abutting the southern edge of the village envelope towards the west of the village. Owing to the positioning of the site adjacent to the village envelope, three of the four boundaries are shared with residential curtilages of existing properties. Land to the south is open countryside. The red line site location plan wraps around the edge of the village envelope with the exception of the exclusion of an existing playing field to the north east corner of the site. The site slopes gradually from north to south with an existing agricultural land use.

The site is within Flood Zone 1 according to the Environment Agency maps although land outside the site, to the southern boundary, falls within Flood Zone 3. There are no designated heritage assets within the site. There are no formal rights of way within the site itself albeit it is understood from anecdotal evidence (and indeed as witnessed on site) that the site is used informally by the public for dog walking etc.

Relevant Planning History

There is no formal planning history in relation to the site which is of relevance to the determination of the current application. As confirmed by the Planning, Design and Access Statement the site and the wider area have been previously assessed as part of the Councils Strategic Housing Land Availability Assessment (SHLAA). The site was considered by the Inspector’s report as an ‘alternative site’ being less preferable than those allocated by the Proposals Map.

The current application has also been subject to a Screening Opinion (16/SCR/00011) concluding that the development does not require the submission of an Environmental Impact Assessment.

The Proposal

The proposed development seeks outline planning permission for up to 113 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. All matters are reserved except for access which would be predominantly achieved from Oldbridge Way with a small number of dwellings (as indicated through the indicative masterplan) accessed via Allendale and The Crescent.

The application has been accompanied by the following supporting documents:

- Planning, Design & Access Statement
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Biodiversity Survey and Report
- Statement of Community Involvement
- Transport Assessment

Departure/Public Advertisement Procedure

Occupiers of 86 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 - Rural Areas

Spatial Policy 6 - Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 1 - Affordable Housing Provision

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

Core Policy 13 - Landscape Character

ShAP1 - Sherwood Area and Sherwood Forest Regional Park

Allocations & Development Management DPD

Policy DM3 - Developer Contributions and Planning Obligations

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM8 - Development in the Open Countryside

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Bilsthorpe Parish Council – The Parish Council discussed the above and would like the following comments to be forwarded for consideration.

Improvements are required on the local roads first and suggestions are:

- Increased activity at junctions to A614 and A617 therefore increasing the already high risks to users of these junctions. Can traffic lights and /or a roundabout be installed on the A614 and A617. Visibility needs to be improved
- Increased population in Bilsthorpe will put a strain on the GP services provided from the local surgery. Currently residents feel they have to wait too long for a routine appointment.
- Younger village residents feel that they have don't have any priority from NSDC when wanting or needing to get their own property either from renting or buying. They would like to see the affordable housing on the proposed development prioritised for people living in Bilsthorpe.
- Will the parking be taken into consideration especially in proportion to the size of the houses and not to be parking bays in carparks but in front of the properties?
- Is there any land put to one side for allotments?

Due to Bilsthorpe, not being included as one of the areas for CIL investment some assistance from the developer to help with the upgrading of local amenities would be beneficial to all. Areas that are greatly in need are:

- Development of the small children's play area on Crompton Park.
- Provide suitable and sufficient fencing that would surround the whole perimeter of the play area and field at Crompton Road Park.
- Contribute to the CCTV provision on the play area.
- Cultivate the area of land on the play area that is currently uneven and long uncared for grass

- The village hall is not being used to its potential as it is in desperate need of decorating

There is a concern over the land being used for access on Chewton Close/The Crescent, this is now being maintained by the Parish Council and therefore there is concern over ownership, do the Developers own this land?

If the above is considered and actioned, then in principal at the moment there are no objections from the Parish Council.

Following receipt of the comments of NCC Highways and the officer's resultant likely approach to highways contributions, officers contacted the Parish Council to confirm their position in the instance where no highways improvements would be sought through the development:

"The parish council discussed and thanked you for sending over the highways report. It was decided and for the reasons already given over the concerns in relation to how the roads are at the moment within and around Bilsthorpe and with no upgrading or alterations planned, the council feel that to add more houses will only make the situation worse so they voted unanimously to object to the application."

The council also expressed their interest to speak at Planning Committee.

Rufford Parish Council – Object to the proposal – there will be an increase in traffic volume using the already congested and unsafe Limes Café A614 junction.

Eakring Parish Council – Eakring Parish Council thank you for the opportunity to view the plans of this proposed development in a neighbouring parish. None of our Parish Councillors raised any objections to the scheme.

NSDC Planning Policy – Assessment

In my view the main strategic issue is whether the site, and proposal, can be considered sustainable. To assist your consideration I would suggest that your assessment be focussed on those factors which contribute towards the 'golden thread' of sustainable development. With the aim being to conclude whether the proposed development strikes an appropriate balance between its economic, social and environmental dimensions. Through my comments I hope to assist you in doing so.

Principle of Development

I disagree with the argument advanced by the applicant, that the principle of development is not reliant on the current stance of the Authority with regards to housing land supply. The Authority remains confident it can demonstrate a five year housing land supply, and the proposal is located outside of the Village Envelope. Consequently for planning purposes it is within the open countryside, where the presumption would be against this form of development. Nevertheless, as

outlined earlier, the Authority has adopted a position whereby consideration will be given to sustainable sites, located immediately adjacent to the village envelope. How consistent the proposal is with this stance will determine whether the principal of development is acceptable. In terms of the scale and nature of proposed development I would view 113 dwellings as being consistent with the size, location and status of the Principal Village.

Design and Layout

Given that design and layout will be matters reserved for subsequent determination you will need to be satisfied, in line with Core Policy 9 'Sustainable Design' and Policy DM5 'Design', that a good standard of design and layout could be subsequently achieved within the parameters that granting outline consent would provide. I would also underline the importance of the ensuing scheme being able to appropriately manage the transition from the countryside, in accordance with Core Policy 13 'Landscape Character'. In this regard I see we have received advice from Nottinghamshire County Council.

Housing Mix, Type, Density

I note that the indicative layout indicates that the site could accommodate a mixture of bungalows, houses and apartments. However the precise level, mix, type and density of development are all matters which will be reserved for later determination. It is crucial therefore that any subsequent scheme is able to provide for a mix of dwelling types which reflects the nature of local housing need. Contributing towards the creation of mixed and balanced communities should be seen as a key objective of sustainable development. The Sub-Area report which accompanies the Housing Market and Needs Assessment (2014) shows the bulk of demand within the Sherwood Area to be for 1 and 2 bed units in the social sector, and 2 and 3 bed units in the market sector.

Given the circumstances which have led to the Authority to adopt a pragmatic approach over site location to boost housing supply, and the importance of housing mix and type to sustainability, I am of the view that should you be minded to support the proposal then this matter ought to be controlled by Condition. With the Condition requiring that any subsequent Reserved Matters application covering the site in whole, or part, contains a housing mix and type which reflects the housing needs of the area at the time of submission.

It is also important that where development of land within the open countryside is to be supported on the grounds it could boost housing supply that an effective and efficient use of land is provided for. Maximising the contribution that individual sites can make will help facilitate sustainable patterns of development, minimising the amount of land required to address housing needs. At its maximum of 113 dwellings the proposal (with a site area of 8.25ha) would have a density of 14 dph. This is substantially below the level Core Policy 3 seeks (30 dph). It is also worth noting that this is the maximum level of development, and that lower numbers as part of a subsequent scheme would further reduce density. Having said this I recognise that there may be site specific circumstances which support lower levels of development. For example there may be

a restriction on the number of dwellings that could be served by the proposed highways arrangements, and the need for the design and layout to respond to the edge of settlement location. However you will need to be content that the density of development being sought is appropriate.

Affordable housing

At its maximum the proposal exceeds the revised affordable housing thresholds (11 units or more, or where the combined gross floorspace exceeds 1000 sqm). Whilst the Planning Statement suggests that the 30% requirement carried by Core Policy 1 would be met it still remains for the split between social rented and intermediate tenures to also be satisfied, or for an alternative split to be robustly justified.

Should you be minded to support the proposal and consider that the information provided is insufficient with regards to; numbers, type, tenure and location of the affordable units, the timing of construction (particularly in relation to the overall development) and the arrangements to ensure initial and subsequent affordability - then I would suggest the use of a Condition, in line with the guidance provided at Para 3.35 of the Affordable Housing Supplementary Planning Document.

Highways

I have been unable to find any comments from the Highways Authority, and I would defer to them for advice over these matters. Nevertheless it is important that you are satisfied that appropriate highways arrangements can be provided for, and crucially if an exception to policy is to be made that they will allow for housing delivery to occur over the short-term. The bulk of the site is to be accessed via Oldbridge Way and will be dependent upon provision of an access road within the adjoining Peverill site. I note that the applicant has confirmed that a reserved access right has been agreed with Peverill, and that there is further agreement that the access road will be brought up to an adoptable standard within 12 years of the date of transfer.

Whilst I would defer to the Highways Authority, it is not unreasonable to assume that they may recommend that the access road be required to be of an adoptable standard in time for occupation of the first dwelling from the proposal. Given that this could take up to 12 years from the date of transfer I have some concern over whether an exception to policy, on the basis of boosting housing supply over the short-term, can be justified.

These concerns may be addressed through the use of appropriate mechanisms which promote, as far as is practicable, quick delivery. Whilst the granting of a short-term consent (i.e. requiring submission of reserved matters within 2 years) may be one possible route I would underline that this may only guarantee an early commencement, rather than actual delivery of housing over the time period we'd anticipate. I would therefore suggest that you give consideration to supplementing a short-term consent with a legal agreement which establishes a reasonable timetable for delivery, set against agreed benchmarks. In the absence of such mechanisms we run

the risk of simply supporting non policy compliant development in the countryside without boosting our immediate housing supply.

Ecology

Both Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets, and I note that the application is supported by a Preliminary Ecological Appraisal. I would defer to relevant stakeholders for its consideration, and so I note the comments from Natural England in respect of statutorily protected sites and landscapes.

Core Policy 12 and Policy DM7 both seek provision of Suitable Alternative Natural Green Space (SANGS) within 5km of the Birklands & Bilhaugh Special Area of Conservation, in order to reduce visitor pressure on the designation. Policy DM7 is clear in advising that the quantity and quality of SANGS shall be developed and agreed in conjunction with the District Council and Natural England. Therefore if provision is to be made as part of the site, as I'm assuming is the case, you will need to be satisfied that an acceptable level of provision could be accommodated as part of a subsequent detailed site layout. If provision is to be made off-site then we will need to be content that this is acceptable and again what level of provision is required.

While no conclusion has yet been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest, Natural England has advised LPA's to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight. The application site falls within 5km of the areas of greatest or ornithological interest for breeding nightjar and woodlark. Following the precautionary approach recommended by Natural England you will need to be satisfied that the Assessment has had due regard to any potential impact on the breeding population of nightjar and woodlark in the Sherwood Forest area.

Flood Risk

The application site falls outside of Flood Zones 2 and 3. According to the Environment Agency surface water mapping a tiny portion of the site is subject to flood risk from surface water. In addition we will need to be satisfied that a subsequent scheme will be capable of managing its surface water impact. In this respect I acknowledge the comments from Nottinghamshire County Council suggesting the matter be addressed through Condition.

Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed

infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

Conclusion

The principal of development is dependent upon the proposal being able to contribute to a boosting of housing supply over the short-term. Should the proposal be unable to do so then it would represent non-policy compliant development within the countryside and so should be resisted on these grounds. Through my comments I have outlined some reservations in this respect, concerning the proposed highways arrangements. These reservations could however be largely addressed through the use of appropriate mechanisms which would promote, as far as is possible, the early delivery of housing (i.e. the granting of a short term consent and the striking of a legal agreement controlling the delivery of housing against agreed benchmarks).

On the basis you are comfortable that the site could technically support the delivery of housing over the short-term then you will need to come to a view over whether the site is sustainable, and that the proposal represents sustainable development. In this sense the application site is located in an edge of settlement location with access to public transport and employment, retail, educational, leisure and community facilities. The site is located within Flood Zone 1, and providing you are satisfied that a future scheme has the capability to manage its surface water impact then it appears acceptable in flood risk terms. Accordingly on the basis that you are similarly content that a suitable design and layout can be achieved at the Reserved Matters stage then the proposal would be capable of addressing some of its environmental impacts. At the time of comment some question marks may however remain with respect to ecology, i.e. the assessment of impact on breeding populations of nightjar and woodlark, these may be addressed through additional discussion with relevant stakeholders.

Turning now to the economic strand of sustainable the development, the scheme would given its scale result in a level of economic benefit from development taking place. In addition it is acknowledged that the proposed development would contribute towards the boosting of housing supply, which would support the social element of sustainable development. You will though still need to be content that the density of development proposed is appropriate, and that it provides for an effective and efficient use of land. It should also be noted that the creation of mixed and balanced communities is a key element of sustainable development, and so I would refer you back to my comments over housing mix and affordable housing provision.

Taking account of the above it will fall to you to come to a view over whether the planning balance weighs in favour or against the proposal. Should you be minded to support the proposal then I would recommend the use of a short-term consent and legal agreement to control housing delivery, this is critical if the proposal is to have the capacity to boost housing delivery over the short term.

NSDC Parks and Amenities – As a development of over 100 houses this scheme should make a contribution to public open space in the form of amenity green space (14.4m²/dwelling), provision for children and young people (18m² per dwelling) and outdoor sports facilities (52.8m²/dwelling).

The indicative site masterplan shows large areas of green space in the form of swales, open breaks and open areas however there is no obvious designated children's playing space or sports pitches. Given the proximity of Bilsthorpe Parish Council's Crompton Rd playing field to the development it would seem appropriate that at least some of the children's playing space element should be delivered via an off-site commuted sum payment for provision/improvement and maintenance of this site. The north-westerly portion of the development is some distance away from the playing field and some on-site play facilities may thus be desirable in this area.

The outdoor sports facilities will be best provided through the payment of an off-site commuted sum for the provision/improvement and maintenance of such facilities in Bilsthorpe.

Finally I note that the area currently supports a variety of wildlife habitats, including meadows, hedgerows, streams and ponds, and it is thus essential that appropriate mitigation is undertaken should any of these areas be lost to development.

NSDC Community, Arts and Sport – the Village hall in Bilsthorpe is in need of investment and aligned to this is the former squash and sauna centre at the rear of the village hall. If you were minded to recommend approval for this application I would strongly suggest that a community facilities contribution be secured for the full amount ideally and that this be allocated to improvements to the village hall. Any such contribution to be based on the May 2015 figure of £1,337.08 plus indexation from May 2015.

NSDC Conservation – The proposal indicates that it will take the form of both market and affordable dwellings, mainly 2 storeys with associated parking and private garden areas. The proposal will also include the provision of open space, and cycle and pedestrian routes.

There are no identified heritage assets within the proposal site.

Bilsthorpe Conservation Area (CA) is approximately 230m from the eastern boundary of the proposal site. There are no listed buildings within a 250m buffer zone, but there are 4 listed buildings within 500m. There are various non-designated heritage assets within 1km, including areas of archaeological interest. Despite separation distances development here has the potential to affect the setting of the Conservation Area and any other designated heritage assets. In this case the listed building most likely to be affected by the proposed development is the Grade I listed Church of St Margaret.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. The objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

In addition, as set out under Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Assessment of proposal

Having reviewed the submitted plans and details, I can confirm that Conservation has no objection to the proposed development:

- Due to the buffer formed by the Forest Link housing development and the distance away from significant receptors, Conservation does not feel that the proposal will have an adverse impact on the setting or significance of the CA;

- Generally, the Conservation Area is inward looking with street frontage development and only glimpses out of the Area. To the northern end the Conservation Area adjoins a built up area which separates the Conservation Area from the proposal site. Given the mostly inward looking nature of the Conservation Area and the existing modern development in the intervening land, in the main I do not think the proposal will harm the setting of the Conservation Area.
- The one area where the proposed site may be visible from within the Conservation Area is from Church Hill, a narrow lane which rises uphill towards the parish church, and from there only glimpsed from the raised land of the graveyard. While an impact on the setting of the church is in many ways indivisible from an impact on the setting of the Conservation Area, the main impact here is on the setting of the church. The photograph below is taken from the graveyard looking northwest towards the application site, approximately located with the red arrow.
- The Grade I Church of St Margaret is a significant building within the CA and enjoys a prominent location at the top of Church Hill. It enjoys group value with the Grade II listed Manor Farmhouse adjacent and its boundary wall and gateway entrance. However, Conservation considers that the proposed development would not harm the parish landscape setting of the Church, and that the proposed development would otherwise appear as a continuation of the existing urban extensions on the west side of Kirklington Road;
- While the proposal site may be inter-visible from Church Hill it will appear as a relatively narrow strip of development, due to the lie of the land. It would also be seen beyond an existing swathe of modern development. The net impact on the setting of the church, as experienced from the churchyard looking out, would be small. Given the amount of modern development already around the church and the limited impact of the proposed new development the overall harm to the significance of the listed building, through harm to its setting, would be negligible.
- There will be an additional impact on the setting of the listed church as viewed from the application site, looking back south east towards the church, which is visible from the application site while traversing the footpath running through the site. While the church and its tower are visible from the site, they neither break the horizon nor are clearly visible in this view. The church is not a landmark structure in this view, but it is nevertheless an attractive view. However, given the limited impact of the church in this view, and the intervening modern development already between the viewer and the church in this view, the proposed new development will have only a very limited impact and overall will have a negligible impact on the significance of the church and the conservation area in this direction.
- The proposal would not adversely affect the setting of 56 Kirklington Road to the southeast. The distance from the proposal site combined with a landscape buffer at the

termination of the Southwell Trail at Forest Link ensures that the proposal will not have any significant impact on the setting of the listed building;

- There is no identified archaeological interest within or close to the proposal site. Various earthworks can be found to the south and southeast. The closest site is the earthworks to the southeast of Forest Link and relates to late medieval enclosures. However, the Historic Environment Record shows no interrelated potential interest in the proposal site.

I have taken account of the Southwell Trail in reaching these views, noting the ability to enjoy and experience the historic environment outside of and on approach to the immediate setting and surroundings of heritage assets.

Landscape impact assessment work has been provided, which along with the Design and Access Statement, provides adequate detail on general perceived impact on local character and appearance. Although paragraph 128 of the NPPF specifically requires an applicant to submit a Heritage Impact Assessment identifying impact on heritage assets, including where appropriate, desk-based archaeological reports, paragraph 129 allows the LPA to make its own assessment. In this case, given that no material adverse impact is identified with regard to any designated or non-designated heritage assets, it is not felt that the applicant needs to undertake any further work on heritage grounds.

This scheme will affect views to heritage assets and will cause some limited harm to these views. However, considering the contribution of these views to the overall significance of the heritage, the modern intrusive elements within these views and the limited impact on the views, the overall impact on the significance of the heritage assets is within the category of less than substantial harm, but very limited to negligible impact.

NSDC Strategic Housing –

Affordable Housing provision:-

The Council's Adopted (July 2013) Affordable Housing Supplementary Planning Document (Core Policy 1) sets the affordable housing targets for any suitable site at 30% and the qualifying thresholds for affordable housing provision are: 10 or more dwellings or sites of 0.4 ha irrespective of dwelling numbers for Newark and for the rest of Newark and Sherwood – all housing proposals of 5 or more dwellings or sites of 0.2 ha or above.

Therefore the following affordable housing requirements for the proposed site in Bilsthorpe is 34 units out of a total of 113 dwellings.

Preferred Tenure/Type:-

Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing (affordable rent acceptable) and 40% intermediate housing (Shared Ownership). In this

instance the Council will seek to secure the following tenure (subject to discussion with the applicant):-

Type	Affordable Rent	Intermediate Housing (Shared Ownership)	Total
1 Bed	6	-	6
2 Bed	10	8	18
3 Bed	4	6	10
Total	20	14	34

Demand for Affordable Housing/Housing Need

The new Housing Market and Needs Assessment (Sub area report) 2014, details the following affordable housing shortfalls for the Sherwood sub area (of which Bilsthorpe is a part of). The highest proportion of demand is for two bedroom homes. Existing households also require bungalows to move into but there is no demand for concealed households for this type of property:-

Table 6-1 Social sector demand by bed size

Question 21 and Question 33

Property size	Existing Households		Concealed Households		Total existing & concealed demand	
	% responses	N ^{os} . Implied	% responses	N ^{os} . Implied	% responses	N ^{os} . Implied
1 bedroom	19.7	138	100.0	78	27.7	216
2 bedrooms	64.5	453	0.0	0	58.1	453
3 bedrooms	7.1	50	0.0	0	6.4	50
4 bedrooms	8.7	61	0.0	0	7.8	61
Total	100.0	702	100.0	78	100.0	780

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Table 6-2 Type of Property for households moving in the next three years

Question 20 and Question 32

Type of property	Existing Households		Concealed Households	
	% responses	N ^{os.} Implied	% responses	N ^{os.} Implied
Detached house	28.2	319	16.5	39
Semi detached house	22.1	250	83.5	197
Terraced house	0.0	0	0.0	0
Bungalow	36.2	408	0.0	0
Flat / Maisonette	5.7	65	0.0	0
Bedsit	0.0	0	0.0	0
Supported housing	7.8	88	0.0	0
Total	100.0	1,130	100.0	236

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Local Connection and Cascade Mechanism

The Council will seek to ensure that the first and subsequent occupancy of all new affordable housing with a S106 agreement is determined in accordance with a ‘cascade’ approach. This means that on the occasion of each vacancy, the individual dwellings are advertised through the Council’s allocation scheme. The Council will require 100% nomination rights for subsequent re-lets. This allows Registered Providers to determine the allocation of a proportion of the properties in accordance with their own objectives and statutory requirements. However, in practice many Registered Providers locally continue to accept nominations from the Council on all future re-lets.

Design and Layout

With regard to the space/design standards the Council encourages developers to refer to point 3.14 of the Council’s Affordable Housing Supplementary Planning Document for further details with regard to ownership and management. It is expected that all developers will 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 and dispersed (pepper potted) on the scheme (see 3.16 of the Council’s Supplementary Planning Document).* It is noted that the proposal segregates the affordable

housing from the market housing and will not therefore meet the ‘tenure blind’ aspirations of the Government.

http://www.homesandcommunities.co.uk/sites/default/files/our-work/design_quality_standards.pdf

Registered Providers

The affordable housing on this site should be delivered by a Registered Provider (i.e. Registered with the Homes and Communities Agency) The Council currently works with several Registered Providers (see list below) and we recommend that the applicant contacts a Registered Provider to ensure that the proposed affordable housing meets their requirements. This should be undertaken prior to submission for planning consent.

- Nottingham Community Housing Association
- Derwent Living
- Waterloo Housing Association
- ASRA (Midlands) Housing
- Longhurst Housing Group
- Framework, (Specialist provider)
- Newark and Sherwood Homes (Management only)

Please refer to point 3.29 of the Council’s Affordable Housing Supplementary Planning Document for further details with regard to ownership and management.

NSDC Environmental Health (contaminated land) – No observations in relation to contaminated land.

NSDC Environmental Health (noise) – No comments to make.

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

NCC Highways Authority – This application proposes to take primary access from Oldbridge Way. The application red line boundary includes a length of extended Oldbridge Way which is currently subject to a Section 38 highway adoption agreement between the Highway Authority and Peveril Homes. This section of road will need to be adopted prior to, or concurrently with the adoption of other lengths of road served therefrom.

Consideration has been given to the potential impact of the proposal upon traffic conditions in the Bilsthorpe area. There is a moderate level of new vehicle trips at peak times (about 70) and these trips will be widely spread over the highway network given the number of routes in and out of Bilsthorpe in various directions serving Nottingham, Mansfield, Ollerton and the north, Southwell and Newark. For this reason a severe impact cannot be demonstrated on any one junction or link to justify improvements being sought from the developer.

The indicative site masterplan shows small cul-de-sac extensions of Allandale and The Crescent. The nature of these accesses is such that development from them should be limited to, say, 10 dwellings off each.

In view of the number of dwellings and the potential lengths of culs-de-sac, it is recommended that an emergency vehicle link be provided to link the Extension of Oldbridge Way with Allandale and The Crescent.

Direct pedestrian access to the school is to be encouraged, but the suggestion of a school 'parent drop off/pick up area' is questionable and should be subject to further discussion and review when a detailed site layout is to be submitted.

Conditions

1. Notwithstanding the submitted indicative site masterplan, all site highway layouts should comply with the Highway Authority design guidance current at the time of application for reserved matters unless otherwise agreed by the Highway Authority and shall be submitted to and agreed in writing by the LPA.

Reason: To ensure the development is constructed to safe, adoptable standards.

2. Any access taken from Allandale and/or The Crescent shall serve no more than 10 dwellings in each case, unless otherwise agreed in writing with the LPA

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

Notes to Applicant

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible (Dave Albans 01158040015).

NCC Planning Policy – Thank you for your letter dated 12th October 2016 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County

Council and have the following comments to make. These comments have been agreed with the Chairman of Environment and Sustainability Committee.

Planning Policy Context

National Planning Policy Framework (NPPF)

One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of, and the need to protect and enhance the natural, built and historic environment and biodiversity, together with the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. To support this Local Planning Authorities are tasked with involving all sections of the community in the development of Local Plans and in planning decisions. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments

- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way Paragraph 171 relates to Health and well-being and encourages Local Planning Authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

Paragraph 72 of the NPPF states that,

“The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *Give great weight to the need to create, expand or alter schools; and*
- *Work with school promoters to identify and resolve key planning issues before applications are submitted”*

County Planning Context

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such, relevant policies in these plans need to be considered.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.’ In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Minerals

The proposed site does not lie within close proximity to any existing or proposed minerals sites, or within a Mineral Safeguarding and Consultation Area. The County Council does not, therefore, wish to raise any objections to the proposal from a minerals safeguarding perspective.

Strategic Planning Issues

Public Health

The Local Health report, provided in Appendix A, identifies that many of the health indicators are similar to the England average.

As set out above, the National Planning Policy Framework seeks to promote healthy communities and at paragraphs 69-78 sets out the ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way.

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>. This states the importance that the natural and built environment has on health. The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire: <http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-andwellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. The document provides guidance on addressing the impact of a proposal or plan on the health and wellbeing of the population and provides a planning and health checklist to be used when assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44> It is recommended that this checklist is completed to enable the potential positive and negative impacts of the planning application on health and wellbeing to be considered in a consistent, systematic and

objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is significantly better than the England average. It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that this development is discussed as part of the Mid Nottinghamshire Local Estates Forum and also that there is consultation with Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL. Given that limiting long term illness or disability is significantly worse than the England average, the development needs to ensure that it is age friendly providing good access to health and social care facilities.

Highways and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and

Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Strategic Transport

The County Council does not have any strategic transport planning observations on this proposal.

Rights of Way

This proposal may impact on Bilsthorpe Parish footpaths no. 1,16, 17 and 18 (Stony Field Lane) which runs alongside the northern boundary of the site and also across the access point of Oldbridge Way, as shown on the working copy of the definitive map contained in Appendix 2.

Whilst the County Council would not wish to raise an objection it would require that the availability of the above paths is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. The County Council should be consulted on any resurfacing or gating issues and developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with the County Council's Rights of Way Team.

Transport and Travel Services

The proposed access point will be from an improved entrance onto Oldbridge Way. There will also potentially be small accesses onto The Crescent and Allandale. The nearest bus stops which are frequently served are approximately 400 metres from the centre of the site on Eakring Road, Cross Street and Church Street.

Bus Service Support

The County Council's Transport & Travel Services team has conducted an initial assessment of this site in the context of the local public transport network.

The residents of Bilsthorpe are served by two commercial services operated by Stagecoach. Both services operate to an hourly frequency. Service 28b operates between Mansfield and Eakring, whilst the Sherwood Arrow service links Bilsthorpe with Nottingham and Ollerton. This service also operates to Worksop and Retford on alternate hours.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

Infrastructure

Current Infrastructure - The current infrastructure observations from Transport & Travel Services photographic records are as follows:

- NS0032 Church Street – Polycarbonate Bus Shelter and Raised Boarding Kerbs
- NS0595 Cross Street – Polycarbonate Both Ways Bus Shelter and Raised Boarding Kerbs

- NS0596 Crompton Road – Both Ways Bus Stop Pole
- NS0599 Church Street – Layby, Bus Stop Pole and Raised Boarding Kerbs.

Possible Infrastructure Improvements - Transport & Travel Services request the following improvements:

- NS0032 Church Street – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Solar Lighting and Enforceable Bus Stop Clearway
- NS0595 Cross Street – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Solar Lighting and Enforceable Bus Stop Clearway
- NS0596 Crompton Road – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Raised Boarding Kerbs and Enforceable Bus Stop Clearway (subject to minor relocation)
- NS0599 Church Street – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Enforceable Bus Stop Clearway.

The County Council requests that any planning permission granted is subject to a planning condition stating the following:

No part of the development hereby permitted shall be brought into use unless or until the upgrades of the four bus stops in the vicinity of the site (NS0032, NS0595, NS0596 and NS0599) have been carried out to the satisfaction of the Local Planning Authority and shall include real time bus stop poles & displays including associated electrical connections, solar lighting, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

Further information can be supplied through developer contact with Transport & Travel Services (email: ptdc@nottscc.gov.uk, tel. 0115 9774520)

Landscape and Visual Impact

The submitted information in support of the application has been reviewed and the Landscape context has been reviewed by referencing NSDC Landscape Character Assessment and other landscape and biodiversity designations. It is noted that a tree survey and ecological survey have not been completed. The submitted ecological information relates to a method statement only. This should be remedied.

The Landscape and Visual Impact Assessment has been undertaken according to current guidance on methodology and to an appropriate level of detail.

Site – Landscape and Visual Amenity

The site is open hay field with hedge and intermittent trees on southern boundary. The site generally slopes up from the southern boundary to the existing edge of the settlement to the north.

The site is overlooked by existing residential development and existing school and playing field off Stoneyfield Lane. There is little tree vegetation apart from some established trees to the south of the Primary School.

The Southwell trail recreational cycle route terminates immediately to the west of the site at Forest Link. The site is not crossed by existing rights of way but the site is intensively used informally by local residents for dog walking and to access the playing field and Southwell trail.

Context Landscape Character

The site lies within the Sherwood character area in policy zone PZ07 Oxton Village Farmlands.

The zone has been assessed as having moderate condition and moderate sensitivity resulting in a 'Conserve and Create' recommendation. Specific recommendations include:

Landscape Features

- Conserve the ecological diversity of small deciduous pre-Sanderson woodlands throughout the area
- Conserve and reinforce field boundary and road hedgerows where these have become degraded or lost
- Create opportunities for restoring areas of heath land where appropriate
- Create small deciduous woodlands where appropriate.

Built Features

- Conserve the integrity and rural character of the landscape by concentrating new developments around the existing urban fringe of Bilsthorpe and Farnsfield
- Create small scale woodland/tree planting to soften new development, preferably in advance of development
- Conserve the existing field pattern by locating new small scale development within the existing field boundaries
- Promote measures for reinforcing the traditional character of farm buildings using vernacular building styles.

Context Visual Amenity

The study has identified visual receptors as follows and selected view-points to reflect these:

- Adjacent residential and remote scattered properties to south, southwest and north. The sensitivity is assessed as high.
- Recreational users of Southwell trail. The sensitivity is assessed as high.
- Users of the RoW network. The sensitivity is assessed as high.
- Road users from A614 in particular, the sensitivity is assessed as low.

The County Council agrees largely with this assessment but notes that the following potential receptors have been omitted:

- Residential receptors off Chewton Close
- Road users of the A614. The County Council is not convinced that these receptors should be assessed as low sensitivity as clear views of the site will be visible from the A614, albeit with Featherstone House Farm in the foreground for part of the length.
- Recreational users of the Bilsthorpe Trail to north and west of the site.

Proposed development

The development is for 150 dwellings in a range of sizes and types. The proposed development is in two separate blocks: to the north west of the site accessed off Allendale and The Crescent and to the east off a new spine road off Oldbridge Way. These are linked by a block of open space.

There are a series of swales proposed along the lower lying southern boundary of the site.

The 2 blocks of development are linked by a proposed cycle/footpath roughly parallel to the southern boundary.

The access proposals miss an opportunity to link directly with the end of the Southwell trail and the playing field; this is an existing desire line and should be incorporated, even if that involves acquisition of a small area of land to enable linking directly to the Southwell trail. The development also has the potential to create an alternative, largely off road link between the end of the Southwell trail and the Bilsthorpe trail to the north of Mickledale Lane.

Impact of the development

The Landscape and Visual Impact assessment summarises the main potential landscape and visual impacts in 6.16 as:

- An adverse impact on the local landscape character is likely, due to the physical loss of the existing land uses within the application site and introduction of residential built form on the sloping, edge of settlement landform. There would be the introduction of vehicular movements within the site and associated lighting across the development, which would contribute to the change in landscape character;

- An adverse visual impact on nearby visual receptors including residents of existing settlement edges and users of nearby PRowS, informal footpaths and local roads, due to the visibility of the completed scheme on the sloping landform on the edge of the existing settlement;
- There is potential for the spread of built form to be visible in views from local recreational routes and higher landform across the study area, seen as an extension of the existing settlement in the locally open landscape;
- The character of the existing recreational ground would be altered by the introduction of built form;
- There would be some change in night time views towards the site, due to the additional lighting associated with the residential properties.

The County Council agrees with this assessment.

The County Council also agrees with the assertion (6.19) that the proposed development would be an extension of the existing settlement, within the building line of existing properties on Allandale and New Road to the northwest and Forest Link to the southeast.

Section 7.24 concludes that there would be negligible impact on key characteristics of the policy zone, following maturation of the landscape strategy due to integration within the existing settlement edge. In terms of local impact on landscape character this would effectively result in an extension of the existing village residential areas across the upper part of the site and a change from open grassland to managed open space, albeit space that would use landscape elements appropriate to the setting to mitigate against the impact of the built form. The magnitude of effect at site level is assessed as being low in 7.32. The County Council thinks this is an overly optimistic assessment.

Residents of Allandale, the Crescent and Chewton Close would all be impacted negatively with views of new built development in place of existing open views. There would be some reduction in this impact as proposed tree planting matures, although this is relatively modest.

Users of the Southwell trail near to Bilsthorpe would be impacted due to visibility of the site between intermittent vegetation. The level of impact has been assessed as low at year 10. The

County Council thinks this impact has been underestimated - there is not a large amount of additional tree planting proposed over the existing and the landform will accentuate the visibility of the built development.

There would be significant change to views for users of footpath No 1 which would change from being on the interface between open country and built development to being largely within built development context. Section 8.33 of the Landscape and Visual Impact assessment concludes that the users and residents would experience medium to high magnitude of visual effect during construction with a reduction post completion. The County Council agrees with this assertion.

Conclusion

The County Council agrees with the conclusion that the proposed development would be experienced in a landscape that is currently influenced by the settlement edge of Bilsthorpe and not extend further south than the line of existing development to the east and west. Existing hedge boundaries would be retained and enhanced. The proposals are largely within those outlined as actions identified in the Landscape Policy Zone. Therefore impact on wider landscape character of the study area would be limited. Impact on character at a site level would be, however, much more substantial as a change from open landscape to a mosaic of built and intervening open green space would be experienced.

Visual impacts will be significant for residents and footpath users and also users of the Southwell trail as it approaches Bilsthorpe from the south. This will be mitigated to some extent by landscape proposals, but would still remain post completion.

Opportunities to provide links between the RoW network, playing field and the recreational cycle routes have been missed and should be better exploited.

Nature Conservation

A Preliminary Ecological Appraisal (dated August 2016) has been carried out in support of the application. This indicates that:

- The site not covered by any nature conservation designations, and no such sites are likely to be affected by the proposals.
- A single semi-improved grassland field makes up the majority of the application site, currently cut for hay. This is described as being species-poor, but is extensive in size (7.9ha).
- The southern side of the site is bounded by a species-poor, defunct hedgerow
- The site is considered to have the potential to support bat foraging/commuting, groundnesting birds, reptiles and foraging badgers.

Additionally, the site lies within the 5km buffer zone around the 'prospective' Sherwood SPA, and is located in proximity to Sherwood Pines (and is connected to it via the Bilsthorpe MUR). There is therefore the potential for increased recreational pressure on this site, and it is requested that this is given some consideration, prior to determining the planning application.

By way of mitigation and enhancement, it is requested that conditions are used to cover the following:

- Implementation of the Precautionary Method of Works document (RammSanderson, 11/08/2016), which relates to nesting birds, reptiles and badgers

- The control of vegetation clearance (including grass) during the bird nesting season, which runs from March to August inclusive
- The submission of a plan clearly identifying all trees, shrubs and hedgerows to be retained, and the protection of these during construction, using temporary protective fencing
- The submission of a detailed landscaping scheme, to include species mixes and establishment methods, and to use native species of tree and shrub in peripheral areas and areas of open space, selected with reference to the relevant Landscape Character Area species list (see:<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>).

This should:

- Strengthen and enhance the hedgerow along the southern boundary of the site (by gapping up and laying)
- Specify the use of native wetland plants in the swales
- Ensure that the 'open break' areas and other areas of open space within the development are planted with native species of tree and shrub, and that wildflower meadow establishment also takes place in the open breaks and around the swales
- Make provision of the creation of reptile hibernaculae.
- The submission of detailed designs for the swales, to ensure that such features are multifunctional (i.e. providing surface water attenuation but also delivering new habitat)
- The inclusion of integrated bird and bat boxes into the fabric of a proportion of the new dwellings
- The submission of a detailed lighting scheme, in the event that artificial lighting of the site is required; such a scheme should be bat-friendly, and developed in conjunction with a bat ecologist.

Built Heritage

The proposal site is close to a number of designated heritage assets, including several listed buildings and the conservation area focussed on the old village. Under the circumstances some reference would be expected to the surrounding historic environment and consideration of any potential impacts on, in particular, designated heritage assets.

Without a 'heritage impact assessment' of any type it is arguable that the application is not conforming with the requirements of the NPPF paragraph 128 and therefore cannot demonstrate how the proposal responds to NSDC policies related to designated heritage.

The secondary impacts of the traffic increase will affect the designated conservation area. It is noted that the Transport Assessment identifies that no highway junction improvements have been requested by NCC, this is helpful, but further examination of the impacts on the character of the conservation area would normally be expected in order to demonstrate the degree of harm this will cause.

Countryside/Green Estate Stoneyfield Lane and the War Memorial Green Space at Bilsthorpe are amongst the green spaces the County Council is responsible for managing. These lie either side of Oldbridge Way, which will form the primary access to this development. There is a well-used tarmac path that runs across the Green before crossing Oldbridge Way and heading down Stoneyfield Lane. The need for this path to remain open has already been noted in the Rights of Way comments. This point should be emphasised and the issue of pedestrians needing to cross Oldbridge Way once additional traffic is using the road to access the development should also be noted. The County Council has already had correspondence from concerned residents about this unmarked crossing as things stand currently. It is therefore suggested that with increased traffic some sort of pedestrian crossing will be required.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Libraries

The County Council would wish to seek developer contributions for the additional stock that would be required to meet the needs of the 271 population that would be occupying the new dwellings. This is costed at 271 (population) x 1.532 (items) x £12.50 (cost per item) = £5,190.

Conclusion

The County Council does not wish to raise any objections on strategic planning policy grounds, but would raise a concern about the lack of heritage impact assessment. It is also requested that the potential for increased recreational pressure on this site is given some consideration in terms of ecological impact. In addition, the availability of rights of way should not be affected unless subject to the appropriate diversion or closure orders, the requirements of pedestrians crossing Oldbridge Way should be considered and opportunities should be taken to provide links between rights of way, the playing field and recreational cycle routes.

It would also be useful for the application to be supported by a waste audit, and it is recommended that discussions take place with Newark and Sherwood CCG and the Mid Nottinghamshire Local Estates Forum for advice concerning any additional healthcare requirements.

Notwithstanding these elements, should the District Council be minded to grant permission for the proposal, the County Council would request that it is subject to conditions regarding ecological mitigation and enhancement, and bus stop enhancements, as detailed above.

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Contributions will be sought for Libraries provision. Comments regarding contributions for education provision will be sent separately as soon as possible.

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

NCC Developer Contributions – In terms of education; a proposed development of 113 units would be expected to yield an additional 24 primary and 18 secondary places. Current projections show that the catchment primary school has capacity at present to accommodate any additional pupils. Should the number of dwellings increase, or any other proposed developments come forward, the County Council would have to look at this again. Any secondary requirements would be subject to CIL.

NCC Archeology – No comments received.

NCC Rights of Way – This application may impact on Bilsthorpe Parish Foot Paths No 1,16, 17 & 18 aka Stony Field Lane which runs alongside the northern boundary of the site & also cross the access point of Old Bridge Way as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

Ramblers Association - As long as the integrity of Bilsthorpe Footpath 1 (which runs along the northern part of this development) is respected during and after the construction process we have no objection.

Natural England – I can confirm Natural England has assessed planning application 16/01618/OUTM using our Impact Risk Zones. We determined there would be no affects on any statutorily protected sites or landscapes.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

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.

Green Infrastructure

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

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should

ensure it has sufficient information to fully understand the impact of the proposal on the local site 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.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Nottinghamshire Wildlife Trust – No comments received.

Environment Agency – The Environment Agency has developed an external consultation list that sets out which planning consultations LPAs should send to us for comment.

The list is based on the Development Management Procedure Order 2010 and current planning policy. This has been implemented as we are receiving a large amount of planning applications that:

- Are very low risk and do not warrant a response
- Are not within our remit or;

- Where Flood Risk Standing Advice applies

We do not necessarily need to provide a bespoke response to each of the consultation categories on the above list, however the list will help us to focus our resources on providing advice where it has the most impact on the environment and it is hoped that it will be beneficial to LPA's by providing clarification on when to consult us, saving time and resources.

We have reviewed the application we have no detailed comments to make.

Please note that as of April 2015, the responsibility for surface water management on developments of this scale passed to Nottinghamshire County Council as Lead Local Flood Authority and we recommend that they be consulted prior to determination of this application.

NCC Flood – No objections subject to the following:

No construction work shall commence until a detailed surface water drainage design and management proposal is approved by the LPA. This should consider and comply with the following as appropriate

- 1.1 The principles contained within the FRA are acceptable however the applicant must reconsider alternatives for the adoption of any permeable surfaces or SUDS features as Nottinghamshire County Council do not adopt this type of feature, either as LLFA or Highway Authority.
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding. These must be evidenced as part of the detailed design.

1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Trent Valley Internal Drainage Board – The site is outside of the Board’s district and in the Board’s catchment.

The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Severn Trent Water – With reference to the above planning application the Company's observations regarding sewerage are as follows.

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

Condition

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

Reason

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

Suggested Informative

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

CCG Nottinghamshire – No formal comments received albeit informal email correspondence implying that full developer contributions will be sought.

NHS – No comments received.

Representations have been received from 24 local residents/interested parties (including an objection from Pegasus Group on behalf of Harworth), 2 of these form support, 4 representations make observations and the remainder object which can be summarised as follows:

Principle of Development

- The proposal should not be allowed on good green field sites when there are other brown field sites available
- No issue with new dwelling if they are affordable housing for the community
- There are enough new buildings without this development
- The village will be turned into a town or city size
- On a previous plan the area was marked as not suitable for building
- Harworth Estates have an interest in the land east of Eakring Road which has been allocated – a planning application will be submitted in early 2017 – the site is considered achievable based on the works undertaken so far
- The Development Plan directs 364 dwellings towards Bilsthorpe – the site does not form part of an allocation being outside of the village envelope
- A small part of the application site has already been discounted for development due to highway access constrains and potential impact on views

Impact on Highways

- The road traffic assessment is too generic and does not cover specific issues which affect this road
- There is a footpath which goes across the road – if the application were approved it would increase the likelihood of an accident
- At the access to Oldbridge Way there is a scout hut which leads to parking on the road and congestion
- Part of the road is only 5.9 metres wide which is not sufficient to allow two lorries to pass
- There are existing issues with street parking
- There would be an increase of traffic in the village
- There are already major safety concerns about traffic turning from the Mickledale Lane and Deerdale Lane junctions onto the A614
- It can sometimes take 15minutes to get out of the village onto the A614
- The routes to the site already appear to be in place implying the development has been planned for some time
- The entrance near The Crescent is going onto a one way system and a narrow road

Impact on Infrastructure

- The Doctors cannot cope with another potentially 400 residents
- The school will suffer from the increased pressure
- Query over whether there will be extra funding for the library or the youth club
- There are only 3 shops in the village as two have closed down
- There is a lack of employment in the village so people have to travel out to work
- There is limited public transport
- The development will improve the school and community – at the moment many residents choose to go to schools outside of the village – the school would benefit from the increased numbers that this development would bring
- The water pressure in the village is inadequate
- There needs to be more children's play facilities

Impact on Drainage

- The ground at the back is very boggy especially in winter

Impact on Character

- The limited countryside accessible from the village is one of the main reasons for moving to the village
- Traditional field patterns will be lost introducing unnatural features

Impact on Ecology

- There are common lizards in the area – a full environmental and ecological survey should be carried out and any relevant recommendations included
- Wildlife such as kestrels, buzzards and barn owls have been observed on the land
- Hedge row and open spaces will be lost

Impact on Amenity

- The countryside outlook of the existing properties will be lost
- Loss of privacy

Other Matters

- The small number of house and relatively quiet road allows for a sense of community – this would diminish
- It will cause noise and dust
- Concern what will happen to the park
- Lack of communication by the developers – leaflets were supposed to have been posted out but many residents were missed
- There is a large retaining wall holding up the bungalows – new foundations will cause subsidence and collapse
- There is still the threat of the Incinerator
- The village already has a significant proportion of affordable houses due to the mining heritage – more affordable houses would affect the value of homes
- People use the site for dog walking
- House sales are already slow
- There is a coal seam underneath the site which will affect home insurance

Comments of the Business Manager

Principle of Development

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

Members will be aware that this application site lies immediately outside of the defined settlement envelope for Bilsthorpe. As a matter of fact the site therefore falls within the Countryside. If the Development Plan were wholly up-to-date (a matter I go on to consider) one would be considering the application in this context, including any associated harm either physically, with respect to infrastructure, as a matter of principle, or indeed as a matter of proper planning (a Plan Led system must surely allow decision makers and communities a level of expectation in defining sites for development and settlement envelopes or one may question the merit of actually doing so. I note on this latter point that recent announcements from DCLG all stress the importance of up-to-date Development Plans).

There are two matters to consider for residential development in terms of whether the Development Plan is up-to-date, the housing target the Council is working to achieve, and the likely ability to meet this target. As a Planning Committee the issue of the Council's 5 Year Land Supply has been debated on several occasions. It was last formally captured in a standalone update at the July meeting of the Committee (Five Year Land Supply Position as at 31 March 2016).

5 Year Housing Land Supply

The update from July 2016 remains extant in terms of this Authorities 5YLS position. Clearly the delivery position (and any require shortfall and buffer) will be re-calculated, as is required, to set out the position as of the end of March 2017.

It is clear that the Council's adopted housing targets within the Core Strategy (2011) are out-of-date (for the avoidance of doubt the Core Strategy envisaged a requirement of 740 dwellings per annum (dpa)). They were based on the now abolished Regional Plan and Newark's then Growth Point status. Following the publication of the NPPF the Council, as it is required to do, has looked to identify its objectively assessed need (OAN) for housing in full accordance with the Duty to Cooperate with a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date).

It is clear that the Council has identified an OAN, which has been produced under the Duty to Cooperate and in full accordance with the NPPF. It is clear that the OAN identifies a lesser level of housing than that adopted in the Core Strategy. The OAN has yet to be tested through a Local Plan Review process and thus cannot currently attract full weight.

Following an appeal decision in January 2016, one Inspector disagreed with the annual requirement figure of 454 dpa, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum (still less than the Core Strategy housing target). The Council, as Local Planning Authority, does not agree with the Inspectors reasoning in this matter and assumptions made by this appeal Inspector will be addressed via supporting information submitted for Plan Review. However, in decision making terms, the appeal decision does form a material planning consideration which will need to be weighed in the balance along with other relevant planning policy as part of the decision making process.

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. That is unlikely until mid-2017.

For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies with paragraph 49 of the NPPF not being engaged.

Notwithstanding this the Council is aware of the need to assist housing supply on appropriate sites (in terms of impact and securing appropriate infrastructure/mitigation) until such time as a housing requirement figure has been tested and found sound. On this basis the Council will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes (which meet the relevant requirements of the Development Plan in all other respects, and have the capacity (i.e. demonstrable ability to deliver) to positively contribute to boosting the supply of housing within the District in the short term. In this case it is necessary to consider the ability of the site to deliver within a 5 year supply, to assess all other impacts, and in the event that permission should be granted to include shorter timescales for implementation to ensure the contribution towards a 5 year supply is secured.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

As identified above the site area is approximately 8.25 hectares. At its maximum, the current proposal would deliver 113 houses. This equates to a residential density of just 14 dwellings per hectare approximately. Clearly this is significantly below the aspirations of Core Policy 3 and indeed given the outline nature of the proposal there is no guarantee that a reserved matters application would not relate to even fewer dwellings further affecting density. However I am mindful of the site specific factors which have led to the current proposal. I consider in this case it would be inappropriate to insist on the density level envisaged by Core Policy 3. 30 dwellings per hectare would amount to approximately 248 dwellings which would inevitably have significant consequences to the landscape noting the transitional nature of the site adjacent to the village envelope. Furthermore it is also worthy of note that the above calculation does not discount non-developable area such as that which would be reserved for open space and swales.

The indicative layout submitted suggests that the site would comprise a mix of detached and semi-detached dwellings. However, due to the outline nature of the proposals no specific details of the illustrative mix have been provided as part of the submission. The design solution which is developed for submission as part of a future reserved matters application may well comprise a significantly different mix, type and density of dwellings on site to that outlined at this stage. As such no firm conclusions can be reached at this outline stage regarding these matters; however the applicant has demonstrated that an appropriate mix of units could be accommodated on site to address the requirements of the development plan and to address local need at that time. These matters would be controlled through the reserved matters process where due consideration would be provided to the relevant planning policies and guidance to deliver a high quality housing scheme.

Impact on Land Use

Paragraph 17 of the NPPF identifies a set of twelve core land use planning principles, of which bullet point 8) states that planning should *'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'* This encouragement of the use of previously developed land is reiterated in paragraph 111. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 112 of the NPPF indicates that *'Local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality.'*

It is noted that the application has not been accompanied by a formal Agricultural Land Classification document. According to Natural England maps, the site is classed as being Grade 3 (Good to Moderate Quality). Unfortunately there is no division into 3a and 3b which would allow a definitive conclusion as to whether the proposal would lead to the loss of the best and most versatile land. Officers have considered requesting further surveys in order to classify the land more specifically but given the anecdotal comments provided during consultation in relation to surface water drainage creating boggy conditions, it is unlikely that the site would be classified as Grade 3a. In any case, it is further unlikely that even if the land were to be Grade 3a it would be reasonable to resist it purely on the basis of a loss of best and most versatile agricultural land given the weight which would be afforded to the delivery of housing in the overall balance.

Impact on Landscape Character

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within Policy Zone 7 Oxtun Village Farmlands. The zone has been assessed as having a moderate condition and moderate sensitivity resulting in a 'Conserve and Create'

recommendation. Identified key characteristics of this landscape zone include a gently undulating topography, intensive arable farming and small patches of deciduous and coniferous woodland.

The site is an open grass field with hedge and intermittent trees on southern boundary. The site slopes up 10m from the southern boundary to the existing edge of the settlement to the north. It is overlooked by existing residential development, an existing school and recreational ground field off Stony Field Lane. There is little tree vegetation apart from some established trees to the south of the Primary School.

The site is bounded on three sides by residential development, the school, public footpath and associated trees, recreational area and to the south by an arable field currently occupied by free range pigs. The southern field boundary is an established hedge with some gaps. The boundaries on the other three sides are varied and include; garden boundaries with varying degrees of tree cover allowing views across the site from neighbouring housing, un-vegetated wooden fencing around the recreation ground, a substantial retaining wall, and amenity tree planting.

The Southwell Trail recreational route terminates immediately to the west of the site at Forest Link and a public footpath, Bilsthorpe FP1, borders the site, affording views across the site to the southern boundary. The established amenity tree planting associated with part of the public footpath, gives views across the site filtered through tree trunks. Further along the route the views across the site are more open.

The site is not crossed by existing rights of way but the site is intensively used informally by local residents for dog walking and to access the playing field and Southwell Trail. The recreation ground, which effectively juts into the development site, will become bounded on nearly all sides by built development rather than looking out into open countryside.

The application has been accompanied by a Landscape and Visual Impact Assessment undertaken by Influence dated September 2016. This document divides assessment of landscape and visual impacts and further divides conclusions into construction phase and completion phase. In respect of the Landscape Character Assessment on completion, it is concluded that *'overall there would be a negligible magnitude of effect upon the key characteristics of Policy Zone 07.'* It should be noted that this statement is given in the context of the maturation of the associated landscape strategy which, according to the LVIA, would allow the proposed development to be *'well integrated in similar character to the existing settlement edge and would not be erroneous in the local landscape.'*

The LPA recognize that the application site falls outside of the defined village envelope and therefore implicitly the development proposed is more likely to have a fundamental landscape impact. In the interests of robust decision making in this context, the LPA has commissioned independent landscape advice on the proposal as submitted. Advice has been received through Via East Midlands Environmental Management and Design Team (the landscape team within NCC). This advice forms an expansion to the preliminary views already expressed through the consultation comments of NCC listed in full above.

It has been confirmed that, *'generally, the Landscape and Visual impact Assessment has been undertaken according to current guidance on methodology and to an appropriate level of detail.'* Officers are therefore satisfied that the LPA has been presented with an adequate basis for assessment on landscape matters. Independent assessment has conformed to the division of Landscape Character and Visual Amenity. In respect of the former, the impact of the proposed development is summarised as follows:

'Section 7.24 of the LVIA concludes that there would be negligible impact on key characteristics of the policy zone, following maturation of the landscape strategy due to integration within the existing settlement edge. In terms of local impact on landscape character this would effectively result in an extension of the existing village residential areas across the upper slopes of the site and a change from open grassland to managed open space, albeit space that would use landscape elements appropriate to the setting to mitigate against the impact of the built form. The magnitude of effect at site level is assessed as being low in 7.32. I think this is an overly optimistic assessment, given that about half of the site will change from open grassland to residential development and associated access and the remainder will change to managed amenity space. Indicative Cross section AA gives a representation of how visually prominent the two/ two and half storey development will be sited on the higher elevation of the site and how topography reduces the effective screening impact of the tree planting.'

In respect of Visual Amenity, the following is stated:

'Residents in close proximity to the site including those on Allandale the Crescent and Chewton close would all be impacted negatively with views of new built development in place of exiting open views. There would be some reduction in this impact as proposed tree planting matures, although this is relatively modest. The numbers of houses involved are relatively low, however I think the impact assessment as medium magnitude after 10 years in perhaps too low. It is accepted that impacts on the majority of residents in the wider settlement will be negligible.'

Users of the Southwell Trail near to Bilsthorpe would be impacted due to visibility of the site between intermittent vegetation. The level of impact has been assessed as low at year 10. I think this impact has been under estimated, there is not a large amount of additional tree planting proposed over existing and the landform will accentuate the visibility of the build development. I agree that the built edge of the settlement will be set within a landscape framework that better integrates with the wider landscape character, however there will be also more built development, situated nearer to the trail.'

There would significant change to view for users of Footpath No 1 which would change from being on the interface between open country and build development to being largely within built development context. Section 8.26 of the LVIA assesses this change as being high on completion, medium magnitude after 10 years. I am in agreement with this view point, assuming that the public green-space which the path crosses is maintained to a reasonable standard.'

Section 8.33 of the LVIA concludes that the users and residents would experience medium to high magnitude of visual effect during construction with a reduction post completion. I agree with this assertion.'

Perhaps unsurprisingly, given the somewhat subjective nature of landscape and visual impacts, the Council's Independent Landscape Consultant has identified some discrepancies in conclusions from the submitted LVIA and their assessment. Nevertheless the advice to the LPA is summarised as follows:

'I agree with the conclusion that the proposed development would be experienced in a landscape that is currently influenced by the settlement edge of Bilsthorpe and not extend further south than the line of existing development to the east and west. Existing hedge boundaries would be retained and enhanced, and aspirations to use the proposed landscape elements to better integrate the built edge of the settlement into the landscape are welcome. The proposed development is relatively low density and the proposals deliver some of the actions identified in the Local Landscape Character Assessment Landscape Policy Zone. I agree with the applicant that the impact on wider landscape character of the study area would be limited. Impact on character at a site level would be however much more substantial as a change from open landscape to mosaic of built and intervening open green space would be experienced. About half the site by area will become built development. The remaining green space will become managed amenity rather than agricultural land, accepting that native species may well be used, with the introduction of open engineered water bodies, and lit amenity paths. The detail of the proposed landform and planting proposals, as well as form and layout of built development will have a significant impact on their mitigating effects.

Visual impacts will be significant for close neighbouring residents and footpath users and also users of the Southwell Trail as it approaches Bilsthorpe from the south. This will be mitigated to some extent by landscape proposals, but would still remain post completion.

Opportunities to provide links between RoW network, playing field and the recreational cycle routes have been missed and could be better explored as a possible green infrastructure benefit.

Overall all I am able to support the development, subject to:

- Revision of layout to reduce visual prominence of housing on more elevated parts of the site*
- Consideration of detailed landscape and landform proposals to increase integrating effect of planting structure into wider landscape, reduction of engineered landform*
- Consideration of better integration site green infrastructure with wider green infrastructure network.'*

I am mindful of the above recommendations but consider that these matters would be more appropriately dealt with through the reserved matters application should outline permission be approved. What is key to draw from the independent landscape advice is that, in principle, the site could support the level of residential development proposed without adversely affecting the landscape character of the site and indeed the wider area. The conclusions in relation to visual amenity implications are fully appreciated and in some respects would be inevitable for any form of development within the site. On balance, I do not consider these impacts to be so severe as to warrant resistance of the proposal on landscape and visual grounds. In this context the proposal is

deemed compliant with Core Policy 13 of the Core Strategy and I have found no reasonable landscape impact grounds on which to recommend refusal of the proposal.

Impact on Highways including Access

Although the application has been submitted in outline form, agreement of the access details are being sought at this stage. It is proposed that the site will be accessed via three separate points of access. The main vehicular access to the site would be via an extension of Oldbridge Way which will enter the site from the east. Access points are also demonstrated from The Crescent and Allendale. Although the layout submitted is purely indicative at this stage, the submitted Transport Assessment confirms an intention for the accesses from The Crescent and Allendale to serve a maximum of 10 dwellings.

Mention is made through the consultation section of the report of the current agreement for the adoption of Oldbridge Way in relation to adjoining the Peverill site. Indeed this has been the subject of a meeting with NCC Highways and the applicant during the life of the application. Officers understand that progress of the adoption of Oldbridge Way is advancing such that it should not have implications to the prompt delivery of the site. I note the comments of policy colleagues in terms of seeking delivery of the site through a section 106 agreement however a legal agreement would not be an appropriate mechanism for this given that the LPA can only secure a timely commencement, not a completion. It is for the market to dictate the rate of delivery. Nevertheless, I do consider it reasonable and necessary to impose a condition to any approval stating that no development can be commenced until the access from Oldbridge Way is adopted to highways standards and available for use by construction traffic. Having discussed this with the applicant it has been suggested that they would have a stronger preference to consider the delivery of a phased scheme, which would allow the delivery of up to 20 units from the The Crescent and Allendale. This would not, of course, secure a start from Oldbridge Way, which is where the balance of units proposed would be delivered from. In a context where what is likely to be persuasive in an overall planning balance is the ability to boost the Council's 5 year supply I consider that such a situation is unacceptable. I would recommend that any permission should be predicated (by condition) on delivery via Oldbridge Way. This element of the scheme is still subject to detailed negotiation and further updates will be reported prior to Committee as required.

The TA has been subject to scrutiny from the relevant consultees. Reference is made in this document to *'an upper limit of 150 dwelling on the site'* however it was confirmed with the agent prior to the validation of the application that the current proposal relates to a maximum residential quantum of 113 dwellings.

The submitted TA states that the site is well located for easy access onto the wider highway network of the A617 and A614. Indeed reference to the wider road network has been made through consultation responses from both neighbouring parties as well as the Parish Council. In this respect, the comments of NCC highways authority listed in full above are of particular relevance.

‘Consideration has been given to the potential impact of the proposal upon traffic conditions in the Bilsthorpe area. There is a moderate level of new vehicle trips at peak times (about 70) and these trips will be widely spread over the highway network given the number of routes in and out of Bilsthorpe in various directions serving Nottingham, Mansfield, Ollerton and the north, Southwell and Newark. For this reason a severe impact cannot be demonstrated on any one junction or link to justify improvements being sought from the developer’.

Whilst it is conceded that there will undoubtedly be an impact on the highways network from the occupation of an additional 113 dwellings, officers are mindful that the majority of the existing urban area of Bilsthorpe is within walking distance of the site allowing the potential for pedestrian access to a number of facilities or indeed connections to the public transport network. Taking this into account, and in the absence of an objection from the highways authority, the proposal is considered to comply with Spatial Policy 7 and the relevant sustainability principles within the NPPF subject to the conditions advised for imposition by NCC Highways.

Impact on Ecology

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

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

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

The site is also located within the 5km buffer zone identified in Natural England’s Indicative core area & RSPB’s IBA 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 and that the Council must pay due attention to potential adverse effects on birds protected under Annexe 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.

There is a 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which possible adverse effects of any development should be properly considered.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the

breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. I consider that the significant level of Public Open Space anticipated within the development will encourage residents to use recreational space adjacent to their homes.

Comments received during consultation in respect of existing wildlife utilizing the site are noted. The application submission includes a Preliminary Ecological Appraisal as well as a Biodiversity Survey and Report. The reports recognize that existing features within the site could potentially be utilised as a resource for nesting birds and as a commuting route for local bats. Moreover, a potential for bat commuting and foraging, tree and ground nesting birds, reptiles and foraging badger could take place within the site. The following conclusions are drawn within the Executive Summary:

'Birds

Records of several bird species listed on Schedule 1 of the Wildlife and Countryside Act (1981) were returned by the data carried out for this survey. This includes Brambling, Redwing and Fieldfare. It has been assessed as unlikely that these species will occur within the site, due to the small range of habitats present.

Habitats across the site are also suitable for a range of other nesting bird species, including the hedgerow and scattered trees, and also the site grassland. Skylarks have been recorded during this survey, which are a ground nesting species.

Reptiles

It has been assessed that reptiles could potentially occur within the site, although due to the suboptimal suitability of the habitats present, it is unlikely that a significant population will be present.

Bats

The site has been assessed as 'low' potential for the foraging and commuting of local bats. Bats roosting within houses to the east could potentially utilise the site's perimeter hedgerows to access more suitable habitats to the west, north and south.

Records of several bird species listed on Schedule 1 of the Wildlife and Countryside Act (1981) were returned by the data carried out for this survey. This includes Brambling, Redwing and Fieldfare. It has been assessed as unlikely that these species will occur within the site, due to the small range of habitats present.'

The report goes on to identify precautionary methods of working and potential biodiversity enhancements which the proposal could potentially secure. These are further explored through the comments of NCC Ecology through the suggestion of a number of conditions should the proposal be approved. On balance, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured

through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Impact on Heritage

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment...including archaeological sites...(and) Conservation Areas...'* Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

I have taken on board the comments of NCC in respect to heritage matters and indeed concur that the proposal site is close to a number of designated heritage assets. The lack of 'heritage impact assessment' is noted and indeed was considered through the validation of the application. Para. 128. of the NPPF in the context of impact assessments is clear that the *'level of detail'* should be *'no more than is sufficient to understand the potential impact of the proposal on their significance.'* Furthermore, para. 129. goes on to confirm that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.'* At the time of validation it was considered that the LPA have sufficient expertise on which to assess the proposal on heritage grounds without unnecessarily delaying the application through the insistence of a heritage impact assessment.

In relation to archaeology, there is nothing of note on the Historic Environment Record that would indicate that the site as having a high archaeological value and given the site is not located close to any historic battlefields and is an agricultural field I consider that the potential for archeological significance is low. However I consider it prudent to impose a condition requiring a scheme of archaeological works to be agreed given the size of the site and its location in proximity to other areas of archaeological interest.

The application has been fully assessed by internal expertise in relation to conservation with the comments of the Conservation Officer listed in full in the above consultation section of the report. No objection to the proposal is raised. It is my view that the response of the Conservation Officer is a balanced and considered approach which is deemed reasonable. Subject to further details which would be submitted at reserved matters stage, I am satisfied that residential development at the density proposed could be achieved on this site in a layout similar to that indicated without causing material harm to the setting of nearby designated heritage assets.

Flood risk and Drainage

The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of NPPF and NPPG. The FRA indicates that the site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 (given the site is already within the lowest risk zone) and as such the location

of the proposed development is considered appropriate in terms of flood risk. The assessment also deals with surface water flood risk confirming the indication of a potential flood flow pathway along the line of the Severn Trent Water surface water sewer that lies to the south west of the site. It is stated that there is a very low probability of surface water flooding at the site.

The submitted document goes on to incorporate a Drainage Strategy stating that infiltration is a viable option for the primary means of surface water drainage from the site. Foul water is intended to be discharged into the adopted foul water sewers that cross the site or the adjacent trunk foul sewer to the south west of the site. Neither NCC as the Lead local flood risk authority, nor any of the other relevant consultees, have raised an objection to the proposal subject to the inclusion of an appropriate conditions to secure further details of the drainage proposals for the site.

Design, layout and Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered.

An Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

Based upon the identified development principles and details within the Design and Access Statement, it is considered that an appropriate layout could be developed on site in principle. The overall acceptability of the layout will however depend upon the design solution proposed at a future reserved matters stage. The applicant will be expected to address detailed design issues in accordance with relevant development plan policies and the NPPF to ensure that a high quality scheme is achieved, which respects the characteristics of the surrounding area. Indeed as is already implied through the discussion within the landscape impacts above, there is likely to be a necessity for a fundamental re-design of the proposal. Nevertheless, given the low density of the development, I consider that there is sufficient scope to promote a development for 113 dwellings with acceptable landscape, layout and amenity implications.

Land Contamination

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. This has not been addressed through a study at this stage although the existing nature of the site is noted and colleagues in Environmental Health have raised no observations from a contaminated land perspective.

I have noted the comments received during consultation in respect to a coal seam running underneath the site. This has not been identified as a constraint on the mapping system used to

assess the application but I have nevertheless taken the opportunity to discuss this further with colleagues in Environment Health. It has been suggested that this is perhaps in reference to unmined coal reserves in the area which is a potential given the coal mining history of the area. This is not considered material to the current application but in the interests of completeness I find it reasonable to attach an informative drawing the applicants attention to the potential constraints that the use may bring.

Developer Contributions

Core Strategy Spatial Policy 6, policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

Affordable Housing

The applicant has agreed to meet the provision of 30% affordable housing on site. Based upon the maximum number of units as detailed on the Indicative Masterplan, this would deliver 34 affordable units. A legal agreement could secure the delivery of 30% affordable housing on site. The scheme is therefore in accordance with Core Strategy Core Policy 1 and the Affordable Housing Supplementary Planning Document.

Community Facilities

The Council would seek a Community Facility contribution as per the LDF Developer contributions and Planning Obligations Supplementary Planning Document. The SPD sets out a formula which equates to a contribution of £1,181.25 per dwelling plus indexation. A development of 113 dwellings would therefore equate to a contribution of £156,399.91 at 2016 indexing.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and indicate that the proposed development of 113 dwellings would ordinarily yield an additional 24 primary school places. However, on review these can be accommodated within the existing primary school capacity and therefore no contributions in respect to education provision would be sought in this instance. Contributions for secondary school places would be secured by the Community Infrastructure Levy (CIL).

Open Space

As a development of 113 dwellings this application would need to make provision for public open space. Indeed areas of public open space have been demonstrated on the indicative site layout. The SPD states that the scheme, at its maximum quantum, would need to provide for open space in the form of provision for children and young people (18m² per dwelling), amenity green spaces (14.4m² per dwelling) and natural and semi natural green space. The SPD also sets out the cost per dwelling where a commuted sum (£2,117.55 per dwelling) is required as well as the potential

maintenance costs that would need to be agreed as part of any legal agreement. The alternative would be to provide all open space on site with a maintenance company. The comments of the Parks and Amenities Officer listed in full above are noted in reference to where it would be appropriate for any off site contribution to be spent towards.

Libraries

In respect of libraries; at an average of 2.4 persons per dwelling a development of 113 dwellings would add 271 to the existing library's catchment area population. NCC have therefore indicated that they would seek a developer contribution for the additional stock that would be required to meet the needs of the population that would be occupying the new dwellings. Based on 2016 indexing figures this would amount to approximately £5,372.02.

Health

As outlined by the adopted SPD, the development would meet the trigger for which the LPA may consider seeking contributions towards the health provision of the vicinity. This has been subject to discussions throughout the life of the application with Newark CCG and it has been indicated that additional resources are needed towards the local healthcare provision. Whilst it is unclear at this stage exactly how a contribution would be utilised, the applicant has been presented with the maximum figures of the SPD which for a development of 113 dwellings would be approximately £111,036.06.

Highways

The suggested condition in respect of bus stop improvements could be imposed on any forthcoming condition. No contributions towards further transport provision is requested.

CIL

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

Turning to the S106 some contributions cannot be fixed until overall numbers are known. The S106 will therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. The applicant has confirmed in principle the delivery of a policy compliant scheme subject to appropriate justification for the level of contributions sought.

Other Matters

The consultation period has raised a number of issues in respect to matters not addressed above such as the affect that the development may have on house prices or the impact it will have on the ability for dog walkers to use the site. Whilst I have sympathy in respect of these matters these are not material planning considerations which can be afforded weight in the determination process. Reference is also made to the use of the public park adjacent to the site. There is no indication that the application site, which does not include the public park, would adversely affect its use. If

anything the proposal brings the potential to improve the facilities through the potential for off-site contributions.

Overall Conclusions and Planning Balance

The proposal has been submitted in outline stage for the provision of up to 113 dwellings on a site which, whilst on the edge of Bilsthorpe, is outside of the defined village envelope. In usual circumstances this additional residential development in the countryside would amount to a resistance of the proposal in principle terms (attaching weight to the very nature of a Plan Led system). However, it must be acknowledged that, at the current time, full weight cannot be attached to the Council's OAN and thus the 5YLS position. In taking a pragmatic view it has been demonstrated that in physical terms the site can accommodate the proposed development without unacceptable harm to the environment or infrastructure (subject to conditions and a S106 Agreement to secure required mitigation). The scheme is only likely to constitute to boosting housing land supply significantly within 5 years if a restrictive (but achievable) time limit for any permission is imposed and if the site can deliver from the Oldbridge Way access. Subject to both of these elements being secured by appropriately worded conditions I consider that, on balance, planning permission should be granted.

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.

The development hereby permitted shall begin not later than 18 months from the date of approval of the last of the reserved matters to be approved.

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

02

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

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

03

No development shall commence until the extension to the existing public highways required for the access from Oldbridge Way is completed to an adoptable standard subject to details agreed with the LPA and available for use by construction traffic.

Reason: To ensure that the development is delivered in a timely manner in reference to the weight attached to the councils five year housing in the context of the site being outside the defined village envelope.

04

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

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

05

The development hereby permitted authorises the erection of no more than 113 dwellings.

Reason: To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 113 dwellings.

06

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

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

07

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

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- The drainage system should include a 2-stage treatment of the rainfall from hardstanding areas in accordance with Ciria C697 to reduce the risk of pollution to the environment.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

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

08

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

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

09

Prior to the commencement of development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged

or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

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

10

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

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

11

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

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

12

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

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

13

The development shall be carried out in accordance with the Precautionary Method of Works outlined by the document produced by RammSanderson, 11/08/2016), which relates to nesting birds, reptiles and badgers.

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

14

Notwithstanding the submitted indicative site masterplan, all site highway layouts should comply with the Highway Authority design guidance current at the time of application for reserved matters unless otherwise agreed by the Highway Authority and shall be submitted to and agreed in writing by the LPA.

Reason: To ensure the development is constructed to safe, adoptable standards.

15

Any access taken from Allandale and/or The Crescent shall serve no more than 10 dwellings in each case, unless otherwise agreed in writing with the LPA

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

16

No part of the development hereby permitted shall be brought into use unless or until a scheme to upgrade the four bus stops in the vicinity of the site (NS0032, NS0595, NS0596 and NS0599) has been submitted to and approved in writing by the LPA. The approved scheme shall be fully implemented prior to occupation of any dwelling or in accordance with a phasing plan which shall be first agreed in writing by the LPA. For the avoidance of doubt the submitted scheme shall include real time bus stop poles & displays including associated electrical connections, solar lighting, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

17

No development shall be commenced until a scheme for archaeological investigation, mitigation and recording has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall take place in accordance with the agreed scheme.

Reason: In order to adequately address and safeguard any archaeological interest that the site may have.

Informatives

01

The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

02

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.

03

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

04

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

05

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

06

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

07

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible (Dave Albans 01158040015).

08

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

BACKGROUND PAPERS

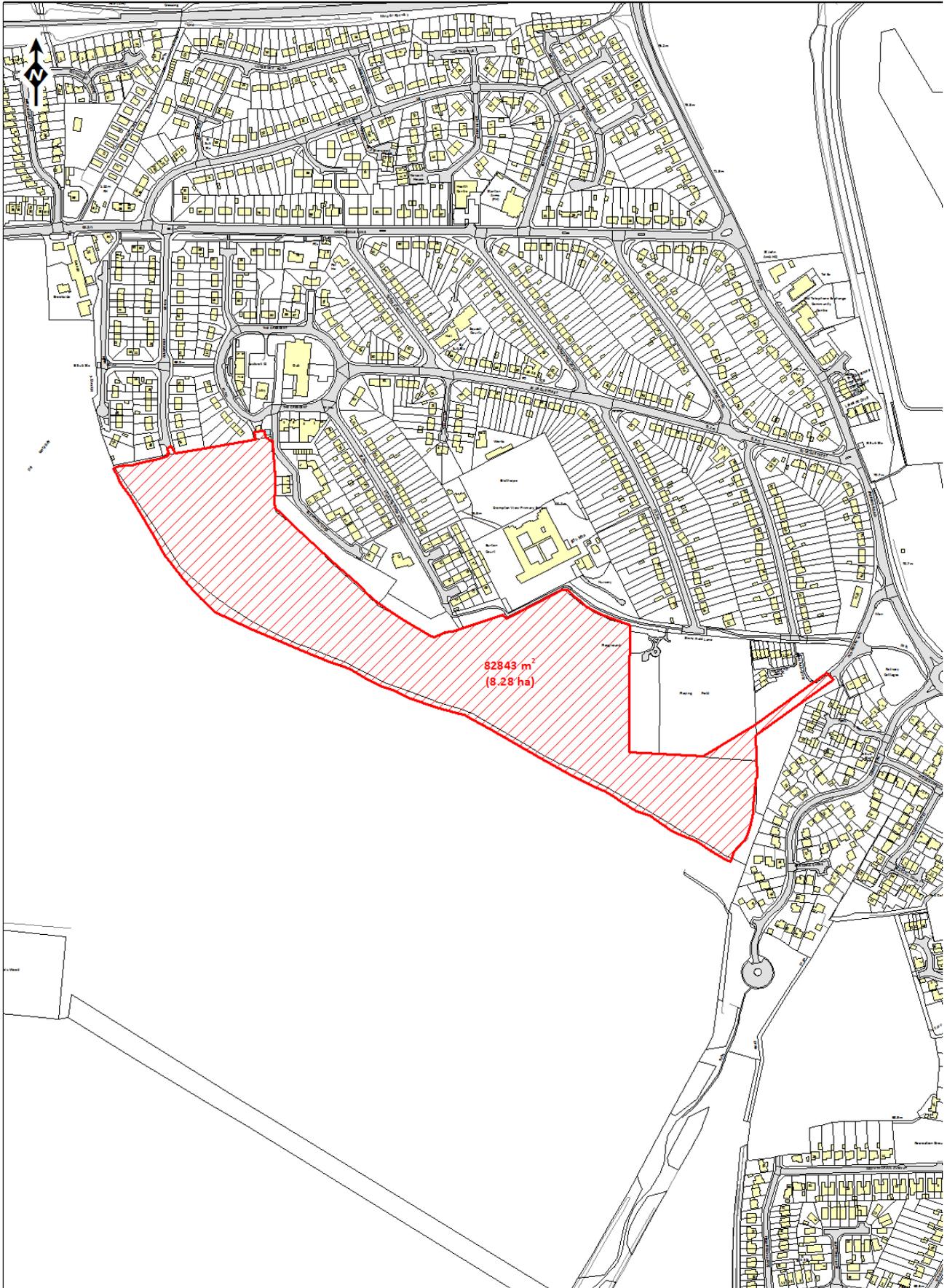
Application case file.

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 - 16/01618/OUTM



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Appendix 1 to 16/01618/OUTM

Contribution	Formula	Anticipated contribution	Monitoring Contribution	Trigger Points
<i>Affordable housing</i>	30%	30% on site	Physical Obligation (based on 6 site visits) - £396	<p>No occupation of more than 50% of the individual completed properties constructed on the site until at least 45% of the affordable housing has been completed and transferred to an Affordable Housing Provider.</p> <p>No occupation of more than 80% of the individual completed properties constructed on the site until at least 55% of the affordable housing has been completed and transferred to an Affordable Housing Provider.</p>
<i>Community Facilities</i>	£1,384.07 per dwelling	<p>£156,399.91 based on full quantum of dwellings.</p> <p>Off-site contributions towards Bilsthorpe Village Hall specifically the former squash and sauna centre at the</p>	Financial Obligation - £240	No occupation of more than 60% of the individual competed properties.

		rear of the village hall		
<i>Health</i>	£982.62 per dwelling	£111,036.06 based on full quantum of dwellings Off-site contributions towards Bilsthorpe Doctors Surgery	Financial Obligation - £240	No occupation of more than 80% of the individual competed properties.
<i>Libraries</i>	£47.54 (for stock) per dwelling	£5,372.02 based on full quantum of dwellings Off-site contribution towards stock for Bilsthorpe Libray	Financial Obligation - £240	No occupation of more than 80% of the individual competed properties.
<i>Open Space</i>	IF all physically on site: <ul style="list-style-type: none"> • Amenity green space - 14.4² per dwelling (1627.2m² for 113 dwellings) • Provision for 	Amenity green space to be provided on site with associated management company Provision for	Physical Obligation (based on 6 site visits) - £396 Financial Obligation - £240	No occupation of more than 40% of the individual competed properties.

	<p>children and young people – 18m² per dwelling (2034m² for 113 dwellings)</p> <ul style="list-style-type: none"> • Outdoor Sports Facilities – 52.8² per dwelling (5966.4m² for 113 dwellings) <p>Total: 9627.6m²</p> <p>IF off site contributions:</p> <ul style="list-style-type: none"> • Amenity green space - £282.94 per dwelling (£319,72.22 for 113 dwellings) • Provision for children and young people £927.26 per dwelling (£104,780.38 for 113 dwellings) • Outdoor Sports Facilities £737.72 per dwelling (£83,362.36 for 113 	<p>children and young people to be provided on site including on-site play facilities with associated management company</p> <p>Outdoor Sports Facilities to be an off-site contribution towards existing Bilsthorpe Facilities £83,362.36</p>		
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	dwellings). Total: £220,114,96			
TOTAL:		£356,170.35	£1,752	
				<u>£357,922.35</u>

Application No:	16/00965/FUL		
Proposal:	Proposed retention of 'The Red Lion' public house (following its alteration and refurbishment) and the erection of 3no. dwellings and 1no. dormer bungalow and garaging		
Location:	The Red Lion Public House, Southwell Road, Thurgarton, Nottinghamshire, NG14 7GP		
Applicant:	Mr R Purewal - Pearl Developments Ltd		
Registered:	23 June 2016	Target Date: 18 August 2016	Agreed extension of time

This application has been referred to Planning Committee by the Ward Member on the grounds of flooding and the potential for the loss of the public house.

The Site

The site comprises c. 0.39 hectares of land and buildings located on the west side of Main Street in a prominent location in the settlement of Thurgarton. It is situated within Thurgarton Conservation Area. The site accommodates the Red Lion Public House and associated detached outbuilding, with car parking, beer garden and landscaped areas to the rear. A number of trees including large mature pine trees are located on site. There is a mature hedge defining the western and northern (rear) boundaries of the site. There are mature trees along the eastern boundary and a mature hedge and a tree along the site frontage to the east of the access. The gradient of the site rises steeply away from the road in an east to west direction.

The Red Lion is identified as an unlisted building with local interest. The Red Lion appears to be an older post-medieval building, possibly 18th century (this is the taller element with steep roof pitch) with a 19th century element projecting forward (the wing containing the bay window and hipped roof). There are otherwise various 20th century additions on the front and rear of the original building which have limited interest. The detached barn to the west has historic interest, and is also considered to contribute positively to the Conservation Area.

The site is located in a residential area with dwellings located to the north, south, east and west of the site. The former Coach and Horses buildings opposite have now been converted to residential. The Red Lion is now the only public house in the village.

The existing vehicular entrance is located to the north side of the public house building off Main Street. A bus stop is located adjacent to the pub frontage.

An area of land immediately to the north west of the pub car park has extant planning permission for two dwellings, one of which is the subject of an application to be considered by the Planning Committee on this same agenda.

Relevant Planning History

- 16/0008/ACV - Nomination for Asset of Community Value – successful 11.07.2016
- 99/51777/FUL - Alteration and extension – permission 29.11.1999
- 93840054 - Alterations to entrance of public house – permission 13.03.1984

The Proposal

Full planning permission is sought for the refurbishment of existing public house, and the construction of a 2-bed dwelling on (grassed) land to the north of the existing access and two 3 bed dwellings and one 2-bed dwelling to the rear of the existing public house building on the existing hard surfaced car park to the rear of the site. This would create a net increase of four additional dwellings as the ancillary manager's flat would be retained within the pub building at first floor level. Three of the new dwellings are traditional two storey cottages whereas the dwelling at the top of the site is a dormer bungalow. Each dwelling would be provided with two parking spaces, predominantly within 'cart-shed' style garages. The buildings are arranged in a U-shape on the site and the new built to the east is set well back from the road. The dwellings would be accessed from Main Street using the existing vehicular access and there is a legal right of way retained as part of the layout to allow vehicular access to the land to the rear of the site where an extant planning permission exists for two new dwellings.

The application submission explains that it is proposed to retain the existing public house, albeit in a reduced size and to a level more commensurate with the village catchment trade. This would involve the removal of later additions to the building, both from the front and rear elevations. A new reduced car parking area would be created between the pub and the new residential development to the rear, following the removal of some mature pine trees. The central parking area would provide 15 parking spaces (but as originally submitted, prior to amendment only provided 11 spaces) and be enclosed between new hedge planting and a further 6 parking spaces are shown to be retained along the frontage of the site, giving a total of 21 spaces to serve the pub.

The submitted Design and Access Statement states: *"The housing element of this proposal is essential to facilitate the alterations and refurbishment of the public house and existing outbuilding as required to reduce the scale of the existing enterprise to a more workable level. This will secure the long-term viability of the public house. The resultant improvements to the aesthetics of the building will additionally serve to attract new and regular custom, further enhancing viability, and will also result in the enhancement of the unlisted building and character of the Conservation Area. These alterations necessitate significant investment and the housing element of the scheme is required to fund this."*

During the course of the application, in order to seek to address the concerns of the Parish Council, the scheme was amended in the following way:

- **The concern:** the proposed pub seemed too small for what the village would want. Whilst the rear areas which have been demolished are in poor repair, there could be an additional room out the back so making it a 3 room area with the rooms open plan to each other (eg like The Waggon at Bleasby or The full Moon at Morton). More internal public space is required to give the pub a fighting chance of survival.

The response: the existing pub has been further reconfigured to be able to provide additional floor space (and bar area) in response to the concerns of the local community that the original proposal might not be large enough. This has been achieved by the provision of an additional room to the rear to allow the bar area to comprise three (open plan) rooms in accordance with the local residents' wishes;

- The original scheme showed the detached outbuilding to the west of the pub being converted into another 2-bed residential unit.

The concern: The amenity value of Unit 1 is poor, given that it is adjacent to the patio area and car park and so it should not be a unit at all. The rear of this building (which is in poor condition) should be demolished to allow for a better west facing external area for the pub. The remaining garage on the front could be a chair store or undercover BBQ area if the planners wanted it to stay as part of the streetscape and gives more front parking back to the pub.

The response: The proposed dwelling was deleted from the scheme and the detached barn building is proposed to be retained as ancillary storage for the pub (as is presently the case). The amended scheme also provides additional patio/beer garden area to the rear/west, and retains the area to the front of these buildings for car parking (6no. spaces) in addition to those provided within the car park to the rear of the public house;

- **The concern:** To increase the area of car parking for the pub and add an extra room at the rear, Units 2 and 3 should be shifted up the site so reducing the area available for Unit 4 which in any case is a 4 bed unit which the village has categorically said it doesn't want in the Housing Needs Survey July 2015. Bed 4 could become a 3 bed unit with 2 garage spaces, not 3. That would give 3no 2 bed units and 1no 3 bed in a mews type development which could look attractive, be what the village is saying it would support and could revitalise the pub for village residents.

The response: The dormer bungalow (formerly a four bedroom unit) has now been reduced in size to a three bedroom unit. The smaller number of bedrooms not only addresses the local need issue, but also requires only two rather than three dedicated parking spaces – and this allows Units 2 and 3 to be moved slightly further away from the pub so as to be able to provide additional parking spaces within the car parking area;

- **The concern:** Insufficient parking to serve the pub.

The response: Parking has been re-located to opposite the access drive – so as to ensure that the private parking area better relates to that unit in the form of a single-storey, open-bayed timber cartshed. This also allows more space between the pub and dwellings to enable additional parking spaces to be provided within the car park area (15 spaces instead of 11);

- **The concern:** Impact on flooding.

The response: The submission of a Flood Risk Statement which states:

- the development will positively impact the flood risk in this area;
- the introduction of drainage systems that will slow down flow leaving the site will have a positive impact on the surface water flooding issues downstream in Thurgarton village;
- the proposed drainage system demonstrates a 32% reduction in offsite peak discharge post-development; and

- in an area sensitive to both fluvial and pluvial flooding this development would only have positive impact on both scenarios.
- The agent then explained that in order for the scheme to remain viable and to offset the loss of the two bedroom unit (from the previously-proposed conversion of the outbuilding) and the loss of the fourth bedroom from one unit, one of the two bedroom units is now proposed as a three bedroom unit.

In summary, the proposal now comprises a larger retained pub with ancillary storage – with a larger patio area and more parking spaces. The number of new dwellings created has been reduced from five to four – now comprising 2no. three bedroom dwellings and 2no. two bedroom dwellings.

In support of the parking provided by the scheme following concerns, the agent has submitted the following information. The number of spaces now afforded to the retained pub use is shown on the amended Proposed Layout Plan to be 21no. spaces in total. This equates to one parking space per 3sq.m of drinking area (53 sq.m) which appears to be adequate, whilst leaving space for the landlord etc, having regard (in the absence of any local standards) to the parking standards of other Local Authorities as set out below:

Essex	1 parking space per 5sq.m
Tyneside	up to 1 parking space per 10sq.m
Mansfield DC	1 parking space per 8sq.m for drinkers (out of town), then 1 parking space per 3 staff and 1 parking space for each resident plus 50% visitors
Derby City	1 parking space per 5 sq.m and 1 parking space per 4 staff in working hours

Moreover, the pub is primarily intended to serve the *local* village catchment – many of whom can of course walk. Bar staff, cleaners etc would be recruited locally, and again would be expected to walk or cycle to work. Furthermore, as the Parish Council highlight, there is a regular and frequent bus service passing through the village with a stop immediately outside the pub and it is expected that longer distance patrons can and will visit by public transport.

A Design and Access Statement, Heritage Statement, Protected Species Report, Structural Inspection and Tree Report have been submitted in support of the planning application.

In response to additional concerns raised during the course of the application, a Flood Risk Statement and Viability Report have also been submitted.

Public Advertisement Procedure

13 neighbours notified individually by letter and re-consulted on amended plans. A notice has been displayed near to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

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

Allocations and Development Management DPD (adopted July 2013)

Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM9 Protecting and Enhancing the Historic Environment
Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG)
Spatial Policy 3 Guidance Note (September 2013)
Thurgarton Conservation Area Appraisal (2008)
Thurgarton Housing Needs Survey (2015)

Consultations

Thurgarton Parish Council – Comments received on 28 July 2016:

“Do not approve planning application for the following reasons:

- Too many properties on the site
- Unit 1 will not work
- 20-25 parking spaces are needed
- Not viable as a Pub not large enough for food
- Bungalows should be considered

This was agreed unanimously.”

Following receipt of amended plans, Thurgarton Parish Council submitted the following comments on 16 September 2016:

“The Council resolved to object to the above application, 3 in favour, 3 against and the Chairman’s casting vote against. The objections were:

1. concern over flooding and the accuracy of the drawings;
2. over development of the site and its density – concern also at the number of close packed dwellings in the Parish bearing in mind the White Lodge, Coach and Horses and Priory Farm applications;
3. security on the future continuity of the pub is requested;
4. the height of the buildings was a concern with reference to the potential bungalows behind this development, to existing neighbouring properties and to the existing pub buildings;
5. Plot 1 is considered inappropriate for habitation lacking windows. It is understood that the original Plot 1 has been removed from the Plan;

6. Should the planning authority be minded to approve, a trigger point is sought that final dwellings cannot be sold until the pub is altered/refurbished.”

On 26 November 2016, Thurgarton Parish Council submitted the following comments:

“I write to confirm my telephone conversation concerning the above and to advise that my council have, following advice from the National Association of Local Councils, agreed to withdraw their written objection to the application submitted to you on September 16.

The accepted and signed minutes of the meeting of the council on September 6 – before I was appointed clerk – record a 3-3 split vote when members voted on the application, with the chairman at that point not using her casting vote. Later in the meeting, I understand the chairman chose to use her casting vote and recorded it against the application. But that vote, being not within the regulations, was not recorded in the minutes. NALC have advised that it was not open to cast that vote at that time in the meeting it was and therefore the council should withdraw its direction to the District Council, and this I am doing.

The agent for the application, who was at the parish council meeting, advised the District Council the morning after the meeting that the council had recorded a split vote and were not therefore objecting. The District Council planning officer advised me of being confused when our decision from was sent to them on 16 September saying that we were objecting. The applicant agent, on being told of the situation, asked for copies of the minute of the meeting which confirmed that we in fact were not objecting, and asked for an explanation of the discrepancy. This led to my contact with NALC and being given the advice, I was and which, with the support of the chairman, I have acted on.

I trust our objection to the application is now discounted by yourselves and that our split decision is noted.”

NCC, Highway Authority - This proposal is for the refurbishment of the existing public house with reduced floor space from 392m² to 206m². The outbuilding adjacent the public house is to be converted to a two bedroom dwelling.

The existing vehicular access which currently serves the public house car park will serve 4 new dwellings as well as the public house. There is a vehicular access in place for the outbuilding.

There are 11 parking spaces in total provided for the public house, however, the information submitted does not include the proposed number of covers for the restaurant, staff numbers and the number and size of vehicles associated with deliveries. This is required to assess whether the parking provision is adequate. At the time of my morning site visit, 2 vehicles were parked in front of the public house, within the site curtilage and 5 vehicles were parked at the rear, within the existing car park, highlighting the issue as to whether the level of parking proposed is sufficient.

The turning area for Plot 1 appears to be too ‘tight’ for a vehicle to adequately manoeuvre to enable exit in a forward gear. Could this be amended, as tandem parking can result in one vehicle waiting in the highway whilst another exits, which should be avoided?

Could the applicant address the above issues and submit the additional information to the Highway Authority.

Revised site layout plan

The agent has submitted a further site plan, ref. 16/189-03A, which shows the existing frontage parking is to be retained, and the parking provision for the public house is to be increased from 11 to 15 spaces. There is no additional information provided relating to the proposed covers for the restaurant, staff numbers and the size of vehicles expected for deliveries. These details are required to assess the level of parking provision to ensure on street parking is avoided in this location.

NCC, Lead Local Flood Authority: No objections subject to the following:

- The development is in an area controlled by the Trent Valley Internal Drainage Board and they must be consulted on the proposals.
- All proposals contained within the flood risk statement are adhered to.
- Evidence must be provided regarding all current drainage discharge locations and a 30% reduction in any proven and evidenced flow rates must be achieved.
- Evidence must be provided on how all SUDS features will be maintained for the lifetime of the development to ensure their effectiveness.

Nottinghamshire Wildlife Trust – We are pleased to note that the required additional bat survey work has been undertaken before the application has been determined, in accordance with policy guidance.

We have reviewed the Protected Species Assessment report (RammSanderson, July 2016) and are generally satisfied with the methodology and conclusions. In accordance with best practice, three nocturnal surveys were undertaken by a suitably qualified ecologist and spread across the survey season.

No further evidence was discovered in the outhouse, however a bat roost was recorded in the waney-edged timber area of the main building. As such, without appropriate mitigation there is the potential for the development to negatively impact on roosting bats. The report provides detailed recommendations regarding measures to be undertaken during works and compensatory roost provision to be included during/post construction. It is vital that these recommendations are implemented and we therefore recommend that the required working method detailed in Section 6 is secured by way of planning condition, should the application be approved.

Recommendations regarding breeding birds and terrestrial mammals should also be secured through a planning condition.

NSDC Tree Consultant – Comments received 6 July 2016:

“The proposed tree removals are of C category specimens of limited safe useful life expectancy, whose loss could be mitigated by suitable replacement plantings within the new layout.

It is recommended that any new trees and associated landscaping should consider anticipated final size and be of a species selection tolerant of predicted climate change and resistant to current and anticipated pests and diseases. The retained trees should be protected throughout all construction activities to avoid damage to tree canopies and rooting areas.

I would recommend the use of conditions covering the following :

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection within the root protection areas.
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

2. Prohibited activities.

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

3. No works or development shall be carried out until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting).All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursey Stock-Specifications for Trees and Shrubs and Part 4 1984- Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

4. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest unless agreed otherwise in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, Hedgerow or replacement is removed, uprooted, destroyed or dies then another

of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons.

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

Comments received on 8 August 2016:

“The revised layout is of no greater impact to trees on site than that previously proposed. There is potential scope for the provision of increased soft landscaping within the new layout in areas defining the proposed car park.

My recommendations for protection of retained trees and proposed soft landscaping remain unchanged.”

NSDC Strategic Housing - As the policy now states that only ten units and above invokes an affordable housing contribution we are unable to seek any monies on this site. In terms of need, as they are smaller dwellings then there is some demand in the market for this type of property.

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

Thurgarton Parish Council recently commissioned a Parish Housing Needs Survey (July 2015) as part of the process for a Neighbourhood Plan. The survey established a picture of housing need in the parish of Thurgarton and identified there was a need for up to two affordable homes (1x 2 bed bungalow for social rent and 1 x 2 bed house for shared ownership). The survey also indicated a preference/demand for up to 6 market homes as follows:-

- 1 x 1 or 2 bed bungalow
- 2 x 2/3 bed bungalow
- 1 x 3 bed house
- 1 x 4 bed house

I turn to the issue of demonstrating ‘proven local need’ to accord with SP3. In general, local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Thurgarton is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Thurgarton has a good supply of this type of housing and they appear on the open market for sale. Currently there are 3 x 5 bedroom properties on the open market for sale and 1 x 6 bedroom market properties for sale, indicating a shortfall in smaller properties.

The remaining demand in Thurgarton as detailed in the Parish Housing Needs Survey refers to bungalows. There is a requirement/preference for one, two and three bedroom bungalows for

households wishing to downsize to smaller accommodation on one level. Respondents to the survey cited smaller properties, bungalows, retirement housing and affordable homes as the main shortfall in the area. The housing stock in Thurgarton has a very limited amount of these types of accommodation and therefore I consider that significant weight should be attached to an application that met this shortfall.

NSDC, Contaminated Land - The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

Representations have been received from 10 local residents/interested parties from 8 different addresses raising the concerns summarised below.

In response to the originally submitted plans:

- it will place buildings very close and overlooking properties and gardens restricting light and amenity.
- it is not clear, if the Red Lion is to continue as a Public House where space is being provided for car parking. On busy weekends it is already very dangerous because the overspill is on to a very, very busy main A road.
- Would affect access to our Rear Entrance - Gate (No Emergency access).
- Highway Safety issues due to increase in traffic from this and other recently approved development and access coming out of drive onto blind bend in the road.
- Noise disturbance from the works being carried out.
- Resident's drive cannot be blocked at any time.
- It will de-value their property.
- The dormer Bungalow would affect access in and out of their drive
- Being one of 3 properties sharing a private access opposite the Red Lion they anticipate an influx of vehicles using their entrance as a turning point as the extra traffic could cause problems for the school buses stopping and departing on this main A612 road.
- No one visits the pub using public transport, everyone arrives by car. The refurbishment of the pub is unlikely to entice people to use the bus service.
- Insufficient on site parking is provided (10 spaces is not enough) when some of those will be required by staff, how many covers will the refurbished pub in the "reduced floor space", surely it needs to cover 50 for it to be viable!
- The planning application is welcomed in principle albeit with grave reservations;
- Happy to see the pub being renovated and kept but concern that just serving drinks alone and no food, it is unlikely to survive, food should be considered, like the Bromley in Fiskerton or The Old Volunteer in Caythorpe.
- The designs are not in keeping with the village;
- Would like to see more modern design of houses, of their time and not made to look old;
- Houses 3 and 4 should be bungalows;
- Volume in house applications in Thurgarton has been excessive and disproportionate given that the school, post office, shop and one pub have closed;

- There should be a robust plan submitted by the applicant to ensure that the pub is able to continue to function as a pub and not be turned into a residential dwelling.
- It feels like the application is using the 'redevelopment' of the pub as a way of gaining planning permission for the residential dwellings and will then turn the pub into a residential dwelling anyway (Localism Act).
- The plan proposes to cut down old, and substantially sized, trees.
- It states in the planning application that 60 new homes were to be built in Lowdham, there has already been at least 10 new homes granted planning permission in Thurgarton in the last year, why is Thurgarton been 'saturated' with so many new homes when it is so small in size?
- The development should be an 'over 55s' development to allow people within the village to downsize.
- the cutting down of substantially sized trees will affect the 'conservation' area. The hedges that sit on the 'border' with Woodlands would need to stay the same height to ensure our privacy.
- Plot 1 should be knocked down to allow for further parking.

Comments received following receipt of the amended plans:

- Houses 1 and 2 should be bungalows;
- There are still privacy issues from two storey dwellings;
- The applicant wishes to retain the public house, and this has been demonstrated further by reducing the residential development and increasing trading space of the pub and increasing on-site parking provision gives it a re-vitalising chance of success;
- Not opposed to the enabling development proposed however, a condition must require pub works to be completed prior to the houses;
- Thurgarton needs to keep this pub and refusing consent for the scheme is likely, paradoxically, to hasten its loss rather than protect it.

Comments of the Business Manager

Principle of Development

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

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

Notwithstanding the above, there has been a change to local planning circumstance on the basis of a recent appeal decision for residential development for 48 dwellings in Farnsfield. The impacts and officer's approach are set out below.

5 Year Housing Land Supply

The Council's 5 year housing land supply is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to June's Committee this year. I will not rehearse the position in full; save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need (which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield). Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (which was out to consultation 29th July - 23rd September 2016 on the Preferred Approach - Strategy Consultation), the Council is of the opinion that paragraph 49 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term. In this case there is a boost to housing supply, albeit the contribution is small. The 5 year land supply position is a material consideration but not a determinative one in itself in this instance. The Committee are required to consider all other matters alongside this.

SP3 requires proposals beyond principle villages to be assessed against 5 criteria which are now assessed:

Location of Development

This criteria requires development proposals to be within the main built up area of the village with access to local services. The application site is surrounded on all boundaries by built form, which, with the exception of the pub itself, is residential in nature. I am satisfied that the development site forms part of the main built up area of the village. With respect to available services it is noted that Thurgarton has a public house and a village hall. Whilst it is acknowledged that this would not meet the day to day living requirements for occupiers of the new dwellings, there are good public transport links to other Principle villages notably Southwell and Lowdham. In light of the above, the proposal is considered to meet the locational criterion of SP3.

Impact and Scale of Development

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

The proposal would deliver an additional four residential units on a site of approximately 0.26 hectares (without the land accommodating the pub use). This delivers a site density of approximately 15 dwellings per hectare which in the context of Core Policy 3 is half that stated to be normally acceptable. Although this policy states that development densities below 30 dwellings

will need justification, I do not envisage that the site could accommodate more dwellings without having implications in terms of the character and appearance of the Conservation Area.

As at the April 2011 Census there were 175 dwellings recorded within Thurgarton and taking into account completions (3) and commitments (12) over the development plan period (since 2006), the percentage increase in the number of dwellings would be (if all were implemented) 8.57% of housing stock. With the addition of four net dwellings, the percentage increase is 10.8% which is just over the 10% increase in size of the village over the plan period. That does not, of course have regard to the fact that not all permissions are necessarily implemented, a matter which would need to be taken into account in assessing future application (and indeed as this Council does as a matter of principle when calculating its 5YLS). The Core Strategy set what was considered to be an appropriate limit for growth such that development would not undermine the overall strategic policy for new housing to be in the most sustainable locations. On this basis, any future applications would require justification, including on the infrastructure of the village.

In terms of the current submission for four additional dwellings I am of the opinion, attaching weight to consultee comments, that the scheme will not have an unacceptable effect as I detail below with respect to highways, sewage and flooding/drainage.

The scale and impact of the proposed development is considered to be acceptable and accord with these criteria of SP3.

Impact on Character and Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. The site's location within the designated conservation area must be given special regard in terms of preservation or enhancement of its character and appearance.

The Red Lion is situated in a central and prominent position within Thurgarton Conservation Area (CA). The existing pub building, the dwelling to the south of the site (Cherry Tree Cottage), the former Coach and Horses buildings on the opposite side of Main Street are all buildings of local interest that make a positive contribution to the CA. Further to the west beyond the cricket ground is St Peter's Church which is Grade I listed and Thurgarton Priory which is listed Grade II*, as well as a Scheduled Ancient Monument known as Castle Hill to the south.

Legal and policy considerations for heritage assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new

development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3) and Historic England's Advice Note 2 'Making Changes to Heritage Assets.'

Thurgarton Conservation Area was first designated in 1983, and was extended in 2008 so as to include additional landscape setting to the south.

Thurgarton is essentially a medieval settlement within open countryside. The Conservation Area has two main character areas, the traditional agricultural village and The Priory and its parkland setting. The landmark early 13th century St Peter's Church and the adjoining Augustine Priory originally founded in 1119-39 AD with the existing building constructed in 1777 of St Andrew are focal buildings, situated in a parkland setting on the edge of the settlement. The site itself represents an historic plot which contributes to the layout and landscape interest of the Conservation Area (these historic plots relate to toft and croft plots and later enclosures which reveal the medieval and post-medieval evolution of the settlement). The village is made up of a loose arrangement of farms, crofts and cottages liberally interspersed with orchards and some paddocks. There were three large farms in the village, namely Manor Farm, Old Farm and Priory Farm which are all situated within the compact, nucleated form centred on the central crossroads.

The Red Lion appears to be an older post-medieval building, possibly 18th century (this is the taller element with steep roof pitch) with a 19th century element projecting forward (the wing containing the bay window and hipped roof). There are otherwise various 20th century additions on the front and rear of the original building which have limited interest. The barn to the left has historic interest, and is also considered to contribute positively to the Conservation Area.

Conservation recognises that the Red Lion is capable of being enhanced. Removal of the modern flat roof elements to the rear and cluttered additions on the front of the building would better reveal the oldest part and therefore the significance of the heritage asset. It is also recognised that retaining the outbuilding and keeping it in a viable usage is potentially beneficial.

Historic mapping does suggest that a cottage was situated to the northeast of the Red Lion, and this provides a basis for a new cottage, noting that positive buildings within the Conservation Area typically include modestly scaled cottages with narrow gables, steep roof pitches, timber casements and chimneys.

The layout of a u-shaped courtyard is a traditional layout of buildings. The ridge heights of the proposed two storey dwellings are approx. 7.4m high and 4.8m high to eaves. They have narrow gable ends between 5.5m and 6m in width, which reflect vernacular cottage proportions in simple

rectangular forms. So although they will be clearly visible, given the steep increase in ground levels at the back of the site, the new houses would not represent overly obtrusive features that would be harmful. Traditional materials of brick and pantiles are also proposed. The individual designs of the new dwellings exhibit positive architectural detailing which is compatible with the general vernacular of the Conservation Area.

On balance, therefore, it is considered that the proposed new builds are acceptable as submitted. Overall, subject to appropriate conditions relating to detailing, Conservation supports the proposals and considers that the character and appearance of the Conservation Area would be preserved.

In addition, the proposals would better reveal the significance of the local interest pub building by removing the modern harmful additions to the historic local interest building and this is balanced against the new build element of the scheme, which provides the financial support for the improvements to the pub building and is considered on balance to be acceptable and would preserve the character and appearance of the Conservation Area in compliance with Section 72 of the 1990 Act. The proposal is also considered to comply with heritage policy contained within Core Policy 14 of the Core Strategy and DM9 and DM5 of the Allocations and Development Management DPD and section 12 of the NPPF.

Need

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The submitted Design and Access Statement states that the proposal's contribution to meeting housing needs in the area represents an additional (and significant) benefit of the scheme. It refers to the need for more housing in the District generally, as evidenced by the fact that the Council cannot demonstrate a five-year housing supply. Furthermore, Core Policy 3 of the Core Strategy identifies a specific need in the district for smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. This is supported by the Newark and Sherwood District Council Housing Market and Needs Assessment Final Report (2014) which states that *'there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.'* The Newark and Sherwood 2014 Sub-Area Report also indicates a need for two-bedroom dwellings in the Southwell Sub-Area of the District (in which Thurgarton is situated).

The Design and Access Statement goes on to state there is also a deficit of housing in the local area. Spatial Policy 1 of the Core Strategy allocates 5% of Principal Village growth to Lowdham, which equates to 71 dwellings. This housing was to be accommodated through a Green Belt boundary to be undertaken as part of the Allocations & Development Management DPD. However, despite the Allocation and Development Management Policies DPD identifying a residual housing requirement of 60 new dwellings in Lowdham, only two small sites were allocated, which together were only suitable to accommodate up to 10 dwellings. As such, there clearly remains an unmet need for around 50 dwellings arising from the Sub-Area – the majority of which are for two bed dwellings. While this housing need relates to Lowdham, there is clearly a remaining housing need in the area which must be accommodated somewhere. The Allocations and Development

Management Policies DPD states that, in relation to housing in Lowdham, 'the requirements for growth will be met elsewhere in the District as set out in the Introduction to this DPD'. Due to the proximity of Thurgarton to Lowdham, Thurgarton is in an ideal location to contribute to addressing some of this local unmet housing need.

Finally the Design and Access Statement refers to an identified need for two and three-bedroom market dwellings in Thurgarton itself. This is confirmed in the response of the Housing Development Officer to another recent proposal in Thurgarton, who concluded that: 'Respondents to the survey cited smaller properties, bungalows, retirement housing and affordable homes as the main shortfall in the area. The housing stock in Thurgarton has a very limited amount of these types of accommodation and therefore I consider that significant weight should be attached to an application that met this shortfall'.

The Council's Strategic Housing Officer has made the same comments on this application, as set out in the consultation section of this report, which also refers to the Thurgarton Housing Needs Survey under taken in 2015.

As such, the proposal's provision of 2no. two-bedroom dwellings is in line with the need for smaller properties identified in Thurgarton. Considering all these documents together, it is clear that there is an identified need for additional housing at the District, sub-area, local, and village levels and a specific need generally for two-bedroom dwellings. This proposal would make a positive contribution to meeting these needs.

In relation to the proposed 3-bedroomed dwellings, on the basis of the Council's current position on housing supply, it is considered that in settlements such as Thurgarton which have some locally available facilities or good access to them, that a pragmatic view in relation to the need element of policy SP3 can be reached, especially if the scheme can deliver other benefits as a direct result of providing all of the residential units such as the retention of the pub.

The agent has presented a case that the improvements and alterations to the public house itself could only be secured from the cross subsidy of new build and which therefore would potentially address the issue of need. For completeness, viability issues are considered below and this is weighed in the balance at the end of this report.

Viability/Retention of the public house

Whilst the agent considers the need considerations referred to above is sufficient to allow for the new housing development, they have, following a request from Officers, provided a viability appraisal. The agent has also submitted details on the history of the site.

The agent reports that the pub has been losing money on a weekly basis for the last few years. It has been formally marketed for sale (with two agents specialising in the sale of pubs) for the last seven years. The pub has only been able to stay open because the current owners (and longstanding landlord) have been subsidising the business out of their own pension pot which is fast dwindling. Indeed, the owner has recently confirmed to me that he is finally closing the doors to the pub on 26 December 2016 as he simply cannot continue to pour his own money into the business (an entirely unsustainable proposition which has simply led to a false perception of its trading to date) into 2017. The Parish Council have been made aware of this. The agent states that any suggestion that the development might hinder the viability of the existing pub is therefore entirely misplaced/ill-founded.

Without such planning intervention, the agent states that there is no future for the existing pub – it is simply too big (providing 150 covers, with too many overheads) to sustain its catchment and the significant investment to its fabric, infrastructure and branding etc is just not there.

The Viability Appraisal identifies the level of significant investment back into the pub building, comprising both external and internal refurbishment £178,425 and the provision of a new commercial kitchen and bar £60,000.

In terms of the size of the new pub and Parish Council concerns that it may be too small to be a viable proposition the agent has noted previous comments from the Parish Council with respect to similar sized pubs in Halam and Bleasby. Both are proving successful in terms of serving a local village offer (but whose catchments extend beyond their respective villages owing to their reputation for providing good food and keeping the beers well – both attributes the applicant will be keen to replicate).

Officers have a number of issues with the appraisal submitted and are of the opinion at the current time (unless further information is presented) that the proposed development will generate a profit over and above that which would be reasonably required to simply refurbish the pub. That said, Officers do not underestimate that without new development the funds for the pub refurbishment would simply not be available. In attaching some weight to the 5YLS position and greater weight to retaining and refurbishing a pub (albeit a smaller one, which in itself requires some further exploration below) I do not consider that the issue of viability is in itself determinative in this instance.

In terms of pub size the agent has previously stated that 2 no. specialist pub agents have marketed the current pub site for re-use. Officers have asked that evidence be provided from one or both of these agents to confirm that the size of the new pub would, in their opinion, be an attractive proposition to the market. Officers are aware of pubs of a similar size and it is noted that the refurbished pub would provide for an enhanced kitchen allowing for a 'wet and dry' offer (in addition to enhanced outdoor facilities including improved patio area, more conveniently located car parking). In any event it is recommended that if planning permission is granted the pub is refurbished prior to the occupation of the third dwelling which is considered reasonable to allow sufficient cash from sales to be generated.

This will give the Red Lion the best possible chance of long-term survival. It will of course also be incumbent on the market and local community to play their part and support the new venture when it re-opens its doors in its new guise. The applicant (whose fellow directors have a strong track record in the food and drink industry) have already undertaken to consult with the Parish Council and local residents to seek their views in terms of the type of village pub they would like/support – again to give the new venture the best possible chance for success.

The facilities within the public house would be improved and the conservation enhancements secured by the removal of harmful 20th century extensions. This would be compatible with the aims of Spatial Policy 8 which seeks to protect against the loss of existing community facilities which includes public houses.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals

should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The dormer bungalow unit to the rear of the site is positioned approximately 12m from the rear boundary of the site, beyond which is the extant planning permission for a bungalow, which is positioned approx. 5 m from the common boundary at its closest point. However, along the boundary is a mature approx. 2.5m high hedge that is to be retained. This relationship is considered to be acceptable with no harm to the future amenities of either occupiers.

Immediately to the west of the application site is a bungalow known as the Woodlands which is set a long way back from Main Street but in very close proximity to the boundary of the application site. Woodlands is the closest property to the proposed dormer bungalow to the rear of the site. There is a habitable room window within the eastern elevation of the Woodlands that faces the application site, although this room is also served by a window in the western elevation. There is a mature hedge that runs along the common boundary, however, during my site visit, it was clear that this had recently been severely reduced in height. The proposal shows a single storey element (5m in width) with a roof that hips away from the neighbour (4.8m to ridge) being positioned approx. 3m off the common boundary. All openings are positioned in the front and rear elevations only. It is acknowledged that the proposed development represents a considerable change to the existing outlook onto an open car park, however, I am satisfied given the size, distances, orientation, position of openings and design that the built form of the dormer bungalow would not result in any unacceptable loss of privacy, over-bearing impact or loss of light/overshadowing to the occupiers of the Woodlands to warrant refusal of planning permission.

The two adjoining cottages immediately to the rear of the pub car park are two-storey cottages that face to the east with the rear elevations facing west. Openings are in the front and rear elevations only. In the northern-most unit, the windows at first floor level serve an en-suite and landing/stairs only. The southern-most cottage has bedroom windows at first floor level in the rear elevation. The distance of the rear elevation of this latter dwelling from the western boundary of the site (defined by approx. 2.5m high mature hedge) is approx. 10m at its narrowest point and the adjacent land is the front garden and driveway serving the Woodlands. The roof ridge is approx. 7.4m high and the eaves level is approx. 4.8m high. Due to the topography of the site, these units are stepped down and terminate in a single garage. The garaging for the other unit is provided within a cart-shed type garage on the opposite side of the access road. I am satisfied that given the size, distances, juxtaposition relative to surrounding development and orientation, that the proposed units would not result in any unacceptable over-bearing impact or loss of light or overshadowing. The openings serving habitable room windows are never ideally positioned at right angles to existing principle elevations. The first floor windows in the northern-most unit (closest to the front elevation of Woodlands) can be obscurely glazed, but not the southern-most unit. However, I am satisfied that any outlook would be interrupted by the high hedge and be onto the front garden and driveway serving Woodlands, rather than the private amenity space that is likely to be enjoyed more to the rear of the property. On balance, therefore, it is considered that this relationship is considered to be acceptable in amenity terms.

The detached two storey dwelling to the east of the existing access is approx. 42m from the closest residential property to the east known as Handley Cross and approx. 46m from the nearest existing dwelling, known as Elysium, on the opposite side of Main Street. The rear amenity space is sited approx. 10m from the front elevation of the other two-storey cottages proposed. Whilst this relationship again is not ideal, any occupiers of this unit would be fully aware of this relationship before purchasing the property. On balance, therefore it is considered to be

acceptable in terms of residential amenity of both existing and future occupiers. The proposed garden sizes for the new dwellings are considered to be satisfactory.

Impacts from the car park such as noise and general disturbance have also been carefully considered and the occupiers of both the two nearest two dwellings proposed would be well aware of the presence of the car park at the outset. For these reasons I consider that the car park is acceptable in this location and would not have an adverse impact on either existing or proposed occupiers.

No alterations to the existing window and door positions are proposed as part of the pub renovation works. As such, it is not considered that the occupiers of any neighbouring dwellings would be affected by this element.

Given the amendments and subject to conditions, I am satisfied that impacts on residential amenity are acceptable and comply with Core Policy 9 and Policy DM5 of the DPD.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. In accordance with the aims of CP12, Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Both a Protected Species Survey and Tree Report have been submitted in support of the application.

The initial survey undertaken by Ramm Sanderson in October 2015 identified a bat roost and recommended that additional emergent surveys be undertaken. In July 2016 an additional nocturnal survey was undertaken. A bat roost was recorded in the waney-edged timber area of the main building. As such, without appropriate mitigation there is the potential for the development to negatively impact on roosting bats. The Protected Species Nocturnal Survey dated July 2016 provides detailed recommendations regarding measures to be undertaken during works and compensatory roost provision to be included during/post construction. Notts Wildlife Trust state that it is vital that the recommendations for bats, breeding birds and mammals are implemented and secured by way of planning condition.

The Tree Survey identifies the proposed tree removals are of C category specimens of limited safe useful life expectancy, whose loss could be mitigated by suitable replacement plantings within the new layout. The Council's Tree Officer advises that retained trees should be protected throughout all construction activities to avoid damage to tree canopies and rooting areas, but subject to conditions, the proposals are acceptable.

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

Highways and Parking

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

The Highway Authority was initially concerned regarding the turning ability for cars using the parking provided to serve the dwelling proposed within the converted outbuilding. However amended plans deleted this unit. They also sought clarification relating to the proposed covers for the restaurant, staff numbers and the size of vehicles expected for deliveries. The agent provided information that the 21 parking spaces provided equates to one parking space per 3sq.m of drinking area (53 sq.m). It was not clear at the time of writing the report whether the Highway Authority were aware of this information prior to the last comments received from them. Further clarification will therefore be sought prior to Planning Committee and reported on Late Items.

The recommendation within this report is on the basis that the Highway Authority is satisfied with the level of on-site parking and raise no objection, resulting in the development being in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seeks to secure the provision of 30% on site affordable housing on sites of 0.2 Ha or more. However on May 11th 2016, the Court of Appeal overturned the High Court decision from July 2015 which held that the Government's national planning policy exempting small developments from affordable housing contributions, and providing for the vacant building credit, was unlawful. The relevant policy provided that developments of ten homes or fewer, or 1,000 m² or less, would be exempt from the requirement to contribute to affordable housing. The Government has reinstated the policy to the Planning Practice Guidance as a result of this decision.

In this case, the overall site area exceeds this site area stated by the Local Development Framework, however, the number of new build dwellings falls below this threshold. Given this, the recent challenge and the viability issues associated with the proposed development, an affordable housing contribution has not been requested in this instance.

Flooding

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. The submitted Flood Risk Statement deals with surface water disposal from the development and the Local Lead Flood Authority raise no objection, subject to appropriate conditions. Overall, the development accords with Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Other Matters

Contaminated Land

The Council's Environmental Health Service has advised that the proposed development is in a potentially Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given this, it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. This will be included as a note to applicant on any approval.

Planning Balance and Conclusions

On balance, whilst the settlement of Thurgarton is not considered to be a highly sustainable location for new housing, this is outweighed by both the Conservation benefit and community benefit in seeking to retain the last public house use in the village, albeit in a different smaller format. I am satisfied that the applicant has shown that without new development to generate receipt funds to refurbish the Red Lion pub building would not be available. I remain unconvinced by the applicant viability submissions (i.e. that a slightly lesser quantum of development could still generate enough to cover the costs of the pub refurbishment) but on the basis that the units meet a local need, that they make a small contribution to a 5YLS, that they raise funds which would be otherwise unavailable, and that the refurbishment of the existing pub building will better reveal its significance in Conservation terms, I conclude in an overall balance that the proposals are acceptable. This remains subject to confirmation from the agent that the revised pub offer would be attractive for the market and to final comments from the Highways Authority.

RECOMMENDATION

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

01

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

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

02

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

Location Plan (Drawing No: 16.189.01)

Site Layout Plan (Drawing No: 16.189.03 Rev A)

Plots 1 and 2 (Drawing No: 16.189.102 Rev B)

Plot 3 (Drawing No: 16.189.104 Rev A)

Plot 4 (Drawing No: 16.189.105 Rev A)

Cartshed Plots 2 and 4 (Drawing No: 16.189.106 Rev A)

Outbuilding proposed (Drawing No: 16.189.101 Rev A)

Red Lion Proposed (Drawing No: 16.189.100 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 part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings 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.

04

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

05

No development shall be commenced until a strategy for the ongoing maintenance and management of the surface water drainage proposals (including but not limited to SUDS, soakaways, permeable surfacing and sub-bases) for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The strategy must adhere to the submitted Flood Risk Statement, it must demonstrate a 30% reduction in flow rates compared to all current drainage discharge locations. The approved ongoing maintenance and management strategy shall be implemented in full on site.

Reason: In the interests of minimizing flood risk as failure to secure long term maintenance will increase the risk of flooding to the properties on the site and have a detrimental effect on properties in the vicinity of the development.

06

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9.

07

No development shall be commenced until samples of the materials for all aspects of the development 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.

Facing materials

Bricks

Roofing materials

Reason: In the interests of the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

08

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 unless otherwise agreed in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

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

Porches

Chimneys

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Any other external accretion including extractor vents, flues, meter boxes, airbricks and soil and vent pipes.

Reason: In the interests of visual amenity and in order to safeguard the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

09

No development shall be commenced until details of the brickwork bond has been submitted and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the character and appearance of the Conservation Area in accordance with Policy CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

010

Prior to the commencement of any renovation works to the public house building, a schedule of works should be submitted to and agreed in writing by the Local Planning Authority. The schedule of works must comprehensively address all repairs and renovations including the extent of any repairs, the specification for repainting works including colour, detailed specifications for all timber joinery (to be retained), chimneys (to be retained), facing materials and detailing (brick bonding, dentil courses, verges etc.). For the avoidance of doubt, the schedule of works shall include the replacement of all existing upvc public house windows with timber. All building works hereby agreed shall be carried out in accordance with the schedule of works.

Reason: In order to safeguard the special architectural or historical appearance of the building and to preserve the character and appearance of the Conservation Area in accordance with Policy CP14 of the Newark and Sherwood Core Strategy 2011 and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

011

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, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only and should provide replacement tree planting. In particular the new planting should relate to the boundaries of the public house car park and to the western boundary of the site; all tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursey Stock-Specifications for Trees and Shrubs and Part 4 1984- Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations;

existing trees and hedgerows, which are to be retained including any protection measures;

boundary treatments/means of enclosure (details to include the types, height, design, materials and finish where appropriate);

car parking layout and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

Reason: In order to preserve the character and appearance of the Conservation Area in accordance with Policy CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management (DPD).

012

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

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained and in order to preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

013

No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection within the root protection areas.
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

Reason: To ensure the works preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

014

The following activities must not be carried out under any circumstances:-

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure the works preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

015

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

Reason: In the interests of visual and residential amenity in accordance with the aims of the NPPF and Policy DM5 and DM9 of the DPD.

016

The development hereby permitted shall be undertaken in full accordance with the recommendations set out in Sections 5 (breeding birds and terrestrial mammals) and 6 (bats) inclusive for timing of works, methodology for replacement habitat provision and procedures for contractors before and during construction works of the Protected Species Assessment Nocturnal Survey by Ramm Sanderson (July 2016) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

017

No 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 otherwise agreed in writing by the local planning authority.

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

018

No more than 2 residential dwellings (Plots 1, 2, 3 or 4 identified on Drawing Number 16.189-03 Rev A) shall be occupied until the ground and first floor refurbishment works to the public house (as detailed in plan reference 16 189 100 Rev A and via condition 10 above) have been completed such that the public house is fit for occupation and trading.

Reason: To ensure the former pub building is brought back into use in the interests of visual amenity, to ensure the retention of a community facility and in order to preserve the character

and appearance of the Conservation Area in accordance with Policies CP 14 and SP8 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Management DPD.

019

The first floor window openings on the west elevation of Plot 2 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with the aims of the NPPF and Policy DM5 of the DPD.

020

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

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

Class B: Additions etc. to the roof of a dwellinghouse.

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 of building etc. incidental to the enjoyment of a dwellinghouse.

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

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

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

Or Schedule 2, Part 14:

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

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

Reason: To ensure that any proposed further alterations or extensions preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management (DPD).

Notes to Applicant

01

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

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

02

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

03

The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerals per cubic metre (Bq/m³). Given the above it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

04

Trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site (other than those expressly shown will be removed to make way for built development permitted by this permission) you may require the prior consent in writing of

Newark and Sherwood District Council and are advised to contact the Development Control Service of the Council on 01636 650000 to discuss the matter.

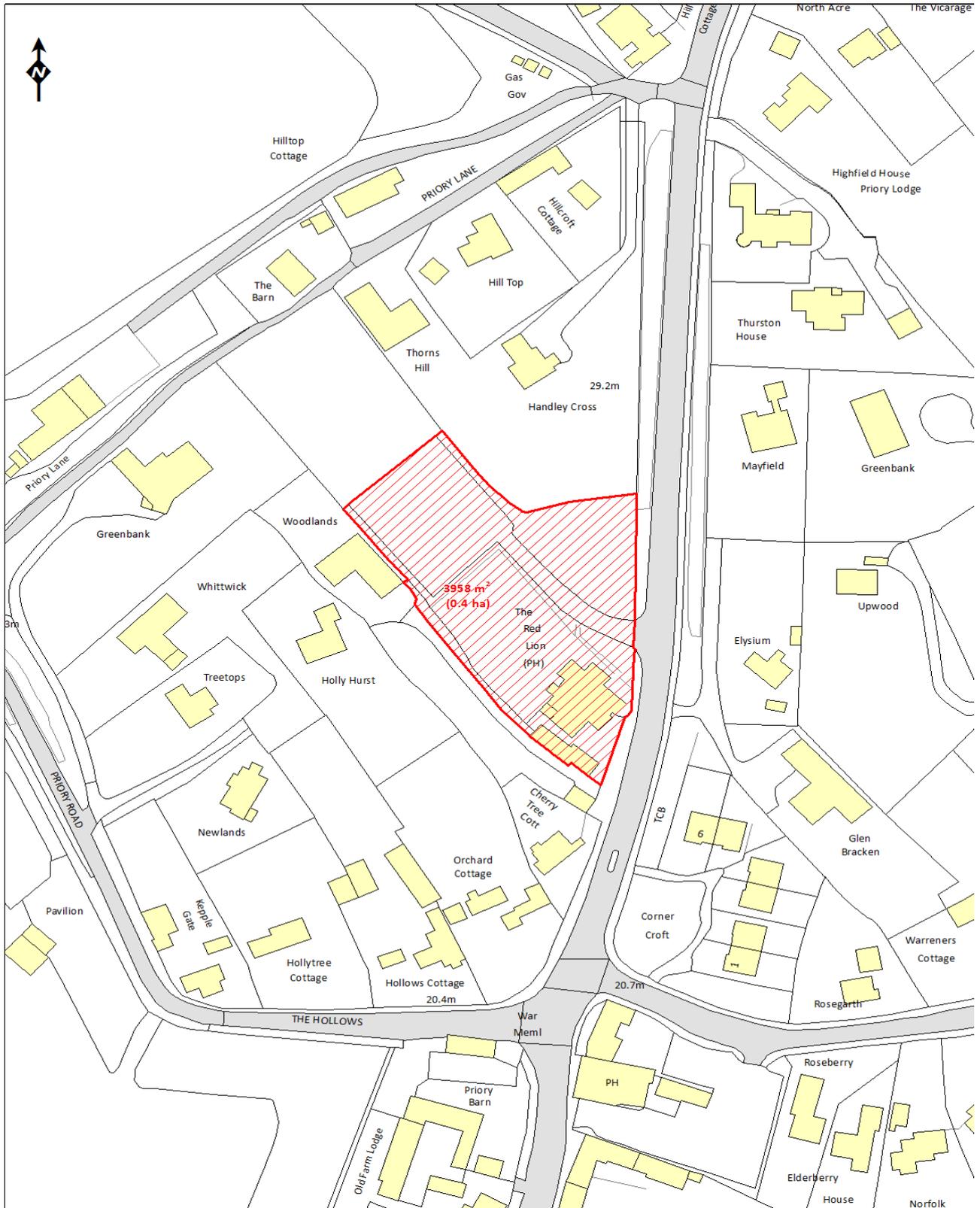
Background Papers

Application case file.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00965/FUL



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Application No:	16/01838/FUL	
Proposal:	Construction of new Bungalow (alternative design to extant permission)	
Location:	Land to the rear of The Red Lion Public House, Priory Lane, Thurgarton	
Applicant:	Mr Alan Rowe	
Registered:	08.11.2016	Target Date: 02.01.2017
	Extension of Time Agreed until 11.01.2017	

The Site

The application site is located to the western side of the settlement, comprising a vacant plot of land located between The Red Lion Public House's car park to the southeast, Priory Lane to the northwest and residential properties to the southwest and northeast.

The site is accessed from Priory Lane/Orchard View to the north. The land rises steeply from Southwell Road in a north-westerly direction with the gradient reducing across the application site and beyond. The application site is located within the village of Thurgarton and is situated within a Conservation Area. The site is heavily overgrown, contained mounds of materials and is relatively inaccessible on foot.

Relevant Planning History

The site has a long and extensive planning history with the most relevant to this application being:

9382540 Outline permission for a residential development comprising two dwellings was approved with access from the public house car park on 10/08/1982. All other matters were reserved.

93881004 The renewal of outline permission 9382540 was approved on 12/10/1988. Condition 1 was varied to state 'not more than two single storey dwellings.'

93911112 Reserved matters were approved to outline application 93881004 on 26/11/1991 comprising two bungalows (Type A and Type B).

96/51813/FUL Full planning permission was granted to renew application 93911112 for two bungalows with access from the public house car park on 21/01/1997.

97/52025/FUL Full planning permission for a new access to the site from the north, rather than through the public house's car park was refused on 30/07/1997. The application was allowed on appeal (T/APP/B3030/A/97/285185/P2) on 03/03/1998.

11/00793/LDC A Certificate of Lawful Existing Use was issued on 03/08/2011 in respect of the erection of two detached bungalows under planning ref: 96/51813/FUL in breach of pre-commencement Condition 3 relating to landscaping. It was confirmed that a material start had commenced on the bungalows and, whilst the pre-commencement condition in respect of landscaping had not been complied with, the evidence provided suggested that the condition had been met in substance.

11/01264/FUL - Erection of 1 x residential dwelling (in place of a bungalow which has an extant planning permission). Refused 13/12/2011.

11/01828/FUL A scheme was submitted for the replacement of the approved 'Type 2' bungalow on the southern part of the site. It also included a revision to the access so that the site was accessed from the north rather than through the public house's car park. Full planning permission was refused on 16/02/2012 for the following reasons:

- 1) The dwelling would be a dominant feature given its elevated position and by reason of its scale, form and massing it is considered that the proposal would be harmful to the character and appearance of the Thurgarton Conservation Area.
- 2) It would have an overbearing and oppressive presence upon the occupiers of 'Woodlands' due to the close proximity of the dwelling to the common boundary, and given its large scale and massing.

The application was dismissed on appeal (APP/B3030/A/12/2172349) on 10/09/2012 for similar reasons to those of the Local Planning Authority. No objection was raised to the revised access.

12/01375/FUL A revised scheme to the previous application (11/01828/FUL) was refused on 23rd November 2012. It proposed amendments to the design of the proposed dwelling house and included the revised access to the north rather than through the public house's car park. The application was refused for the same reasons as the last application, with no objection being raised to the revised access.

12/01637/FUL - New site access (renewal of expired permission reference 97/52025/FUL granted on appeal). Approved 21/01/2013. Applicant states that a start was made on-site, by removing trees and planting hedge, carved out shape for the access and removing materials that weren't required.

13/00262/DISCON – Request for confirmation to discharge condition 3 (materials) attached to planning permission 12/01637/FUL New site access (renewal of expired permission reference 97/52025/FUL granted on appeal). Closed as no fee was paid 18/09/2015.

16/01709/NMA - Application for non-material amendment to planning permission 96/51813/FUL (for the erection of two dwellings). Application was for the amended design including roof design and fenestration of Plot A (northern-most dwelling). Refused 26/10/2016.

The Proposal

Full planning permission is sought for a revised house type to the bungalow already approved on this site, which is extant.

The proposed revised house type is also a single storey bungalow (as approved) and would lie in similar position to that which is already approved and is of a similar scale. The main difference

between the bungalow now proposed and that which already has permission relates to the roof design (gables rather than hips), the fenestration plus the addition of an oak conservatory and porch.

Access to the application site would be from Priory Lane to the north-east, which crosses a footpath before reaching the application site.

The application details the materials to be used in the development as being Ibstock Northern Buff facing brick with Sandtoft Clay pantiles. The applicant also cites the use of Anderson casement windows (woodcore with fibreglass exterior) A Series in Forest Green and black PVC downpipes and guttering. Crushed stone would be used to create the new vehicular access track into the site.

Departure/Public Advertisement Procedure

Seven neighbours were notified with a consultation expiry date of 2nd December 2016. A site notice has also been displayed at the site with an expiry date of 8th December 2016 and an advert has been placed in the local press.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

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 DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance 2014
- Thurgarton Conservation Area Appraisal
- Appeal Decisions relating to this site.

Consultations

Thurgarton Parish Council – Object. “The council object to this application as they have worries over the access and because they are concerned that the details given by the applicant do not clearly show what it is they are planning to do.”

NCC Highways – ‘The proposal is in place of an approved dwelling, using the previously approved access from the north of the application site. The A612 is the nearest public adopted highway. This is an existing access with no alterations required, therefore, there are no highway objections to this proposal.’

Conservation – Verbal comments provided.

One neighbour/interested party comment has been received objecting to the proposal;

- Access problems have still not been resolved.
- Small road entrance of A612 will be more hazardous as a result of more traffic, especially construction vehicles mixing with pedestrians including school children.

Comments of the Business Manager

Background

This application site has an extensive planning history. Two bungalows were approved on appeal at this site in 1998. At that time the access to serve these was via the car park of the Red Lion Public House. However an application later that year sought to amend the point of vehicular access from Priory Lane to the north. This application was refused by the Council but allowed on appeal. In 2011 it was accepted that a lawful start had been made to the bungalows and a certificate of lawfulness was issued, meaning that the bungalows are now extant in perpetuity.

Given the above planning history and the fact that two bungalows have an extant permission which could be erected at any time, this constitutes a strong fallback position which attracts significant material weight. On this basis the principle of the bungalows need not be rehearsed any further. I therefore assess other site specific impacts below.

Design and Impact on the Character and Appearance of the Conservation Area

The extant permission is for a bungalow with a basic T shaped floor plan with a gabled roof. The proposal before Members is very similar in size, shape and scale; it shares the same footprint but has the addition of an Oak framed conservatory (to the north-east) a small porch to the south-west, has pitched roofs and has amended fenestration details.

Most of the external facing materials have been specified such as clay pan tiles but insufficient details have been provided (such as the colour and whether they are interlocking or not) to be able to avoid the imposition of conditions. Composite windows as suggested are not normally accepted in Conservation Areas and we would need to see a sample of this to ascertain its acceptability. The suggested door design is acceptable in principle but details of materials need to be submitted.

Having discussed the application with the Council's Conservation Officer, they have concluded that the scheme has a neutral impact upon the character and appearance of the Thurgarton Conservation Area and raise no objections. I concur with this assessment. The design is acceptable and will not be prominent in the public realm. The scheme therefore complies with the Conservation objection of preserving the character and appearance of the Conservation Area as set out in the Development Plan and the NPPF, subject to securing the use of appropriate materials and detailing through condition.

With specific regard to the means of access the first Inspector considered in detail the impact the proposed access would have on the character and appearance of the locality, having regard to the site's location within the Thurgarton Conservation Area. He accepted that the proposed access would change the appearance of the area but he did not consider the change to be significant. He felt that the development would have a broadly neutral effect on the Thurgarton Conservation Area. There have been some changes to planning policy since the appeal for the proposed access however the general thrust of policies in respect of Conservation Areas and design has not significantly altered. There have therefore not been any significant changes in circumstance since 1998 and the Conservation Officer has raised no objection to the proposed development. It is for these reasons that it is not considered that the proposed development would have a detrimental effect on the character or appearance of the locality or the Conservation Area.

Impact on Amenity

The residential property 'Greenbank' is located c19m to the west of the site boundary. 'The Barn' is located c4m to the north-east of the site boundary whilst 'Thoms Hill' is located almost immediately adjacent to the east. All three properties were in existence when the extant bungalows were allowed on appeal.

The siting of the dwelling is similar to the extant permission. This places the new dwelling c3m from the western boundary thus providing a distance of c22m between dwellings, approximately 15m from the boundary to with Thom Hill, and c5m from the boundary with The Barn making this distance between dwellings in the region of 9m. I consider that these distances remain acceptable given that this proposal is for a single storey house.

I consider a comparison between the extant permission and the revised house type to be a reasonable approach to assessing the acceptability in this instance. There are no fenestration amendments that give cause for concern given this is a proposed bungalow with no rooms within the roof. Neither the addition of the porch nor the conservatory would project any close to any dwelling that the extant permission. The amendments to the roof have a neutral impact when compared to the extant scheme and as such there would be no adverse impacts from the proposal.

In terms of the proposed access, its impact on neighbouring properties from a noise and disturbance perspective was considered under the allowed appeal in 1998. The Planning Inspector in that appeal stated at paragraph 14:

'I note the concern of the occupier of The Barn that the access would give rise to additional noise and traffic and reduce her privacy, and while I accept that the proposal would have slightly adverse consequences for the living conditions of this person I do not regard these to be sufficiently harmful to warrant a rejection of the development on this basis.'

As circumstances have not changed since the appeal (which was acknowledged by the Planning Inspector in the September 2012 appeal decision) it is not considered that the proposed access would have a detrimental effect on neighbouring amenity.

Highway Matters

Firstly I consider it worth noting the status of the proposed access to the north. As stated above the principle of the access from Priory Lane has already been established by the access appeal in 1998. This permission was essentially renewed in January 2013 through the granting of permission 12/01637/FUL (the Parish Council objected to this but the type of application did not require consideration by the Committee and it was determined under delegated powers). The applicant claims that a start was made to this permission by carving out the shape of the access and piling the materials on the site and through the removal of leylandi trees and planting a hedge. The materials condition was not however discharged and the materials of an access track would in my view go to the heart of the permission. I am therefore not convinced that a lawful start was made. However in any event, I do not consider that this will make any difference to the outcome as I explain below.

The proposed access follows a different route to that which was approved under the 1997 permission to serve 2no. bungalows on land to the rear of The Red Lion's car park. However permission was granted on appeal in 1998 for the two bungalows to be served by a new access to the north. This permission has now lapsed. The access proposed by this application is identical to that which was granted on appeal.

It should also be noted that the Planning Inspector, when considering an appeal for an amendment to the scale and design of one of the extant bungalows under application 11/01828/FUL, also considered the provision of an amended access identical to that allowed on appeal in 1998 and which is also proposed by this application. Whilst the application was dismissed, the Planning Inspector raised no objection to the provision of the proposed access.

The provision of such an amended access has previously been considered on two separate occasions by two different Planning Inspectors and neither raised an objection to the proposal. The proposed development has therefore previously been considered to comply with the relevant planning policies and other material considerations. Consideration can therefore only be given to matters that have materially changed since these decisions were made, the most recent being 10th September 2012.

The proposed access would extend to the north of the application site would cross a footpath, would adjoin into an existing access that serves Hollows Farm Cottage and would exit at the junction with Priory Lane, Orchard View and the A612. Concern has been raised by the Parish Council and a neighbour that the proposed access would raise highway safety issues and would endanger people using the footpath.

The Highway Authority previously assessed the proposed application and noted that Priory Lane is not a public adopted highway. They considered that the proposed access is not expected to significantly affect the nearest public highway (the A612) and they remain of that view. It is noted that the applicant has shown the positioning of speed humps on either side of the footpath to slow traffic which reflects the previous submissions.

The proposed access is the same as that which was granted on appeal in 1998. Within the appeal decision the Planning Inspector considered matters of highway safety and the continued safe use of the public footpath and did not raise an objection subject to conditions in respect of a means of controlling the speed of vehicles where the access crosses the public footpath and that construction vehicles do not use the access in order to erect the proposed bungalows.

Para 13 of Appeal Decision APP/B3030/A/97/285185/P2 "To ensure the safety of pedestrians using the public footpath I shall require all hedges or other forms of boundary treatment which come within 2m of the point at which the access crosses the footpath to be maintained to a maximum of 0.9m. For the same reason I shall require details of a means of speed retardation on the access to be agreed with the Council, and because of the potential for conflict between construction traffic and pedestrians I shall preclude the use of the access by vehicles associated with the construction of the two dwellings."

A second Planning Inspector when determining application 11/01828/FUL in September 2012 considered that there had not been any significant change in circumstance since the appeal was allowed in 1998 and did not raise any issues with the proposed access.

Whilst I note the Parish Council have raised concerns regarding the access arrangement and have done so consistently on this site, given the findings of the two previous appeal Inspectors the fact that highway guidance has not changed to any significant degree in respect of accesses/safety, I have to recommend that the proposed access is acceptable and do so by re-imposing the conditions as suggested by the Inspector.

Conclusion

An extant permission exists for two bungalows on the wider site and this application represents a revised house type for the most northern bungalow. The principle of development is therefore firmly established. The access has already been allowed on appeal and this approval was renewed in 2013. There have been no changes in policy or site circumstance that allow this debate to be reopened. In addition it is concluded that the scheme would have a neutral impact on the Conservation Area compared to the extant scheme and that the impact of the proposal on the amenity of neighbours is acceptable and no worse than approved. There are no other material considerations that lead me to conclude anything other than the scheme is acceptable.

Given that no significant changes in circumstance have occurred since the 1998 appeals were allowed, it is considered that the conditions imposed by the Planning Inspector(s) should be re-attached where appropriate. The recommendation is therefore for approval subject to the conditions shown below.

RECOMMENDATION

Approve

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 (Approved Plans)

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, unreferenced but received 3rd November 2016,

Proposed Front Elevation, Proposed Rear Elevation, Proposed Side Elevation 1, Proposed Side Elevation 2, Proposed Plan, Site Location Plan and the Revised Block Plan (received 4th November 2016) unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03 (Materials)

Notwithstanding the materials submitted, no development shall be commenced a full schedule of external facing materials (including samples to be provided upon request) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

04 (Architectural Details)

Notwithstanding the details submitted, development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Flues

Soil and vent pipes

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

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.

proposed finished ground levels or contours;

means of enclosure;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07 (modified condition imposed by the Appeal Inspector on APP/B3030/A/285185/P2)

Prior to the use of the access hereby approved being first brought into use, the speed humps as shown on the submitted drawing untitled but received 4th November 2016 (referred to as Revised Block Plan) shall be constructed in complete accordance with the submitted details, unless otherwise first agreed in writing with the local planning authority. The approved speed humps shall be retained in such a form thereafter.

Reason: In the interests of pedestrian/highway safety.

08 (modified condition imposed by the Appeal Inspector on APP/B3030/A/97/285185/P2)

No hedges, trees, fences or other structures exceeding 0.9 metres in height shall be placed or allowed to grow within two metres of the point at which the access track crosses the public footpath.

Reason: In the interests of pedestrian/highway safety.

09 (modified condition imposed by the Appeal Inspector on APP/B3030/A/97/285185/P2)

The access track hereby approved shall not be used by construction vehicles associated with the development of the bungalow hereby approved or of the adjoining land to the south-east of Priory Lane (to the rear of the public house's car park).

Reason: This condition is in line with the findings of appeal decision APP/B3030/A/97/285185/P2 and is necessary in the interests of pedestrian/highway safety.

Informative

01

Insufficient details have been provided to avoid the use of Conditions 3 and 4. The Ibstock Buff facing brick is acceptable. The use of the Sandtoft clay pan tile is acceptable in principle but the Council will need to ascertain the product name/colour (e.g. Old English in Natural Red) and would expect this to be non-interlocking and not artificially weathered. With regards the proposed composite joinery details, this is not normally a product that we would allow within a Conservation Area. We could give this further consideration if a sample was provided however our preference would be for solid timber windows. The door details submitted are considered acceptable in terms of design but we would need to know the materials of these. Regarding rainwater goods, we would expect the use of black metal (either cast or mock cast upvc) with half round gutter on rise and fall with round downpipes.

02

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

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

03

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

Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

BACKGROUND PAPERS

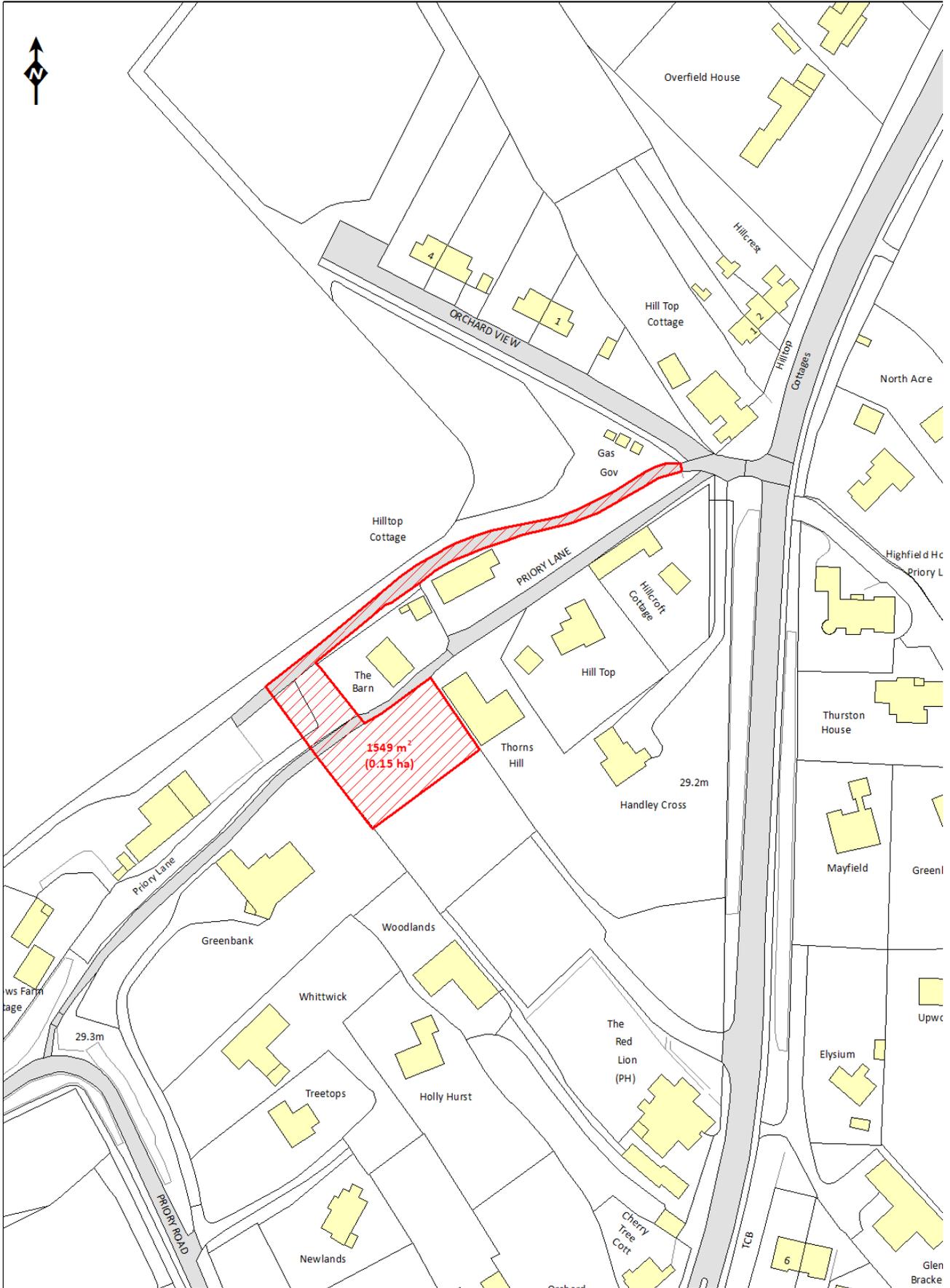
Application case file.

For further information, please contact Clare Walker on 01636 655834.

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 - 16/01838/FUL



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Application No:	16/01695/FUL	
Proposal:	Construction of one dwelling with attached garage	
Location:	Land fronting 9 Main Street, Farndon, Nottinghamshire, NG24 3SA	
Applicant:	Mr C Hassell	
Registered:	14 October 2016	Target Date: 9 December 2016
	Extension of Time Agreement until 13 January 2017	

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

The Site

The application site is a rectangular plot of approx. 1,000 sq metres, south west of Main Street within Farndon Conservation Area. The site forms the north-western end of a paddock between the Manor House and the old A46 south east of Farndon. The field to the south of the site is recognised to be of archaeological significance as part of a bastion and other defences erected by the parliamentarians during the 1645/6 siege of Newark.

The Manor House is a prominent feature in the landscape as approached from the south but the application site is largely screened by high conifers and an attractive mature line of trees along Main Street. The site is currently vacant and overgrown.

Relevant Planning History

The site has been subject to a refusal for planning permission for one dwelling in the past. Notably in 1988 a refusal was appealed and subsequently dismissed due to ‘significant harm’ that would be caused to the adjacent monument.

The Proposal

The application seeks full planning permission for the erection of a 4-bedroom detached single storey dwelling of brick and pantile construction. In addition to the usual living accommodation provided, there is a spa and additional kitchen/living facilities for the applicant’s disabled son. The son who is now 19 has complex health needs and will always require permanent care. As he moves into adulthood his need for a degree of independence from the rest of the family is reflected in the design of the proposed accommodation. The building is single storey, laid out in a U-shaped form with internal courtyard. The application includes the creation of a new access

from Main Street. As part of the development, 6no. trees are proposed to be removed from the site to make way for the dwelling and new access.

The application has been supported by a Design and Access Statement, Flood Risk Assessment, Archaeological Evaluation Report, an Ecological Evaluation and Arboricultural Report.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Core Policy 10: Climate Change

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Farndon Parish Council – Object to the proposal on the following grounds,

- The land was sold as amenity land not as a building plot and;
- It is the view of residents (who attended a public meeting in July 2014) that no further development was required in the village.

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

NSDC Conservation Officer – *The proposal site is located within Farndon Conservation Area (CA). 16 Main Street opposite is Grade II listed. The earthworks identified to the east of the proposal site are identified as being of archaeological interest.*

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings and their setting. Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, ‘the first consideration for a decision maker’. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, ‘Historic England Advice Note 2: making changes to heritage assets’ advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

There are several heritage assets in proximity to the proposal site identified on the Nottinghamshire Historic Environment Record (HER), including areas or features of archaeological interest. In accordance with Annex 2 of the NPPF, Local Interest buildings and features of archaeological interest are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, paragraph 139 of the NPPF reminds us that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Significance of heritage assets affected

Farndon Conservation Area (CA) covers the historic core of the settlement, focussed around the Church of St Peter and a network of lanes between the River Trent and the Roman Fosse Way. There are a number of historic buildings within the CA, ranging from polite Georgian and Victorian houses to rustic post medieval cottages and farmsteads. The field enclosures to the south of the settlement reflect historic boundaries and contribute to the significance of the CA. The Civil War earthworks visible on the east side close to the Fosse Way, furthermore, also contribute significantly to the character and appearance of the CA.

The proposal site contributes to the landscape setting of the historic core. The lime and ash trees along Main Road contribute positively to the character and appearance of the CA.

The fortifications from the Civil War (HER number: M3027) date to the 1640s. The monument close to the proposal site comprises an eroded fragment of the defences and survives in a pasture field between the 2 roads linking Farndon with the Fosse Way. According to Clamp's 17th century plan, the fort was an angle bastion facing east with 2 faces parallel to the northeast and southeast sides of a curtain rampart, and 2 short flanks facing northwest and southwest. The 2 faces of the bastion, that facing southeast is 60ft long, the southwest flank 15ft long, and a stretch of the curtain running southwest for 170ft, survive as a slight terrace, about 2ft high, with traces of a ditch, clearer on the northeast face. The line of the circumvallation joined the northeast face 70ft northwest of the point of the bastion.

Fragmentary remains of the angle bastion of the Farndon defences exist at SK 7711 5167 coupled with a slight adjacent rampart (line of circumvallation). The works have been mutilated and spread by farming activity and cattle, achieving now a max height of 0.7m only. Now under rough pasture. The HER provides further data on the circumvallation (HER number: M8401).

Assessment of proposal

The proposal seeks to erect a single dwelling. The proposed dwelling is single storey, brick and pantile structure in a 'U' plan configuration. The street elevation includes a steep gabled porch and

an integral garage. The proposed access will be situated between two significant trees on Main Street.

Pre-application advice was sought earlier in the year (ref PREAPP/00033/16). Notwithstanding planning matters arising from those discussions, advice was given without prejudice on design and layout. The submitted scheme broadly complies with that advice. The design ethos references historic farmstead character in its layout and form, and whilst there are modern domestic elements, these are generally not prominent to the public realm. Our only observations relate to the proposed porch and integral garage. The porch is a slightly alien addition in the context of agricultural character, and whilst it is recognised that it is an interesting design in its own right, the porch is moderately obtrusive in the street context. Conservation has no objection to a garage opening as proposed, but the design will need to allow for appropriate detailing such as a pair of side hung timber doors, perhaps with external strap hinges.

The scheme is otherwise considered to be acceptable and will cause no harm to the character and appearance of Farndon Conservation Area or the setting of any listed buildings. The proposal therefore accords with heritage objectives contained within Policy DM9 of the Council's LDF DPD and section 12 of the NPPF. The development will also preserve the character and appearance of the CA and setting of listed buildings in accordance with sections 66 and 72 of the Act.

The archaeological assessment concludes that the proposal is unlikely to have a detrimental impact on the archaeological resource, and that the potential for further archaeology is low. I concur with the findings, although the applicant may wish to consider a watching brief to ensure that any spot finds uncovered during further excavations are properly recorded.

If approved, and in addition to any standard conditions relating to time limitations and compliance with the approved details, the following matters should be conditioned:

- A full schedule of facing materials;*
- External joinery schedule for all windows and doors (timber to be retained) at 1:10 scale with sections and details on design/specification, opening method and finish;*
- Pantiles shall be natural clay of a non-interlocking variety (sample to be submitted) with no roof vents or dentil fillers (unless otherwise agreed);*
- Sample of brick panel showing bricks, mortar specification, bonding and pointing to be erected on site for inspection before development commences;*
- All external accretions to be agreed;*
- Notwithstanding submitted details, rainwater goods to be cast metal or mock cast, black half round gutters on rise and fall with round down pipes, details to be agreed;*
- Further details of all verges, eaves, sills and headers;*
- Landscaping methodology; and*
- Appropriate regulation of Permitted Development rights in order to ensure that the rural character of the site is preserved.*

NSDC, Strategic Housing – “Background

The application site is located within the village of Farndon which is defined as an ‘other village’ (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Housing Need

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The Parish of Farndon were recently surveyed (July 2016) regarding their need for housing by Trent Valley Partnership (agreed by the Council). The survey identifies a need for up to 11 affordable homes and a preference for 7 market homes. The applicant responded to the survey identifying a need for an adapted property.

I turn to the issue of demonstrating ‘proven local need’ to accord with SP3. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Farndon is a desirable place to live where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a four bedroom adapted dwelling if the housing stock in Farndon has a good supply of this type of housing and they appear on the open market for sale. Currently there are 8 properties for sale ranging from 2– 5 bedrooms, however none of them have been adapted to meet the needs of a disabled person and as some of the larger properties are of older construction there maybe a case for providing a purpose built property to meet the needs of a disabled applicant.

Summary

The application will meet the housing needs of an individual whose personal and physical needs would be difficult to meet on the open market.”

NCC Highway Authority – *This proposal is for the construction of one dwelling with attached garage, served by a new vehicular access onto Main Street. There appears to be sufficient parking provision within the site curtilage, therefore, there are no highway objections subject to the following:*

No part of the development hereby permitted shall be brought into use until the access has been completed to a standard that provides a minimum width of 2.75m for the first 5m rear of the highway boundary and surfaced in a bound material in accordance with details to be first submitted to and approved in writing to the LPA.

Reason: *In the interests of highway safety.*

Note to applicant

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

Trent Valley Internal Drainage Board – No objection to the proposal subject to appropriate surface water disposal.

A letter of representation from a local resident has also been raising objections to the proposal.

Their concerns are summarised below:

- The site contains a significant number of wildlife
- The site is understood to be of great archaeological interest and historical relevance
- The development would impact upon the standard of living for the neighbouring properties
- Issues with privacy for the adjacent neighbour and the new dwelling.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the principle of a new dwelling in this location, the impact on the character and appearance of the conservation area and visual impacts, residential amenity considerations, impact through loss of trees, impact on ecology and highway safety concerns which are discussed in turn below.

Principle of Development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within ‘other villages’ in the District, development will be considered against the

sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an ‘other village.’

5 Year Housing Land Supply

The Council’s 5 year housing land supply is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to June’s Committee this year. I will not rehearse the position in full; save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (which was out to consultation 29th July - 23rd September 2016 on the Preferred Approach - Strategy Consultation), the Council is of the opinion that paragraph 14 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term.

The five criteria outlined by SP3 are location, scale, need, impact and character. Farndon is classed as an ‘Other Village’ where development will be considered against the sustainability criteria set out in Spatial Policy 3.

Location

The first criterion of SP3 details that ‘new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.’ The proposed development site is within proximity to the existing built form of Main Street in Farndon. There are residential properties to the north, south and west. The critical consideration in the determination of this application is whether the application site is located within the main built-up area of the village or in the open countryside. This, of course is a matter of judgement as the application site is right on the edge of the settlement. Historically if one looks to history as a guide, the village envelope of Farndon set out within the 1999 Local Plan, the site was outside the envelope. However, a case can also be made that as the site is surrounded by existing residential curtilages on three sides that the site could also be seen to be within the main built-up area.

If the site is considered to be within the open countryside, the principle of the proposal would be assessed against Policy DM8 of the Allocations and Development Management DPD and the paragraph 55 of the NPPF. DM8 states that “planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.” The proposal in this case is considered to only accord with the last criteria listed.

Paragraph 55 of the NPPF states “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.” The only circumstance listed that could apply to this proposal is “the exceptional quality or innovative nature of the design of the dwelling.” The proposed dwellings reflect the traditional form and proportions of existing vernacular buildings in the Conservation Area but cannot be said to be exceptional or innovative.

However, the judgement on whether the site lies within the main built up area or the open countryside is not straight forward and is a matter of judgement on which not all professional opinion may come to any agreement. Indeed from officer’s experience, even appeal decision have been received where some Inspectors may agree to the squaring off of similar pieces of land to be defined within village built up areas and equally other Inspectors have commented that such an approach could all too easily be repeated elsewhere and lead to an unacceptable encroachment into the open countryside.

In this case, it is considered that the site is within the main built-up area of the settlement, albeit on the edge. With regards the provision of services; whilst Farndon is defined as an ‘Other Village’ in the settlement hierarchy it does contain a Primary School, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark.

Therefore it is considered that the development is within the main built-up area of the village and accords with the locational element of SP3. The proposal remains to be assessed against the remaining four criteria outlined by SP3, which are; scale, need, impact and character. I am of the view that the site can be considered within the main built up area of Farndon. The site forms a natural void of built form with residential properties to the north, east and west. Although there is open space to the south forming open fields between Farndon and the old A46, the site does not extend beyond the existing southern boundary of residential curtilages associated with neighbouring properties.

Until such time as a housing requirement figure has been tested and found sound, the Council will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term.) I am conscious that given the above context it is difficult to maintain that the site is locationally unsustainable.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as

drainage and sewerage systems. I also consider that one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume, a matter on which the Highway Authority has raised no concerns.

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals will only be considered in Flood Zone 2 where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available site in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

A small proportion of the site is located within Flood Zone 2 with the rest of the site being classed as Flood Zone 1 at a low risk of flooding. The application is supported by a flood risk assessment which states the highest risk of flooding comes from the River Devon owing to the ridge of high ground between the site and the River Trent. The dwelling has been designed to take into account a 1 in 1000 year flood event with climate change to the River Devon.

The layout of the site has been designed such that the proposed building is largely located within flood zone 1, with only the eastern edge of the building lying within flood zone 2. In terms of applying the Sequential Test, therefore, whilst the site as a whole would fail the Sequential Test, the footprint of the new dwelling itself could be considered as sequentially preferable as it is located within flood zone 1. On this basis, and given the built form and proposed access is within flood zone 1, it need not be considered in relation to the Exception Tests for the location of new development with respect to flood risk. However, the submitted FRA states that the floor level of the dwelling is to be raised 300mm above the 1 in 1,000 Floodplain level of 12.80mODN and therefore at no risk. I am also minded to agree with the conclusions set out within the flood risk assessment and that the proposal is unlikely to have a detrimental impact upon flood risk for the wider surrounding area.

Surface water is proposed to be disposed of through infiltration with domestic curtilage roof areas discharging into individual shallow cellular soakaways. A schematic drainage plan has been submitted which demonstrates how this drainage structure can be monitored and maintained to ensure it will function correctly for the lifetime of the development and prevent any increase in flood risk on or off site. The proposed domestic curtilage driveway can be constructed in permeable materials, resulting in zero discharge site which can be secured through condition.

Impact on Character/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form,

mass, layout, design, materials and detailing. The site's location within the designated conservation area and proximity to listed buildings (notably the Grade II Listed 16 Main Street which is opposite the site) is also important to consider and the Council's conservation team have been consulted in this regard.

The design ethos references historic farmstead character in its layout and form, and whilst there are modern domestic elements, these are generally not prominent to the public realm. The proposal has been amended during the course of the application to ensure that the overall design reflected the character of the conservation area; the proposed porch and doors to the garage were the main contentious features, along with the joinery details. The porch is a slightly incongruous feature to the proposed building however I do not feel this feature is so obtrusive to the overall design that it would warrant a refusal of the application; it has however been reduced which has somewhat limited its prominence on the building.

With regards to the garage doors, the applicant has advised that side hung doors would not be appropriate for their needs but has agreed that the design of the doors will be such that they would retain the appearance of traditional doors as shown in the submitted plans; additional plans have been received to show the garage door detail. The joinery details have yet to be agreed with the applicant and it has been suggested that these details are conditioned. Within Conservation Areas, the LPA usually expects joinery to be timber and as such I recommend that a condition is imposed on the permission to ensure that joinery is timber and that details are submitted prior to the commencement of development. Materials should also be conditioned should members be minded to approve the application to ensure the development complements the historic setting of the plot and surrounding area.

The site is bounded to the north by a line of attractive mature trees which are sought to be retained as part of the development; works have been kept away from these trees to avoid damage to the roots. These trees add to the character of the area and as such I would not wish for them to be removed. They also somewhat screen the site from the public realm, reducing any impact upon the street scene, although I consider the low scale of the development unlikely to dominate the area in any event.

To ensure that the proposal is constructed to a high quality, the Conservation Officer has recommended various conditions seeking materials and details to be agreed prior to the commencement of development, as detailed in the consultations section of this report. I consider these requested conditions to be important in ensuring the development respects the character of the area and would therefore recommend that these conditions are imposed should Members be minded to approve the application.

Overall, the dwelling is considered to reflect the characteristics of buildings found within Farndon Conservation Area and is not thought likely to be a prominent addition to the street scene. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Core Policies 9 and 14 of the Core Strategy and Policies DM5

and DM9 of the DPD as well as Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Need for Development

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need. The applicant has confirmed that he and his wife are long-time residents of Farndon and need a home within their village to meet their specific family needs and to retain their social ties within the community. No supporting information as to how the proposed development would meet an identified need as the applicant understood that there was no longer a requirement to prove a local need. However, in July 2016, a Housing Needs Survey was undertaken for Farndon which identified 7 market homes were required in Farndon for people with a local connection, which appears to include the requirement of the applicant. The Council's Strategic Housing Officer supports the proposal as outlined in the consultation section above.

In any event, in the context of the above discussion and on the basis of the Council's current position on housing supply, it is considered that in settlements such as Farndon which have some locally available facilities that a pragmatic view in relation to the need element of policy SP3 can be reached. Whilst the need criteria remains as part of SP3, the approach the District Council has taken since June 2016 is that this is being relaxed until such time as the 5YHLS issue has been ratified through the Plan Review.

Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. In the context of the current application, consideration of amenity requires deliberation to the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

The most likely affected neighbouring property would be the dwelling to the SW, 9 Main Street which lies directly adjacent to the site. Windows of this neighbouring property will overlook the site which may impact upon the privacy of the proposed dwelling, however there is some 11.5m separation distance between the two properties which I consider will limit the ability to overlook the site, thus I do not consider the relationship to be harmful to the privacy of the new occupiers.

In terms of the impact of the scale of the development upon this neighbouring property, the proposed dwelling is single storey in height, with a maximum ridge height 5.2m and set in from the SW boundary with 9 Main Street by 4.4m. Given the separation and relatively low height of the

proposed dwelling, I am of the view that the proposal is unlikely to have a detrimental impact upon the neighbouring dwelling by virtue of overshadowing and overbearing impacts. I appreciate that the view from the neighbouring property will change with the erection of a new dwelling but I do not consider the impact to be harmful to the amenities of this neighbour in accordance with Policy DM5 of the DPD.

In terms of available amenity provision for the proposed occupiers, the demonstrated curtilage, whilst being modest in size, is considered to be commensurate to the needs of a four bedroom dwelling. On the basis of the above the proposal is deemed to comply with the amenity criterion of Policy DM5.

Impacts on Highway Safety

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

A new access is proposed as part of the scheme to allow vehicular access to the dwelling from Main Street. Provision has been made for off street parking both through an integral garage as well as a driveway to the front of the property. The access would be adjacent to the mature trees lining Main Street but would not result in the loss of these trees. As confirmed by the consultation section above, NCC Highways have raised no objection to the application subject to the imposition of a condition requiring bound material for a minimum distance of 5m behind the highway boundary. I do not consider that one additional dwelling would have such a significant impact on the highway network to warrant resisting the proposal. The proposal is therefore considered compliant with Spatial Policy 7 of the Core Strategy and the relevant sections of Policy DM5.

Impacts on Ecology and Trees

The application has been supported by an Arboricultural Survey Report and Ecological Evaluation. As confirmed by the site description above, the site has several mature trees located within and immediately adjacent to the site. Policy DM7 confirms that, in line with the requirements of Core Policy 12, new development should protect, promote and enhance green infrastructure. The Arboricultural Survey Report confirms that the majority of the tree stock recorded in the survey area is in good or fair condition and category B or C. Many of the trees form components of historic or existing boundaries. The survey identifies the most significant trees as being the lime trees to the front of the site. The report includes a tree protection and retention plan with the removal of 4no. trees to the north and west of the site. I am minded to agree with the conclusions of the report that there are very few trees on the site that should constrain development.

The site has been assessed for ecology and no significant ecological value has been identified on the site. However, it is acknowledged that the proposal would result in the removal of vegetation and existing trees which could be attractive to nesting birds. On the basis that this could cause a disturbance, a number of conditions have been imposed to seek to mitigate this potential

ecological impact and to bring about enhancements, including preventing removal during bird nesting season and provision of a bird and bat box on the site.

Subject to conditions securing the above I consider that the proposal would not adversely affect the ecological significance of the site and is conditioned to provide positive benefits and is therefore compliant with Core Policy 12 and Policy DM7.

Impact upon Archaeology

As implied by the site history above, a previous application for a dwelling has been refused on the site due to the harm to the potentially archaeology on land to the south west. Specifically an inspector has previously concluded that one dwelling would cause significant harm to the monument.

With this in mind, the application was accompanied by an archaeological desk-based study which has concluded, based upon the 3 trenches dug, that the proposed development would have limited impact upon the archaeological significance of the area. However, I am mindful that there could still be some archaeological significance within the site, and as such the applicant has agreed that an archaeological watching brief would be appropriate to condition.

Overall Planning Balance and Conclusion

The proposal seeks full planning permission for an additional dwelling in a rural village. It represents a sustainable pattern of development on the basis that Farndon has some local services and sustainable access to a wider range of services and employment in the nearby sub regional centre. It is noted that the proposal offers the opportunity to contribute towards the housing supply of the District at a time of uncertainty in respect to the delivery of a five year supply, and given the assessment of sustainability this is supported.

Having carefully considered all the site specific impacts, including flood risk, heritage, amenity, impact on trees, ecology and impact on highway safety, I consider that the impacts are acceptable and the proposal would accord with the Development Plan. All relevant matters need to be weighed in the balance and there is no demonstrable harm and therefore the proposal is recommended for approval subject to the conditions listed below.

RECOMMENDATION

That full planning permission is granted, subject to the following conditions:

01

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

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

02

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

- Site Location Plan
- Landscape Plan (900/A3/11 – received 7th November 2016)
- Ground Floor Plan (900/A3/13 Rev.A)
- Proposed North and West Elevations (900/A3/14 Rev.A)
- East and South Elevations (900/A3/15)
- Sections AA and BB (900/A3/16)
- Existing Site Plan showing trees (900/A3/17 Rev.A)
- Tree Removal/Retention Plan
- Tree Constraints Plan
- Horizontal Section (N80 0011 V 00)
- Garage Door Detail (900/A3/18)
- Vertical Section (N80 0013 V 00)

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

Reason: So as to define this permission.

03

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

- Bricks
- Roofing tiles

Reason: In the interests of visual amenity in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

04

Notwithstanding Condition 3 above, the roofing tiles shall be natural clay of a non-interlocking variety with no roof vents or dentil fillers, a sample of which shall be submitted in accordance with Condition 3. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

05

All external joinery including windows and doors shall be of a timber construction only. Prior to the commencement of development, details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, shall be submitted to and approved in writing by the District Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

06

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

07

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.

- Treatment of window and door heads and cills
- Verges and eaves
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

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

08

Notwithstanding submitted details, rainwater goods to be cast metal or mock cast, black half round gutters on rise and fall with round down pipes, details of which shall be submitted to and

agreed in writing with the local planning authority prior to the commencement of development. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

09

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

010

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.

011

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

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

012

No development shall be commenced until the trees shown to be retained on drawing number 900/A3/17 Rev.A have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at 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.

013

Unless otherwise agreed in writing by the local planning authority, no machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or

washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

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

014

No development, including demolition or other operations including clearance of vegetation or tree felling, shall be commenced until a Method Statement which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement unless otherwise agreed in writing by the local planning authority. In relation to the Statement the following shall apply:

No operations shall commence on the site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving the use of motorised vehicles or construction machinery) until the tree, shrub and hedgerow protection works required by the 'Method Statement' are in place on site;

No excavations for services, storage of materials, or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside or within 10m (or as agreed in writing) of an area fenced off or otherwise protected in the 'Method Statement';

The fencing or other works which are part of the 'Method Statement' shall not be moved or removed, until all works, including external works, have been completed and all equipment, machinery and surplus materials removed from the site, without the prior consent in writing of the local planning authority.

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

015

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 14 of the Order in respect of:

Class A: Installation or alteration etc of solar equipment on domestic premises.

Class B: Installation or alteration etc of standalone solar on domestic premises.

Class C: Installation or alteration etc of ground source heat pumps on domestic premises.

Class D: Installation or alteration etc of water source heat pump on domestic premises.

Class E: Installation or alteration etc of flue for biomass heating system on domestic premises.

Class F: Installation or alteration etc of flue for combined heat and power on domestic premises.

Class G: Installation or alteration etc of air source heat pumps on domestic premises.

Class H: Installation or alteration etc of wind turbine on domestic premises

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

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

Reason: In the interests of visual amenity and in order to preserve the setting of the nearby heritage assets.

016

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.

017

No part of the development hereby permitted shall be brought into use until the access has been completed to a standard that provides a minimum width of 2.75m for the first 5m rear of the highway boundary and surfaced in a bound material in accordance with details to be first submitted to and approved in writing to the LPA.

Reason: In the interests of highway safety.

018

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

Reason: In the interests of maintain and enhancing biodiversity.

019

No 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 otherwise agreed in writing by the local planning authority.

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

020

The application shall be constructed in full accordance with the mitigation measures and recommendations contained within the 'Flood Risk Assessment' by R M Associates dated 1 October 2016 submitted in support of this planning application.

Reason: In the interests of minimizing the risk of flooding to both the site and other third party land in the vicinity of the site.

021

No development shall be commenced until details of the means of foul drainage and surface water disposal 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: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

Notes to Applicant

01

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

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

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

03

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

BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01695/FUL



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Application No:	16/01840/FUL		
Proposal:	Erection of 2(No.) Three Bedroom Houses and associated works to trees covered by Tree Preservation Order		
Location:	Land at Brownlows Hill, Coddington, Nottinghamshire		
Applicant:	Mr M Parker		
Registered:	03.11.2016	Target Date:	29.12.2016
	Extension of Time Agreed: 16.01.2017		

This application is being referred to the Planning Committee given that Officer's recommendation differs to that of the Parish Council.

The Site

The site relates to an area of land situated to the east of Coddington Primary School. The land is bound by fencing to the east and west and there are a number of trees across the site, bounding the site and across the frontage. The trees on the frontage are also covered by a group Tree Preservation Order. The site is generally flat albeit slightly elevated from the road and with the exception of trees covered in scrub planting. Properties within the vicinity are predominantly two storeys in height and a mix of semi-detached and terraced, constructed from a mix of red brick and render. To the east of the site entrance is a bus stop which provides public transport into Newark and to the west is the entrance and carpark associated with the primary school.

As per the Environment Agency flood zone maps the site is designated as being within Flood Zone 1 and the site is also situated within the Coddington Conservation Area.

Relevant Planning History

Pre-application advice for two dwellings was sought prior to the submission of the current application. The advice given was positive in that the officer view was that the site could be considered as being within the main built-up area of the village and a favourable response on the principle of the development was advised. It was also considered that the built form, from a conservation area impact should seek to address and be in close proximity to the road frontage rather than set back into the site.

15/01879/TWCA - Fell 1 No. Weeping Willow Tree due to light and water depletion. Works approved.

The Proposal

The proposal seeks full planning permission for the construction of a pair of semi-detached residential dwellings. The properties would be set on the back of the pavement edge with the

vehicular access proposed to the side (west). The properties would provide kitchen/diner and living room at ground floor and 3 bedrooms at first floor. The properties would be 4.8m wide, 9m deep, have a ridge height of 7.5m and have an approximate floor space of 74m². To the rear of the properties would be garden area and beyond this 2 parking spaces to serve each unit and associated turning head.

It is proposed that the properties be constructed of mixed red brick work and clay pantiles. Windows and doors would be constructed from timber.

Supporting information has been submitted within a Design and Access, Archaeological Desktop Assessment, Protected Species Survey and a Tree Survey.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting & Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- SP3 Guidance Note

Consultations

Coddington Parish Council – Objection

The application is considered under Policy SP3.

Criterion 3 (Need)

The policy section of the NSDC has stated that as a result of the ongoing review of the Development Plan, it is satisfied that the five year supply of deliverable housing land has been achieved. This finding presumably over-rides the pre-application advice given to the applicants – a matter of some concern.

In these circumstances, this application should be refused as there is no proven local housing need in Coddington. It should be noted that there have been 2 applications recently approved as exceptions to SP3 need - 3 dwellings on main street and 3 dwellings and 2 apartments at The Plough, a total of 6 dwellings and 2 apartments. This factor adds weight to the rejection of this proposal when considered with the District Council's rejection of earlier applications in Coddington.

Criterion 4 (Impact)

The proposed vehicular access to the development is immediately adjacent to the main entrance to the school. The access also enters the highway at a bus bay i.e. close to the bus stop.

Criterion 5 (Character)

The application lies within the conservation area, and any development should preserve and enhance the area. The proposed development would have a potentially adverse impact on the character and landscape of the area, with loss of trees and affecting 3 other mature trees, T1 an ash, T4 a lime and T7 an ash. All would be affected by a loss of root protection. These trees make a major contribution to the character and landscape of this part of the Conservation Area. The proposal should be rejected as being contrary to the requirements of Policy SP3.

NSDC, Conservation Officer – No objection, subject to condition

We provided advice at pre-application stage and refer you to our response for an assessment of the site and relevant heritage asset receptors (ref PREAPP/00091/16). Although concerns were raised concerning scale and appearance during pre-application discussions, we consider that the submitted scheme fully addresses our concerns:

- The height to the ridge has been reduced to under 8m and the gable widths improved to reflect local cottage form;
- The road facing fenestration has been re-arranged to read as traditional bays;
- Chimneys have been added.

On balance, we believe that the development sustains the character and appearance of the Coddington Conservation Area and therefore accords with the objective of preservation required under section 72 of the Planning (LB&CA) Act 1990. No harm is perceived to any other heritage assets, and the proposal is otherwise considered to comply with heritage advice contained within CP14 and DM9 of the Council's LDF DPDs.

Conservation recognises that green infrastructure and trees on the site will be affected by the proposal. The submitted details suggest that no harm will be caused to significant trees on the site, but we defer to appropriate arboricultural advice on ecological and amenity considerations.

In addition, the comprehensive archaeological assessment clearly demonstrates that archaeological potential for medieval or earlier interest is low at the proposal site, and that post-medieval interest is moderate. Given the limited interest in relation to the nearby medieval fish ponds, I am satisfied that no further investigation is needed in this case.

If approved, and notwithstanding the submitted details, further details of the following matters should be submitted or dealt with via a suitably worded condition:

- Brick panel to be erected on site before development commences showing bricks, bond, mortar specification and pointing finish (Conservation recommends that the front elevation be externally finished in English Garden Wall or Flemish bond);
- Further details of the proposed porches and chimneys (chimneys to be retained);
- Further details of sills, window/door headers, eaves and verges;
- Precise design details of the windows and doors (including sections) and clarification of the external finish (timber to be retained);
- The natural clay Sandtoft pantiles to be natural red in finish. No roof vents on the front facing roof slope unless otherwise agreed;
- Any external accretions on the front elevation (meter boxes, flues etc) to be agreed.

These details will ensure that the proposed development fully preserves the character and appearance of the Coddington Conservation Area.

NCC Highway Authority – No objection subject to condition

This application has had the benefit of being considered at the time of a pre-application enquiry. The details shown on the submitted site plan are acceptable i.e. the shared driveway will be 5.2m for a minimum length of 10m behind the kerb edge.

NSDC Strategic Housing – Observations

Housing Policy applicable to the Proposal

The District Council's Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. The requirement on the proposed site (Land at Brownlows Hill, Coddington) does not require an affordable housing contribution. (The threshold for the Coddington area is 10 units and above and the site size is 0.2 and above).

Housing Need

The application site is located within the village of Coddington which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general, local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Coddington has a good supply of this type of housing and they appear on the open market for sale. Currently there are 1 x 5 bed and 4 x 4 bed and no 3 bedroom properties on the open market for sale, therefore there would be a strong argument that the provision of three bedroom properties would meet this demand.

The Council's Affordable Housing Supplementary Planning Document 2013 refers to determining need in our rural parishes through a Parish Housing Needs Survey. Currently there is no local Parish Housing Needs Survey that could be used as evidence to support an application. However, there have been instances where a developer has commissioned and financed a survey in a rural parish but this would need to be undertaken by an appropriate body and to the Council's satisfaction. Parish Housing Needs surveys generally indicate a need for affordable housing and a preference for market housing and provide information on the parish's ability to meet that preference.

The Council undertook a district wide housing market and needs assessment in 2014. The village of Coddington forms part of the Newark Sub-area and therefore the figures are only indicative and does not demonstrate a local housing need. The results suggest that there may be demand for bungalows and two bedroom homes and I attach a summary at the end of this document. The Council's housing register indicates a demand for affordable housing for older people's accommodation and for small dwellings (2 bedrooms).

Conclusion

It is difficult to identify a local preference or demand for market housing in the absence of a Parish Housing Needs survey and I would recommend that a survey is undertaken if significant weight is to be given to evidence that demonstrates a local demand for the proposal. In the absence of a survey however, the evidence suggests that there is no market housing available for sale of a type put forward by the applicant.

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

Two letters of representation have been received; one raising an objection and the other neither objecting nor supporting. The following points have been raised:

- Removal of the trees along the roadside will result in overlooking of houses on the opposite side of the road
- Traffic on the road is bad enough as it is but access is going to be drastically reduced to properties during the works.

- The proposed driveway is going to interfere with access to school and the safety of children and parents getting to school.
- The access is also going to interfere with the bus stop area and make the road much more dangerous unless a one way system is put in place on the road which I have already raised with the local councillor.
- Concern is raised regarding the loss of vegetation to the rear of the proposed garage block and the loss of security from the removal of this boundary.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the principle of new dwellings in this location, the impact on the character and appearance of the conservation area and visual impacts, residential amenity considerations, impact through loss of trees, impact on ecology and highway safety concerns. I address each issue in turn below.

Principle of Development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Coddington is defined as an 'other village.'

Five Year Land Supply

The Council's 5 year housing land supply is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to June's Committee this year. I will not rehearse the position in full; save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review, the Council is of the opinion that paragraph 49 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term.

SP3 requires proposals beyond principle villages to be assessed against 5 criteria which are now assessed:

Location of Development

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within proximity to the junction of Brownlows Hill and Balderton Lane. Coddington Primary

School is situated immediately to the west and residential properties are to the north and east. As such it is considered that the site is within the main built-up area of the settlement. With regards the provision of services; whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School which is immediately to the west of the site, two public houses, a village hall, community centre, church, post office and store. In addition, immediately to the east of the site is a bus stop which provides regular half hourly bus connections to Newark.

Therefore it is considered that the development is within the main built-up area of the village and accords with the locational element of SP3. The proposal remains to be assessed against the remaining four criteria outlined by SP3, which are; scale, need, impact and character.

Scale and Impact of Development

The guidance note to accompany SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. Two additional dwellings on a site of approximately 0.05ha is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems even when added to the development already committed to in Coddington through the granting of permissions. I also consider that two additional dwellings are highly unlikely to materially affect the capacity of the transport network in dealing with the increased volumes of traffic levels, a matter which the Highways Authority have not raised concerns on.

The site is located within Flood Zone 1 of the Environment Agency flood maps and as such is at low risk of flooding from river and coastal sources. The site is also at very low risk of flooding from surface water according to the Environment Agency surface water maps and thus the additional built form is unlikely to result in adverse impacts from surface water runoff that could not be adequately mitigated against. It is recommended that drainage details be agreed by condition if Members are minded to approve the scheme.

Impact on Character/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. This assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. The site's location within the designated conservation area is also an essential element to consider.

The Council's conservation team have been consulted in this regard and detailed comments are set out in the consultation section of this report. The applicant has confirmed that the proposed dwellings would be constructed from a red brick often used in a conservation context and clay non interlocking roof tiles.

The scale and appearance of the proposed dwellings have been revised during pre-application discussions to inform the design and ensure the proposed development would reflect the character of this designated heritage asset. It is now considered that the proposed development sustains the character and appearance of the Coddington Conservation Area and therefore accords with the objective of preservation under section 72 of the Planning (LB & CA) Act 1990. In addition it was identified at pre-application discussions the presence of a scheduled monument

approximately 250m to the south of the site, comprising the remnants of a moated site and fish ponds. A comprehensive archaeological assessment has been undertaken in support of the application and clearly demonstrates that archaeological potential for medieval or earlier interest is low at the proposal site, and that post-medieval interest is moderate. Given the limited interest in relation to the nearby medieval fish ponds, I am satisfied that no further investigation is needed in this case.

It is also acknowledged that the current site comprises a treed overgrown parcel of land which represents an area of green space in the street scene, albeit privately owned and inaccessible. The proposed built form will consequently have an impact on the green, undeveloped character of the site. Although there would be a notable impact on the open visual amenities of the area, the two small scale properties have been designed with reference to surrounding housing stock and their siting within the conservation area. As such, it is considered that the proposal would generally assimilate into the character of its location. Subject to conditions it is considered that the proposed development would not harm the character and appearance of the Coddington Conservation Area and the proposed development would accord with policies CP14 & DM5 and DM9.

Need for Development

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. No supporting information as to how the proposed development would meet an identified need has been supplied and at present there is no current parish housing needs survey for Coddington. The onus is ordinarily on the Applicant to demonstrate a local need. There have been several appeal decisions in Coddington in recent years which focus solely on the issue of local need. All have been dismissed on the basis that there is insufficient evidence available.

Whilst the previous need position and appeal decisions provide significant material planning considerations the matter is currently less clear cut given this Council's lack of a tested OAN relative to its 5 year housing supply position. This, coupled with the services available within and in close proximity to Coddington, does, if the Officer submission, tip and overall acceptability balance. Subject to all other impacts being acceptable it is considered that it would, on balance, be difficult to resist development.

Impact on Trees

The site is situated within the Coddington Conservation Area and trees on the frontage are covered by a group TPO (11/00095/TPO). The application has been supported by a tree survey which was undertaken as part of pre-application discussions. Whilst on first view the site appears to be densely covered with trees, on closer inspection it is clear that a number of large trees are situated on the periphery and beyond the boundaries of the site with a number of self-set trees of limited amenity value being within the site.

The trees highlighted for removal along the front of the site and within the proposed rear garden area of property 1 are detailed as being Hawthorn and the majority are categorised as category U

which are ‘trees of no significant landscape value.’ As such it is considered that their loss would not significantly adversely affect the character of the street scene. The undertaken assessment has reviewed all other trees on the site and concluded that the proposed development would not impact upon them subject to conditions in relation to protection of the trees whilst construction of the access drive to the side of the properties is being undertaken. It is therefore considered that the proposed development would not detrimentally impact upon trees of merit on the site subject to condition and the development would accord with policy DM7 of the DPD.

Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. In the context of the current application, consideration of amenity requires deliberation to the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

Dealing firstly with neighbouring occupiers, the proposed properties would be in closest proximity to dwellings on the opposite side of Brownlows Hill. The window to window distance would be just over 27m. Whilst the comments received from a neighbouring property in relation to potential overlooking are noted it is considered that a separation distance of 27m between the proposed dwellings and those to the north on Brownlows Hill would ensure no loss of residential amenity through overlooking, overbearing or loss of light. To the east of the site is No. 2 Brownlows Hill. This property is set within an extensive garden which wraps around the northern, southern, western and to a lesser extent eastern boundaries of the dwelling. No windows are proposed on the side elevations of the proposed dwellings and the separation distance from the neighbouring dwelling’s rear facing windows and boundary screening is sufficient to ensure that no overlooking of this property’s most private garden area would occur.

In terms of amenity for future occupiers of the dwellings; the proposed properties would be aligned with the fenestration orientated north to south with approximately 5m x 14m garden areas situated to the rear. Overall I have identified no detrimental amenity impacts which would warrant a resistance of the proposal on grounds of impact on residential amenity. The proposal is therefore deemed to comply with the relevant amenity criterion within Policy DM5.

Impact on Protected Species

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District’s ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12.

A protected species survey has been undertaken in support of the application and the site assessed for ecological value. No areas of significant ecological value have been identified on the site.

However, it is acknowledged that the proposal would result in the removal of vegetation and existing trees which could be attractive to nesting birds. On the basis that this could cause a disturbance, a number of conditions have been imposed to seek to mitigate this potential

ecological impact and to bring about enhancements, including preventing removal during bird nesting season and provision of a bird and bat box on the site.

Subject to conditions securing the above I consider that the proposal would not adversely affect the ecological significance of the site and is conditioned to provide positive benefits and is therefore compliant with Core Policy 12 and Policy DM7.

Impact on Highway safety

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

The proposal would amount to two additional dwellings utilising a new access on the eastern boundary of the adjacent school. Pre-application discussions have been undertaken with NCC Highways Authority. No objection has been raised to the proposed development as listed in the consultation section of the report, subject to condition in relation to access surfacing. Whilst the comments from the Parish Council and neighbouring property are noted it is not considered that the proposed development would result in highway safety concerns in relation to users accessing the neighbouring school, nor buses using the adjacent bus stop.

It is therefore considered that the proposal does not result in any highway safety issues and complies with SP7 and Policy DM5 of the Core Strategy and DPD respectively.

Other Matters

I have noted the comments of the Parish Council in relation to the development not according with the criterion of policy SP3 of the NSDC Core Strategy. However it is considered that the concerns raised have been addressed in the above relevant sections of the report. The comment received from the neighbouring property regarding loss of vegetation and loss of security for their site are noted and details of boundary treatment have been requested as part of a condition.

Planning Balance and Overall Conclusion

The application is located within the main built up part of Coddington a village which has a range of local facilities including public transport and access to the 'Sub Regional Centre' of Newark. Having carefully considered the site specific impacts including heritage, amenity, impact on protected trees, ecology and impact on highway safety, I consider that the impacts are acceptable and the proposal would accord with the Development Plan.

It is noted that the application has not submitted any information in relation to housing need. However the Council's position on 5YHLS is such that the Council has sought to take a more relaxed approach to the 'need' criterion of SP3 until such time that the OAN has been ratified through the Plan Review. I also note that the Council's Strategic Housing Officer has comments that the evidence suggests that there is gap in the market sector for this type of housing.

All relevant matters need to be weighed in the planning balance. I have considered all of the above and have come to the view that the fact that this scheme would deliver much needed housing in a relatively sustainable settlement, which would contribute to the 5 year housing

supply in a modest way, outweighs the fact that the applicant has not provided justification on local need. There is no demonstrable harm and the proposal is therefore recommended for approval.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site Plan Drawing No. 2B/17/2016
- House Plans & Elevations Drawing No. 5B/17/2016

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority. For clarity these are; brick - Baggeridge Oast Russet Sovereign Stock, tiles - Sandtoft natural clay pantiles natural red.

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

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 including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars (and clarification on the finish)

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods – cast metal or mock cast in black on rise & fall brackets with round down pipes

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Chimney and porch details

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

05

No development shall be commenced until a brick work sample panel showing brick work bond, (the front elevation to be externally finished in English Garden Wall or Flemish bond), mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

06

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

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

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

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

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

Or Schedule 2, Part 14 of the Order in respect of:

Class A: Installation or alteration etc of solar equipment on domestic premises.

Class B: Installation or alteration etc of standalone solar on domestic premises.
Class C: Installation or alteration etc of ground source heat pumps on domestic premises.
Class D: Installation or alteration etc of water source heat pump on domestic premises.
Class E: Installation or alteration etc of flue for biomass heating system on domestic premises.
Class F: Installation or alteration etc of flue for combined heat and power on domestic premises.
Class G: Installation or alteration etc of air source heat pumps on domestic premises.
Class H: Installation or alteration etc of wind turbine on domestic premises
Class I: Installation or alteration etc of stand-alone wind turbine on domestic premises.

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 2015 or any amending legislation in the interests of the character and appearance of the conservation area.

07

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

08

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the

local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the 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

No 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 otherwise agreed in writing by the local planning authority.

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

010

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the 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 existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

011

No development shall be commenced until the trees shown to be retained on drawing number 2B/17/2016 have been protected by the following measures:

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

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

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

012

No development, including demolition or other operations including clearance of vegetation or tree felling, shall be commenced until a Method Statement which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement unless otherwise agreed in writing by the local planning authority. In relation to the Statement the following shall apply:

No operations shall commence on the site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving the use of motorised vehicles or construction machinery) until the tree, shrub and hedgerow protection works required by the 'Method Statement' are in place on site;

No excavations for services, storage of materials, or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside or within 10m (or as agreed in writing) of an area fenced off or otherwise protected in the 'Method Statement';

The fencing or other works which are part of the 'Method Statement' shall not be moved or removed, until all works, including external works, have been completed and all equipment, machinery and surplus materials removed from the site, without the prior consent in writing of the local planning authority.

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

013

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

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

014

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

Reason: In the interests of maintain and enhancing biodiversity.

015

No dwelling hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 10 metres behind the highway kerb edge in accordance with the approved site plan.

Reason: To prevent deleterious material being deposited on the public highway.

016

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

017

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

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

Notes to Applicant

01

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

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

02

This application has been the subject of 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 development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 977 2275 to arrange for these works to be carried out.

BACKGROUND PAPERS

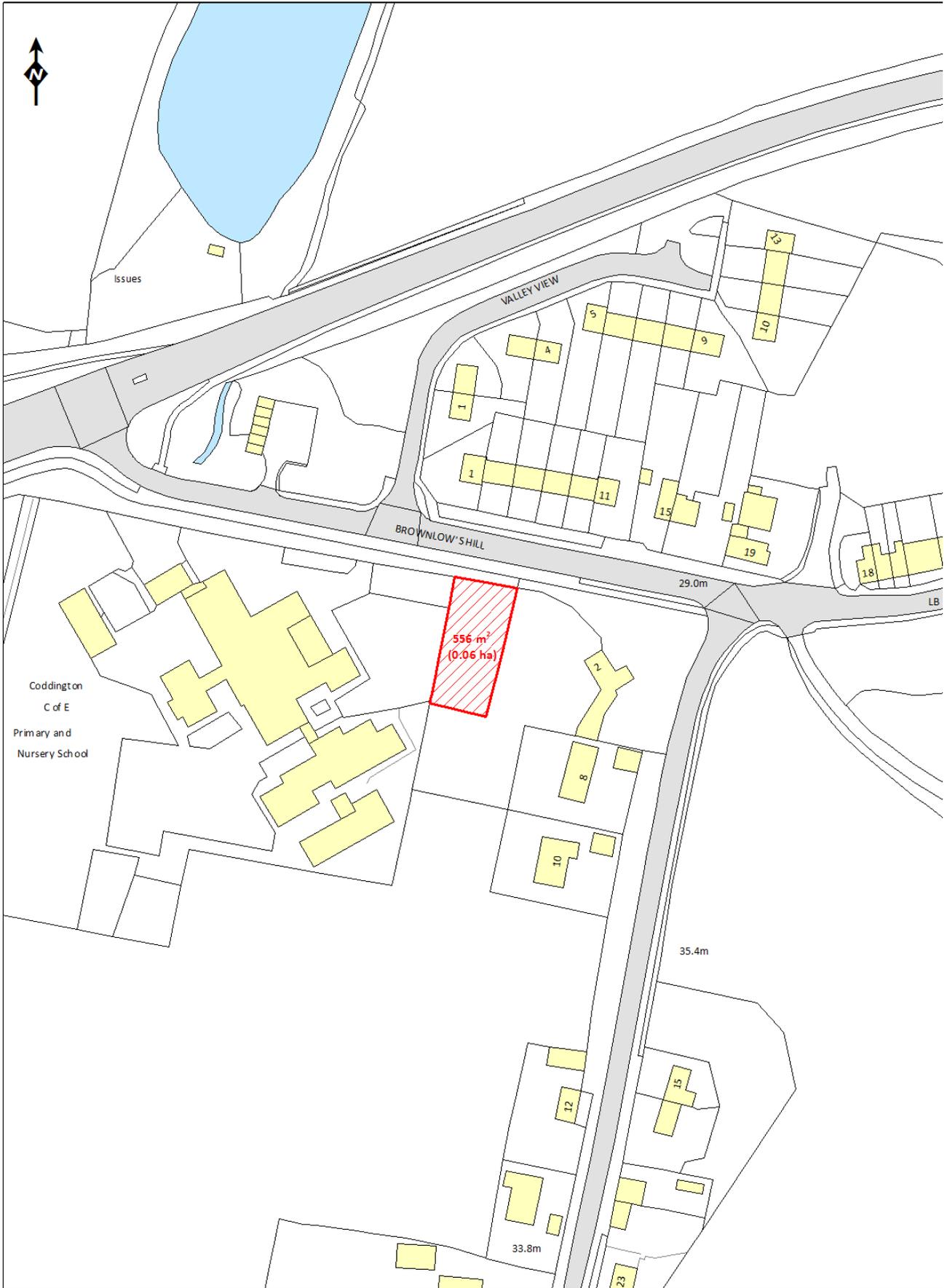
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01840/FUL



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Application No:	16/01847/FUL		
Proposal:	Reduction in size of existing shop and post office, alteration and ground floor extension to existing house, erection of 3 new flats at ground floor level, and 1 new flat at existing first floor residential area		
Location:	Balderton Post Office, 13 Main Street, Balderton, Newark Nottinghamshire		
Applicant:	Mr D Naranji		
Registered:	08.11.2016	Target Date: 03.01.2017	Extension of Time Agreed: 13.01.2017

This application is being referred to the Planning Committee given that the Highway Officer's recommendation differs to that of the Parish Council.

The Site

The site relates to the Balderton Post Office, which is situated within an area defined as within the Newark Urban Area and more specifically the Balderton Local Centre on the allocations plan contained within the adopted Development Plan Document. The property is a red brick two storey building with cream rendered frontage. It has been historically extensively altered with single storey projections visible on both sides. The site is situated on a busy road primarily surrounded by residential properties with a row of terrace dwellings situated to the south, detached buff brick dwellings to the west on Wesley Close and a group of modern red brick semi-detached properties to the west on Simpson View.

Access is gained to the rear of the property via a pedestrian gate on the eastern side and vehicular gated access point on the western side. To the rear of the main building are additional single storey additions and a gravelled area which is used as amenity space by the owners of the site. The site is bounded by close boarded timber fencing of approximately 2m in height. The site is not situated within a conservation area but is within close proximity to the Grade II listed Balderton Methodist Church situated to the south east. There are a number of local facilities within proximity to the site notably bus stops approximately 100m to the east providing access into Newark, a green grocer on the opposite side of the road, Tesco Metro convenience store 200m to the east, a fish & chip shop c60m to the west and public houses c250m to the east.

Relevant Planning History

10/00832/FUL - Extend existing property to provide covered delivery area, first floor additional living accommodation and 2 No. 1 bedroom ground floor residential units. Approved August 2010

02/00290/FUL - Proposed extension to the rear of the property to form lounge with a pitched and slate covered roof. Approved 2002

96/50097/FUL – Rear first floor extension, roofing over existing flat roofs & improved facilities. Approved 1996

03890888 – Alterations to post office. Approved 1989

The Proposal

Planning permission is sought to reduce the sales floor space of the existing post office and shop from approximately 135m² to 40m². A single storey extension of approximately 54m² is proposed to the rear to provide additional bedroom accommodation to serve the existing house. The resultant redundant ground floor shop space would be converted to 3 x 1 bed dwellings with the existing first floor accommodation converted to a 2 bed flat. The existing car parking area for the dwelling would remain unaltered; however an existing gravelled area would be grassed for amenity space for the dwelling. In addition limited outdoor amenity spaces have been provided for the flats in addition to bin storage areas.

The resultant redevelopment would create a shop/post office area of approximately 40m², alterations to an existing 3 bed dwelling, 3 x 1 bed ground floor flats and 1 x 2 bed first floor flat.

Supporting information has been submitted within a Design and Access Statement.

Departure/Public Advertisement Procedure

Occupiers of 23 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 7 – Sustainable Transport

Spatial Policy 8 – Protecting and promoting leisure & community facilities

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

NAP1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

DM1- Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Balderton Parish Council – No objection

NCC Highways Authority – Objection

This proposal raises concerns over parking provision, given the existing demand for on-street spaces and the nature of Main Street as a local distributor route.

Inadequate information has been submitted to show how car parking would operate/be managed. The level of parking provision and its layout has not been justified in view of existing conditions and the increase from one dwelling plus a shop to add a further 4 flats.

It is considered that the intensification of use of the site would lead to on-street parking. Without satisfactory justification it is recommended that this application be refused on the grounds that the parking provision and layout would lead to vehicles being parked on the public highway to the detriment of highway safety and convenience.

Seven letters of representation has been received; raising the following concerns:

- Where will new residents park? The development will result in 4 flats containing at least 8 occupants with no parking in an already congested area.
- The area contains restricted parking due to customers using the post office, fruit shop and church which results in residents of the immediate area being unable to park their own vehicles & customers of the above establishments parking in a dangerous manor on double yellow lines. Four additional units will bring potentially 4 more vehicles into an area where current residents cannot park their own vehicles.
- Object in line with comments from the highways officer. Unless the development can allow for off road parking the same the Turks Head property did it cannot be approved.
- The site does not have enough parking for current residents, to agree to more flats would be awful. The area already has no parking & is dangerous to cross.
- What will the additional properties do when main street floods?
- The door of flat 3 appears to step out onto what appears to be a driveway
- The narrow strip of land to the west of the post office which is approximately 25m long is unregistered & there is no known owner. It is believed that this land may once have been an old right of way/access to cottages (now demolished) that were at the rear of the post office. Surely an applicant must own the land that they intend to build on?

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the principle of new dwellings in this location, the alteration to an existing community facility, the impact on the

highways network, the impact on the character and appearance of the surrounding area and residential amenity considerations. These are considered in turn below.

Principle of Development

The site lies within the defined urban area of Newark and Balderton, a 'Service Centre' as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle. In accordance with Spatial Policy 8 – Protecting and promoting leisure & community facilities; the proposed development would result in a reduction of retail floor space but appears to fundamentally retain the key function as operating as a post office and the proposal is therefore considered to accord with this policy.

Impact on Highway safety

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

Concern has been raised by the NCC Highways Officer in relation to the lack of parking provision as part of the application. The applicant, in the submitted Design & Access Statement, has stated that *car parking is not provided for the new flats which is largely in keeping with NSDC policy for small 1 & 2 bed flats in urban locations with good links to public transport, amenities & employment.*

However as detailed above Spatial Policy 7 states that: *development should provide appropriate & effective parking provision, both on and off-site.* Policy DM5 states: *parking provision for vehicles & cycles should be based on the scale & specific location of the development.*

The 6 C's Highways Design Guide at para 3.173 (which relates for developments of 1 to 5 houses) states that: *one space should be provided for each dwelling where car ownership may be low such as town centres & other locations where services can easily be reached by walking, cycling or public transport.*

Clearly there is a conflict here between the comments of the Highways Officer supported by local policy, views of neighbouring residents and the stance of the applicant.

Whilst the comments from the applicant are noted in relation to the location of the site within an urban location which offers close proximity to local amenities and bus stops, the concerns raised by the Highways Officer which are mirrored by local residents must be weighed in the planning balance.

At present there is limited on street parking directly opposite the post office and to the front of a terrace of approximately 12 dwellings and green grocer. The road further to the west, closer to the junction with London Road is double yellow lined and the road outside the post office on the northern side of the road single yellow lined. Parking is available on site (and off-street) for the existing 3 bed dwelling, however no parking is proposed for the 3 x 1 bed units and 1 x 2 bed unit. Whilst weight is given to the comments raised by the applicant in relation to the availability of facilities in the vicinity of the site, consideration also needs to be had that the site would not be within the centre of Newark and as such there would likely be some reliance from future occupants on the need for vehicle access for commuting such as to a place of work and from visitors. Should consent be granted it would not be possible to restrict future flat occupiers from owning a vehicle and potential could arise that the 4 flats could result in an additional 4-5 vehicles requiring parking on the street in the vicinity of the site. This it is considered, would further

contribute to existing over congested on-street parking which would be to the detriment of highway safety according to the Highways Authority as well as the inconvenience to local residents that allowing a scheme where there are existing parking issues. As such it is considered that the proposed development would fail to accord with Spatial Policy 7 of the Core Strategy and policy DM5 of the DPD.

Design, Character and Density

The site comprises a two storey building which has been historically added to predominantly at single storey level in a rather haphazard fashion. The proposed redevelopment of the site would result in the internal reconfiguration of the shop and creation of two new access points in the building; one on the western elevation and one on the northern. In addition the existing access onto Main Street would be blocked up and rendered to match the existing building frontage and a narrower opening created slightly to the east of the existing. It is also proposed to construct approximately 54m² of additional ground floor accommodation on the north eastern extent of the building which would provide new living accommodation for the current owners of the site. It is proposed that this extension be built of brick and slate to match the existing projections and would be of a style to match the existing building.

It is as such considered that the alterations and additions to the building are small scale in nature and with the exception of the re-siting of the entrance on the front elevation would largely be non-visible within the public realm and in keeping with the design and layout of the building.

Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. In the context of the current application, consideration of amenity requires deliberation to the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

Dealing firstly with neighbouring occupiers, the alterations of the existing building to create the proposed flats would result in the installation of a number of windows and doors but all at ground floor level. These are not considered to result in overlooking of neighbouring properties given the presence of existing close boarded timber fencing to all boundaries. In relation to the proposed new build element to the rear of the building; this would be in close proximity to the garden area for No. 2 Wesley Close, situated to the west. However, the projection would be on the westernmost boundary for the site and given the proposed hipped roofline is unlikely to detrimentally impact upon the amenity of this neighbouring property.

In terms of amenity for future occupiers of the proposed flats; limited private amenity space is provided for flat 1 with a small grassed area to the east of the entrance. No amenity space is proposed for flat 3 or 4 and there is proposed to be a small grassed area to the front of flat 2. Whilst not ideal it is not considered essential for outdoor private amenity space to be provided for flat developments and the site has access to public open space available within Balderton. The existing open space for the dwelling associated with the post office would be laid with grass and a

paved area provided to the west. Whilst the proposed development would provide limited private outdoor amenity space for future residents this is not uncommon for residential flats. It is not considered that the conversion of the post office would result in a loss of surrounding neighbouring amenity and the proposal would result in satisfactory amenity for future residents. The proposal is therefore deemed to comply with the relevant amenity criterion within Policy DM5.

Other Matters

The comments from neighbouring properties in relation to land ownership on the western boundary of the site are noted; however the applicant in the submitted location plan has highlighted this land as within their ownership. Should there be a discrepancy in relation to ownership this would be a matter that would need to be resolved legally and would not form part of the planning balance. In any event I am satisfied that to the best to my knowledge no person has been prejudiced by this issue.

In relation to the comments received relating to the road flooding; the site is located within Flood Zone 1 in accordance with Environment Agency Flood Zone maps. Furthermore, the additional built form on the site is limited to a small area on the north western boundary of the site. As such it is not considered that the proposed development would result in a change to the flood profile of the site and it is not considered that the local drainage infrastructure would be unduly affected by what is a small number of additional dwellings.

5 Year Housing Land Supply

Members are aware of the current 5 year housing land position. Whilst the Council is satisfied that it can demonstrate a 5YHLS based on an Objectively Assessed Need (OAN), this has yet to be tested and ratified through the Plan Review process and this therefore cannot be given full weight. This is a matter therefore that needs to be weighed in the planning balance below.

Planning Balance and Overall Conclusion

The development site is situated within Balderton Local Centre and within a Service Centre as set out within the Council's Development Plan. The proposed development would result in the conversion of existing built form which would provide for an additional 4 flats. It is accepted that the location of the site is defined as sustainable in planning policy terms and there are a plethora of facilities available within close proximity to the site for the benefit of future occupiers. However, concern is raised by the NCC Highways Officer that future occupiers of the site may rely on the use of motor vehicles to access facilities not readily available within the proximity to the site and no on-site parking provision is being provided as part of the development.

Such additional vehicles and those of their visitors would be largely reliant on on-street parking on Main Street which is described as a local distributor route with already limited parking availability. This it is contended would exacerbate existing on-street parking problems to the detriment of highway safety and the convenience of local residents who already rely on on-street parking. The proposal is therefore considered to be harmful and contrary to policy DM5 of the NSDC DPD and SP7 of the NSDC Core Strategy.

I have considered the fact that this proposal would have a positive impact to boosting the Council's 5 year housing land supply in a time when the Council is unable to give full weight to its

OAN. However 4 dwellings is a modest number and this no. would have very limited impact to the supply whereas it would have a larger, more negative impact on highway safety and convenience. I therefore conclude that the objection from the Highways Authority (echoed by local residents) should carry more weight and this does not tip the balance such that it alters my recommendation.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority (LPA) the proposed development, which would provide no on-site parking for the proposed 4 new residential units, would likely result in additional vehicular parking on the adjacent public highway (which is local distributor route) which would be to the detriment of highway safety and to the detriment of convenience and the free flow of traffic using the highway network. The proposed development would therefore be contrary to policy DM5 (Design) of the adopted Allocations and Development Management DPD and Spatial Policy 7 (Sustainable Transport) of the NSDC Core Strategy as well as the Parking Standards set out in the 6'C's Highway Design Guidance, a material consideration. In the opinion of the LPA, there are no matters that outweigh this stance.

Note 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(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

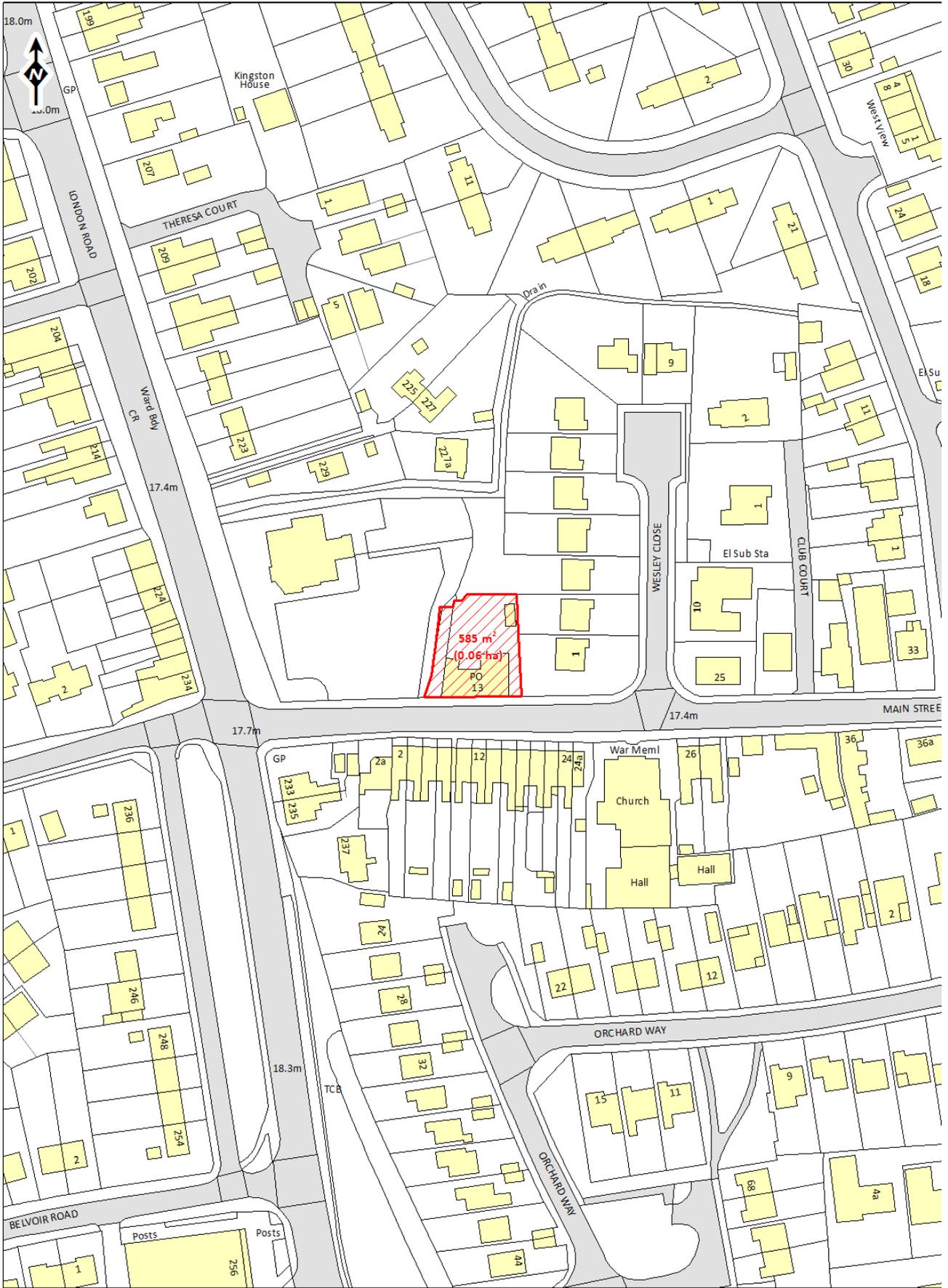
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01847/FUL



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Application No:	16/01611/FUL	
Proposal:	Proposed extensions to the side and rear and re-roofing of existing building to form changing rooms for existing youth club	
Location:	Clipstone Youth Club Church Road Clipstone	
Applicant:	Mr Richard Clarey	
Registered:	05.10.2016	Target Date: 30/11/2016
	Extension of time agreed	

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

The Site

The application site relates to a detached single storey building in use as a youth club. The site is located on the north side of Church Road, within the main urban area of Clipstone. The site backs onto a level playing field, a games court is located immediately to the west and a link detached building used as a children’s play centre is located immediately to the east.

Vehicle access to the site comes via Church Road, with a hard surfaced area located at the rear of the site.

Relevant Planning History

- 65781404 – Continue use of and retain the building of the Clipstone Social and Youth Welfare Centre - Planning permission granted 01.02.1979.
- 65801306 - Building for social and youth centre – Planning permission 30.12.1980
- 65841115 – Continued use of building for social and youth centre. Planning permission granted 05.02.1985

The Proposal

Full planning permission is sought for the erection of a single storey side and rear extension. The proposed side and rear extension would run along the north-eastern boundary and extend out to the rear boundary of the site to create home and away changing rooms, with associated toilets and showers, as well as a medical room and storage areas. A small catering room with a servery opening out onto the adjacent playing fields would also be included. The roof design would be dual-pitched, set slightly lower than the existing building with a maximum height of 3.7m.

The single storey rear extension would form a continuation of the existing pitched roof and create

a store for sports equipment. This extension would measure 5m in depth and span 4m in width.

A rendered external finish is proposed to match the external elevations of both and the facing brickwork of the existing building. A grey flat profile concrete roof tile is proposed as the external finish to the roof of the side and rear extension.

Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Spatial 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 9 – Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Clipstone Parish Council – The Parish Council wish to object to the proposal as building on the car parking area behind the existing Youth Club would at least diminish if not obliterate the Council's right of access and parking on that land.

NCC Highways – The proposals are not expected to impact significantly on the public highway, therefore, there are no highway objections to this application.

NSDC Conservation – ‘The proposal site is situated within the core of the colliery village. Clipstone village was originally built in 1926 on the former site of Clipstone Army Camp by the Bolsover Colliery Company (established in 1889 to extract coal from land owned by the Duke of Portland). The early 20th century phase of the village is identified on the County Historic Environment Record (HER) as a feature of Local Interest. In accordance with Annex 2 of the NPPF, Local Interest features are heritage assets, albeit of a non-designated type. The layout and arrangement of

buildings within the planned village contributes to the significance of the heritage asset (see extract from the 1937 OS County Series attached for example).

In broader terms, the NPPF makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance. Overall, the key issues to consider in proposals for additions to heritage assets, including new development within their setting, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The effect of an application on the significance of a non-designated heritage asset, furthermore, should be taken into account in determining the application (paragraph 135 of the NPPF). In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this case, the Youth Club building is modern and does not contribute to the significance of the colliery village. Its appearance could be said to have a neutral impact. The proposed development is not unduly prominent, and will maintain the neutral contribution made by the host building to the character of the planned colliery village. Conservation therefore has no objection to the proposed development.'

NSDC Building Control – No comments to make.

NSDC Environmental Health – No comments to make.

NSDC Access and Equalities Officer - 'As part of the developer's considerations of access to and use of building for all, with particular reference to access and facilities for disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations as well as BS 8300: 2009 'Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice' which contains additional useful guidance. Sport England Accessible Sports Facilities Guidance also provides useful information. Access to, into and around the proposal should carefully considered as well as the approach from the boundary of the site and any on-site car parking where carefully laid out provision for disabled motorists should be available. Easy access and manoeuvre for all should be considered throughout the proposals together with accessible changing and sanitary accommodation provision. Inclusive access to external areas should be carefully considered.

It is recommended that the developer make separate enquiry regarding Building Regulations matters and be mindful of Equality Act 2010 requirements.'

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

- Support the proposal. Much needed changing rooms for local children's football club.
- Concerns over the extension being built on the boundary with Sqoshis play centre on the grounds of a potential safety hazard to the children coming in and out of the play centre.
- Concerns over access to the play centre and the potential loss of earnings.

- Objects to the proposal on the grounds that the proposed side and rear extension would be built on land which provides a right of access to the neighbouring site.

Comments of the Business Manager

Principle

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

The site is located within the established urban area of Clipstone which is classified as a Service Centre with a strategy for regeneration as set out in the Settlement Hierarchy defined by Spatial Policy 1. Spatial Policy 2 states in relation to regeneration 'Within Service Centres and Principal Villages identified for regeneration, the District Council will seek to secure new employment opportunities, the regeneration of vacant land and the provision of new housing.'

In addition, the application building would be classified as a community facility and Spatial Policy 8 (Protecting and promoting Leisure and Community Facilities) states;

'The provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities, both within the District and beyond.'

Given the above policy guidance, it is considered that the principle of the proposed development at the site is acceptable.

Impact on Visual Amenity

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

As the majority of the proposed extension would be positioned at the rear of the site and proposed side extension would be set back from the front elevation of the host building, it is considered that the proposed development would not be unduly prominent from Church Road. It is also considered that when viewed from the sports ground to the rear that the proposed extension would be seen in the context of the existing host building, which would also form a backdrop to the extension and would therefore be visually acceptable, in keeping with the character and appearance of the site and wider locality.

Heritage

The NPPF states that when considering the impact of a proposed development on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Core Policy 14 and Policy DM9 of the DPD require development proposals to preserve and enhance the character, appearance and setting of heritage assets.

The comments from the Conservation section are noted and I concur with expressed opinion that the proposed development would not be unduly prominent, and will maintain the neutral contribution made by the host building to the character of the planned colliery village. As such, I consider the proposed development to accord with the aims of Core Policy 14 and Policy DM9 of the DPD.

Highway Safety

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

I note that the Highway Authority have not raised an objection to the proposal and consider that the development would not have any significant impact on the highway. I am satisfied that the proposal would not result in any material change in circumstance over the existing situation and as such I consider that the proposal would not result in any material impact on highway safety at the site and would accord with the aims of Spatial Policy 7.

Impact on Residential Amenity

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

I am mindful that the proposed extension would run along a long portion of the shared boundary with the neighbouring children's play centre, however as the extension would be single storey with a relatively low eaves height and pitched roof that would slope away from the neighbouring property, it is considered that the proposal would not result in any material overbearing or overshadowing impact on the neighbouring property.

I note that there would be no side facing windows on the flank elevation facing the neighbouring property and as such it is considered that the proposal would not result in any material overlooking issues.

Given the commercial nature of the closest neighbouring property and the separation distance to the closest residential properties, I am satisfied that the proposal would not result in any material impact on amenity of neighbouring development and as such would accord with the aims of Policy DM5.

Other matters

The concerns raised in relation to the proposed extension blocking a right of access between the application site and neighbouring children's site are noted, however as planning permission would not override any private legal covenant in relation to access between the two sites, it is considered that this cannot be considered as a material planning issue to which any significant weight can be attached to in determining the outcome of this planning application.

Similarly, it is considered that the issue of health and safety for children using the site would be covered by separate legislation outside of the planning remit, and therefore this issue also cannot be given any significant weight.

Conclusion

Given the above, I am satisfied that the proposal would comply with the relevant aims of the NPPF as well as Core Policy 14, Spatial Policy 7, Spatial Policy 8 of the Newark and Sherwood Core Strategy DPD and Policies DM5, DM9 and DM12 of the Allocations & Development Management DPD. Accordingly, I recommend that planning permission be granted.

RECOMMENDATION

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

Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference, 16-PD-25-1a, 16-PD-25-2a, 16-PD-25-3a 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 precise details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Roofing tiles

Reason: In the interests of the visual amenities of the area.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

02

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

BACKGROUND PAPERS

Application case file.

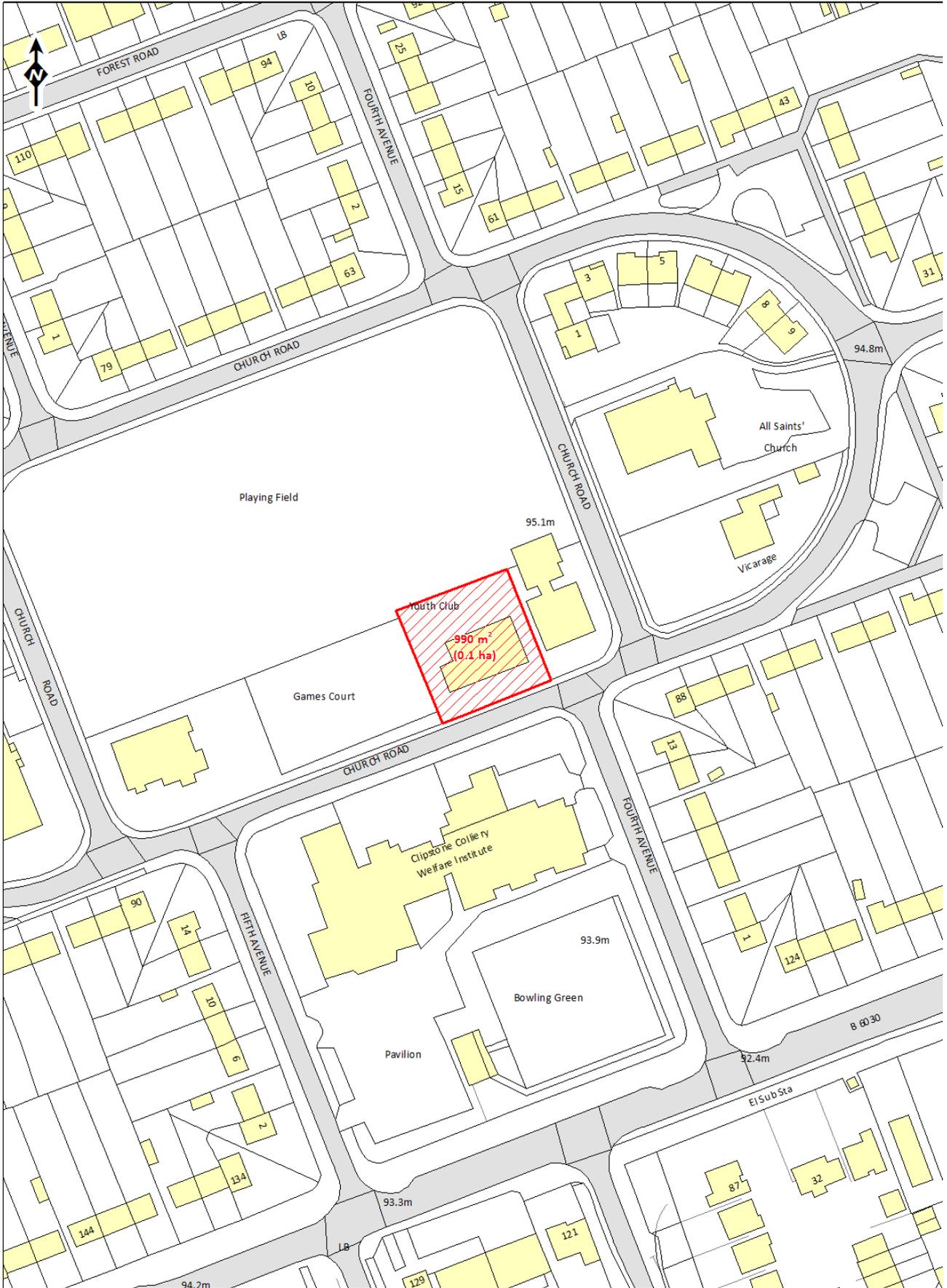
For further information, please contact Gareth Elliott on ext. 5836.

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

Kirsty Cole

Deputy Chief Executive

Committee Plan - 16/01611/FUL



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Application No:	16/01963/FUL	
Proposal:	Erection of a 20m High Galvanised Steel Radio Mast and 2m High Galvanised Steel Pallsade Fence Compound including Access Gate	
Location:	Lorry & Coach Park, Great Northern Road, Newark on Trent, Nottinghamshire	
Applicant:	Mr B Adams	
Registered:	23 November 2016	Target Date: 19 January 2017

This application is being referred to the Planning Committee for determination as the application has been submitted by Newark and Sherwood District Council.

The Site

The site comprises part of an area of scrub land that lies immediately adjacent to, and bounds the north of the lorry and coach park which is located off Great North Road in Newark.

The application site is square in shape and reflects no features on the ground. The site includes the canopy of an existing mature deciduous tree within the area of scrub. Access to the site is through the Council owned Lorry and Coach Park which comprises a large area of hardstanding.

The site is located within the Newark Urban Area as defined by the Development Plan.

Relevant Planning History

None relevant.

The Proposal

The application comprises the erection of a 20 metre high galvanised steel radio mast and a 2 metre high galvanised steel palisade fence compound including access gate. The base would have a footprint of 3.5 metres by 3.5 metres with the mast being an equilateral triangle, each side 18.5 metres with a height of 20 metres.

The applicant has confirmed the mast is required in order to transmit data via an outgoing wireless signal to the Dorkett Head mast (a large mast in Gedling borough which is the highest point in Nottinghamshire) and to also receive incoming data from a wireless point situated on the roof of the new Council building (Castle House) and to transmit data to Sherwood Lodge Police Headquarters in Nottinghamshire. The location of the mast has been selected to achieve a line of sight in both directions, which is narrow given that it needs to avoid the power station and existing infrastructure such as pylons. The applicant has confirmed other options have been considered but they did not provide a line of sight and therefore were unsuitable. The function of the mast would be an integral part of the CCTV system, without which, the system would not work. The

area covered comprises Newark, Southwell, Ollerton and Clipstone. The site has also been chosen due to it being land owned by the Council which is preferable and to be near the majority of the Council's CCTV cameras.

Departure/Public Advertisement Procedure

3 neighbours have been notified individually by letter and a site notice has been displayed close to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 Settlement Hierarchy
Spatial Policy 2 Spatial Distribution of Growth
Spatial Policy 6 Infrastructure For Growth
Core Policy 9 Sustainable Design
Core Policy 14 Historic Environment
NAP1 Newark Urban Area

Allocations and Development Management DPD (Adopted July 2013)

Policy DM1 Development with Settlements Central to Delivering the Spatial Strategy
Policy DM5 Design
Policy DM9 Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Consultations

Newark Town Council: No objection.

Conservation Officer: The proposal seeks to erect a 20m mast for CCTV transmissions covering Newark as well as other conurbations within the District. It is needed for community safety reasons. The mast is a lattice construction and will be situated at the northern end of a lorry park adjacent to the busy A46. By virtue of its scale, form and location, the mast is capable of affecting the historic environment.

The lorry park is situated on land adjacent to the Cattle Market on Great North Road and is prominent on approach into the historic town. Although not within the boundary, the site affects the setting of Newark Conservation Area (CA). There are a number of listed buildings nearby, including the Grade II listed Castle Station and various former industrial buildings. The Edwardian tree lined avenue along Great North Road, which was paid for by public subscription in the early 20th century, is an important feature of the town entrance, and views of the Castle (Grade I, Scheduled Monument) and St Mary Magdalene (Grade I) are positive. The relationship of the

Great North Road as a historic thoroughfare into Newark with surrounding heritage assets, including the 18th century Smeaton's Arches (Grade II) and various Civil War earthworks, is an important aspect of the town's setting and significance.

There is a presumption against development that would be harmful to a listed building, including its setting (s.66 of the Planning (LB&CA) Act 1990). Impact on the setting of designated heritage assets, including conservation areas, is a material consideration (para 132 and 137 of the NPPF). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Having reviewed the submitted details, Conservation has no objection to the proposed mast. Given the existing industrial site context of the lorry park, the proximity of elevated major road infrastructure and the distance away from key heritage receptors, the proposed mast is not considered to cause harm to the setting of any designated heritage assets in this case. The lattice frame of the mast, furthermore, helps minimise visual impact (not least in the context of extensive large lighting columns within the site) and it is recognised that the proposal has a clear and convincing justification.

Nevertheless, consideration might be given to removing the mast once it ceases to be used (this could be conditioned).

Historic England: Comments will be reported verbally to committee.

Environmental Health: No objection.

Windfarms Team: In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios

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

Civil Aviation Authority: No comments received.

Ministry of Defence: No safeguarding objection.

Lincolnshire & Nottinghamshire Air Ambulance Charity: No comments received.

National Police Air Service: No comments received.

Derbyshire, Leicestershire & Rutland Air Ambulance: No comments received.

Midlands Air Ambulance: No comments received.

Joint Radio Company: No objection.

NCC Highways: This proposal is not expected to impact significantly on the public highway, therefore, there are no highway objections.

Highways England: No objection.

Representations have been received from 1 local resident/interested party to the original scheme and can be summarised as follows:

The application proposes to erect a utilitarian structure on a prominent gateway site into Newark. Whilst the Lorry Park is not part of Policy NUA/E/4 which covers the former highways depot opposite the principles that the Policy set are a relevant material planning consideration. In particular the requirement for an "Appropriate design which addresses the site's gateway location and manages the transition into Newark Urban Area." The siting chosen will be visually intrusive and will provide a harsh edge to this important gateway into the town. This will be contrary to Policy DM5 criterion 4 relating to local distinctiveness and character. There has been no examination of alternative locations, the nearby Sugar Factory is utilised by a number of providers for signal transmission rather than utilising stand alone masts. The siting close to the boundary of the A46 bypass is also considered prejudicial to the flexibility required to safeguard the route corridor of the A46 available to provide the opportunity for dualling which is a specified future Highways England scheme.

Comments of the Business Manager

Principle

The proposal relates to the provision of a mast and associated infrastructure comprising a 20 metre high mast, 2 metre high fencing and compound. The mast is required to transmit data as part of the CCTV covering Newark, Southwell, Ollerton and Clipstone and is necessary in order to for the CCTV system to work. The application is essentially for a piece of utility infrastructure which will provide a service for a wide community.

Policies SP1 and SP2 of the Core Strategy identifies Newark as the main location for new development and Policy SP6 supports the principle of infrastructure development. In principle therefore the use is acceptable subject to site specific impacts being considered. As such, no objection is raised to the principle of the development, subject to addressing the issues below.

The application has been submitted as a consequence of the District Council vacating Kelham Hall and having to relocate its existing CCTV control room. The applicant has also set out that the mast will be an integral part of the CCTV system (which will be wireless) without which the system would not work. Clearly having a working CCTV system is in the interests of public safety. The applicant confirms other sites have been considered (such as the top of the new Council Office building) but these did not have the required line of sight needed for both Dorkett Head mast and the Sherwood Lodge Police Headquarters where incoming and outgoing signals will need to be submitted to and from and were therefore not suitable. In addition, having the mast on Council owned land is preferable in the interests of ensuring best value for the public purse and this has had a bearing on its location.

Impact on Visual Amenity and Character of the Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. In addition, section 66 requires the Local Planning Authority to pay special regard to the desirability of preserving the setting of listed buildings. Such matters are of paramount concern in the planning process. In this context, case-law has established that 'preservation' means to cause no harm.

CP9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy CP14 seeks to preserve and enhance the character, appearance and setting of heritage assets and the historic environment. Policy DM5 mirrors this and Policy DM9 seeks to protect the historic environment.

The proposed mast would be visible from outside the site on the approach into the town centre. However, in support of the proposed development other sites have been considered and discounted as they do not provide the required sight lines and justification has been provided for the need for the development in order to support the CCTV system. The design of the mast, a lattice structure, would reduce the visual impact through providing a more open and slimline structure which will not in my view adversely affect the visual amenity of the area when considered in its context. It is acknowledged that the proposal would be located at an entrance to the town centre. However, the development must be considered in terms of the context of the site which is in use as a lorry and coach park and which already accommodates a number of tall lighting columns.

In terms of the impact of the proposal on heritage assets, although not within the boundary, the site affects the setting of Newark Conservation Area. There are a number of listed buildings nearby, including the Grade II listed Castle Station and various former industrial buildings. The Edwardian tree lined avenue along Great North Road is an important feature of the town entrance and views of the Castle (Grade I, Scheduled Monument) and St Mary Magdalene (Grade I) are positive. The relationship of the Great North Road as a historic thoroughfare into Newark with surrounding heritage assets, including the 18th century Smeaton's Arches (Grade II) and various Civil War earthworks, is an important aspect of the town's setting and significance.

The Conservation Officer concluded that given the existing industrial site context of the lorry park, the proximity of elevated major road infrastructure and the distance away from key heritage receptors, the proposed mast is not considered to cause harm to the setting of any designated heritage assets in this case.

It is therefore considered the proposal would preserve the character and appearance of the Conservation Area and would not have a negative impact on the setting of other heritage assets including listed buildings etc and complies with local and national policies.

Impact on Trees

The proposal would involve the loss of one mature deciduous tree which is not protected either by a TPO or through Conservation status protection. Whilst no tree survey has been submitted in support of the application it is considered that this is a matter that can be adequately assessed by officers. The tree is located on an area of scrub land that bounds the lorry park to the north. Its

presence in the public realm is negligible given that immediately north of this is the embankment to the A46 bypass which is at higher land level and its importance therefore in terms of amenity value is low. Consequently I have no objection to its loss. In coming to this view I am also mindful that the tree could be removed at any time without needing any formal consent.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

The proposed mast would be set a significant distance from nearby properties and would not have an undue adverse impact on the amenities of occupiers of buildings or users of land in the locality.

Taking into account the above considerations it is concluded the proposal would not conflict with the amenity criteria under Policy DM5.

Highway/Public Safety

No objections have been received from consultees considering highway or aviation safety and as such no objection is raised on these grounds.

Conclusion

It is considered the proposal has been justified and this is the most suitable site given the technical requirements of the development. The proposal would be visually acceptable and have a satisfactory impact on the amenity of users of buildings and land in the locality. No objection is raised on the grounds of aviation or highway safety and as such the proposal is recommended for approval. For the reasons stated above, the proposal is, considered to comply with relevant local and national planning policy and is considered acceptable, subject to conditions.

RECOMMENDATION:

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

Conditions

01

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

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

02

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

- Location Plan
- Drawing BG_Section2 210316
- Drawing TRS 2-5 080416

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

Within 6 months of the mast becoming unoperational, unless otherwise agreed in writing by the Local Planning Authority, the mast and associated infrastructure shall be removed from the site and the site restoration shall take place in accordance with a scheme to have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

Note to Applicant

01

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

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

BACKGROUND PAPERS

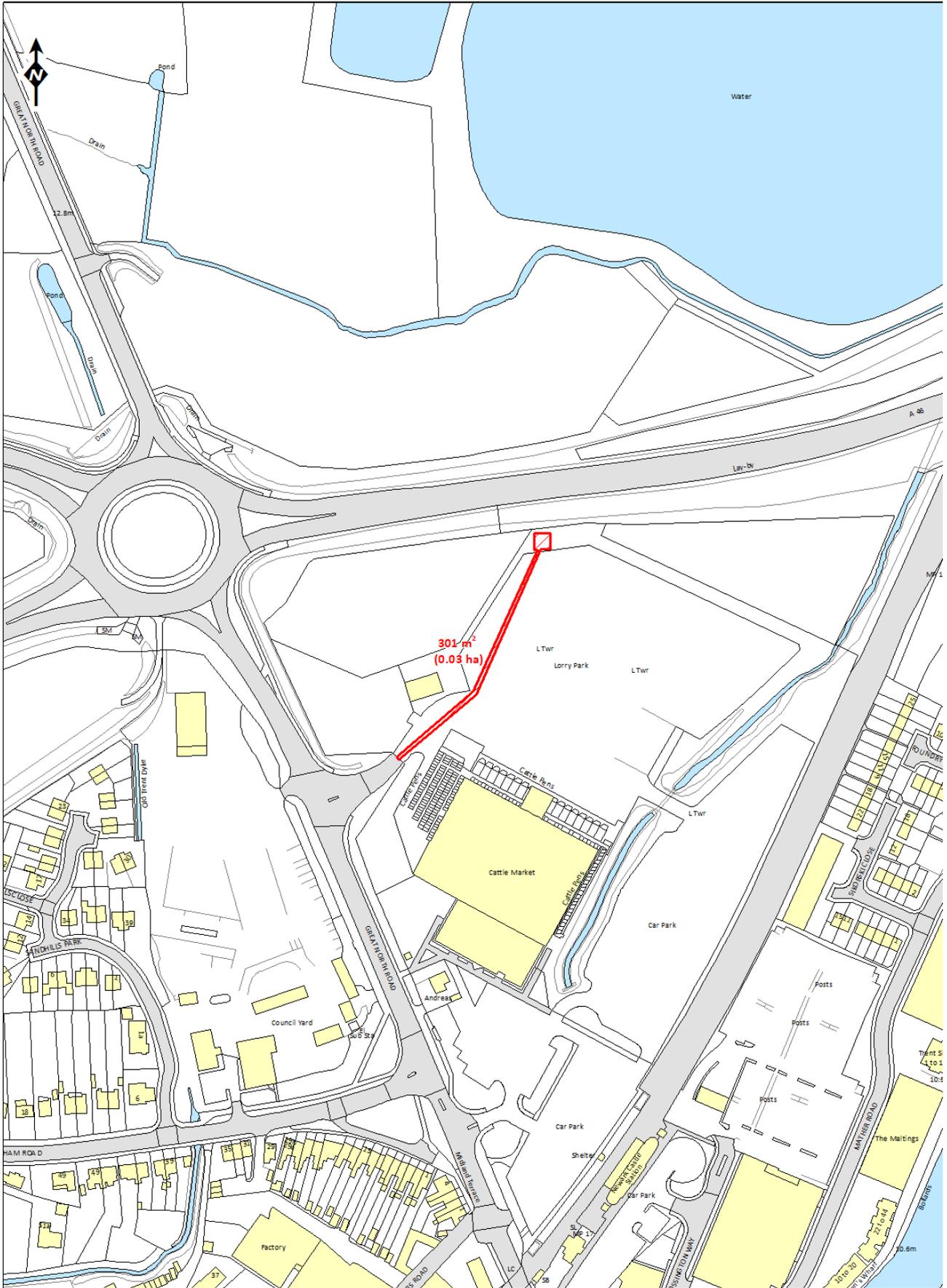
Application case file.

For further information, please contact Clare Walker on 01636 655834.

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 - 16/01963/FUL



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Application No:	16/01749/FUL	
Proposal:	Erection of 2 no. two storey, 3 bed dwellings with parking and bin store area	
Location:	77 Philip Road, Newark, Nottinghamshire, NG24 4PE	
Applicant:	Mr David Thompson	
Registered:	15.11.2016	Target Date: 10.01.2017
	Extension of Time Requested Until 11.01.2017	

This application is presented to the Planning Committee for consideration given that the Council retains the freehold interest on this site.

The Site

The site is located on the corner of Philip Road with Forster Avenue in Newark and comprises an area of approximately 0.02 hectares.

The site is grassed, level and the majority of it is bounded to the roadsides with low wire mesh fencing and concrete posts albeit there are 3 panels of c1.8m high close boarded timber fencing abutting Forster Road.

The host two storey building lies to the east and comprises a pair of flats. Number 77 is a first floor flat with its access taken by a doorway on the west (side) elevation, whilst number 79 is the ground floor flat with its access to the frontage with Philip Road. On the west (side) elevation there are no window openings. The applicant has the leasehold to the first floor flat at no. 77.

To the north-east of the site is a modest, slim and single storey flat roof brick outbuilding (set at an angle) which serves both flats.

To the north of the site is the side elevation of flats on Forster Road which has no windows facing onto the site.

The surrounding area comprises pairs of semi-detached dwellings or buildings containing flats arranged in a similar way or rows of terraces, all of which are ex-local authority in origin and on this side of the road are constructed of red brick with concrete roof tiles, albeit houses opposite are rendered pebbledash.

Relevant Planning History

PREAPP/00196/16 - Erection of 2 semi-detached 3 bedroom dwellings. Advice was provided in October 2016.

The Proposal

Originally the scheme sought to erect one detached dwelling. However amendments have been made and the scheme now seeks to erect of pair of semi-detached dwellings. This would involve the demolition of the existing outbuildings and their re-siting to the northern boundary.

The proposed pair of semi-detached dwellings would measure 9.6m wide (each dwelling would have a frontage of 4.8m facing Philip Road) and would project back by 7.4m in depth. The height of the building would be 5.4m to the eaves and 7.7m to the ridge. Each dwelling would contain 3 bedrooms and a bathroom at first floor with living accommodation at ground floor.

Two parking spaces would be provided to the site frontage (with Philip Road) and two further spaces would be provided to the rear of one of the dwellings accessed off Forster Road.

The replacement outbuildings are shown to be single storey, flat roof construction similar in appearance to those that would be lost as part of the proposal.

Departure/Public Advertisement Procedure

Ten neighbours have been individually notified by letter with a consultation expiry date of 7th December 2016.

Relevant Planning Policies

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
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
NAP1 – Newark Urban Area

Allocations and Development Management DPD Adopted July 2013

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
- Planning Practice Guidance 2014

Consultations

Newark Town Council – No objection was raised at their meeting on 30th November 2016.

NCC Highways – Comment as follows on the revised plan;

“The block plan now proposes two dwellings on the application site. As stated in my previous comments, the parking bays provided are required to have dimensions 2.4m x 4.8m. The bays shown to the north of the site are less than this and may result in residents preferring to park on street instead. There is also one parking bay provided for plot 2. It is assumed that the second parking bay adjacent plot 2 relates to no. 77 as this is shown outside the red line area.

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

No part of the development hereby permitted shall be brought into use until the parking bays are provided, measuring 2.4m x 4.8m, and surfaced in a bound material in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking bays shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

No part of the development hereby permitted shall be brought into use until a new dropped vehicular footway crossing is provided and the existing dropped crossing on Philip Road is extended and both are available for use and constructed in accordance with the Highway Authority’s specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

Note to applicant

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

Neighbours/Interested Parties – None received.

Comments of the Business Manager, Growth and Regeneration

Principal of Development

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the focus for housing and employment growth in the District. As such residential development within the site is acceptable in principal provided the proposal accords with the remainder of the development plan. The principle of residential development is therefore considered to be acceptable with site specific considerations being set out below.

Impact on Character and Design

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The site comprises a grassed piece of land that currently has no functional use. Whilst it is bound with the roadside with fencing, the nature of this being mainly low wire mesh fencing gives it an open appearance. However the site appears physically removed from the host building to the east, with the rear of the small outbuilding (to be removed) turning its back on the site.

The site occupies a corner plot and is therefore relatively prominent in the street-scene. However this is a corner plot that differs somewhat from others in the area. For instance the flats that occupy the corner plot to the west have a smaller open area to their side and this is bound to the roadside by c1.8m high close boarded fencing. The area between the building and roadside here contains outbuildings and vehicular parking. To the south at either side of the road junction are two sets of semi-detached dwellings but these are arranged at an angle.

Whilst the application site is open, I do not consider that this contributes in any significant way to the street-scene or contributes to the character of the area and in my view is suitable for development.

The siting of the proposed building would project closer to Forster Road (between 1.6m and 3.8m away from the back edge of the footway) but I do not consider that this would be harmful to the street-scene taking into account its context.

The proposed building is very similar in height to the adjacent buildings (the proposed height is 7.7m to ridge whereas the adjacent host building is 7.5m) which will be imperceptible in visual terms. Visually this would read as an extension of the existing form of development along the northern-side of Philip Road which comprises, what in plan form appear to be, pairs of semi-detached dwellings but what are in actual fact flats. The proposed design is fairly standard but replicates the same style and sized window openings as the adjacent flats and in my view this will assist its assimilation into its surroundings. I consider that the design is acceptable and conclude that the development of this plot in this way would not harm the character or appearance of the area thus according with the policies identified above.

Impact on Highways Network

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

It should be noted that there is currently no off-street parking provision for the existing flats (number 77 or 79) immediately adjacent to the site. Four parking spaces are proposed; two located to the frontage with Philip Road which would be contained within the curtilage of the eastern-most semi and two spaces to the north, accessed from Forster Road to serve the western-most dwelling.

Firstly it is noted that this scheme would retain the status quo for the two flats already occupying the host building. There is no off-street parking provision currently and this would remain the case in the event of an approval.

It is noted that the off-street car parking spaces to be provided are shown to be smaller than the required 2.4m x 4.8m size. However two spaces per dwelling are proposed. The Highways Authority comments that they have no objections to the level of parking proposed. Given that 4 spaces are provided in two separate areas, I consider that this would be unlikely to cause highway

safety issues and would minimise the impact in terms of car domination in the street-scene. Conditions 3 and 4 of the recommendation below are based on highway authority requested conditions to ensure that the spaces shown are provided at an appropriate size in an appropriate bound material and that drop kerbs are also provided in the interests of highway safety. Subject to these I am satisfied that the proposal will accord with SP7 and DM5.

Impact on Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

The proposed building would be sited c3.6m from the western elevation of the adjacent building and thus the door serving the first floor flat. I consider that this is acceptable given that there is sufficient space to allow access to both the existing flat, the associated garden to the north serving the flats and to allow access to the rear of the easternmost new dwelling. The proposed building would be located in line with the existing building where there are no existing windows that would be impacted upon. As such I consider that there would be no adverse impact upon the occupiers of either flat contained within the building to the east.

Likewise there is no window in the side elevation of the building to the north and as such I do not consider the scheme would bring about any adverse impacts from loss of privacy. Details of the replacement outbuilding have now been proposed, which comprises a modest single storey outbuilding along the northern boundary of similar dimensions to the existing. Ordinarily this would be 'permitted development' but given this lies within the confines of flats which do not enjoy such rights it would need permission.

Subject to this, I am satisfied that the proposal meets with the provisions of the development plan with regards to residential amenity.

Other Matters

5 Year Housing Land Supply

This proposal being acceptable in any event, would also contribute to the Council's 5 year housing land supply in a modest but positive way.

Conclusion

Located in the Newark Urban Area, the principle of development is acceptable. It has been concluded that the site could accommodate a pair of semi-detached dwellings without adversely affecting the character of the area or residential amenity. Whilst comments are awaited from the Highways Authority, it appears that this scheme would have no undue impact upon the highway network albeit any comments from the HA will be reported to Members as a late item. The proposal is therefore considered acceptable and approval is recommended subject to the following conditions.

RECOMMENDATION

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

Conditions

01

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

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

02

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

Reason: In the interests of visual amenity.

03

No part of the development hereby permitted shall be brought into use until four parking bays are provided as indicated on drawing number L271/4, measuring 2.4m x 4.8m, and surfaced in a bound material in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking bays shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

04

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use (at the points where the parking spaces are located) and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

05

No part of the development shall be commenced 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. This scheme shall also include a plan to identify the precise extent of private garden curtilage for each of the dwellings proposed. The approved boundary treatment for each plot on site shall be implemented prior to the first

occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity and for the avoidance of doubt.

06

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, references L271/4 received 22/11/16 (shows block plan, Site Location Plan, Ground Floor Plan and replacement outbuildings) and L271/2/3B received 15/11/16 (shows elevations, First Floor Plan and Block Plan) and L271/3B received 13/12/16 (revised red line boundary) 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.

Note to Applicant

01

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

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

02

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

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 VIA in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on 01636 655834.

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

APPEALS A

APPEALS LODGED (received between 14 November 2016 – 19 December 2016)

1.0 Members are advised that the appeals listed below have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council’s evidence please forward these to Planning Services without delay.

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/D/16/3163383	16/01421/FUL	16 Fairway Newark On Trent Nottinghamshire NG24 4RG	Householder application to replace 2m hedge with lattice top fence 1.8m (at highest point) and replacement gate	Written Representation

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb

Business Manager Growth and Regeneration

APPENDIX B: APPEALS DETERMINED (between 14 November 2016 – 19 December 2016)

App No.	Address	Proposal	Decision	Decision date
15/02155/FUL	Land To The South Of Sherwood Forest Lodge Main Road Kings Clipstone Old Clipstone NG21 9BT	Change the use of two existing stable buildings to self catering tourist accommodation with minor external alterations and associated parking.	ALLOW	01.12.2016
16/00548/FUL	3 Pings Close Besthorpe Newark On Trent Nottinghamshire NG23 7HT	Householder application for demolition of existing garage, new side extension with new garage and room over, including new hard standing parking to front	ALLOW	07.12.2016
16/00625/FUL	53 Westbrook Drive Rainworth NG21 0FB	Householder application for proposed two storey and single storey rear extension incorporating existing garage.	ALLOW	01.12.2016
16/01017/FUL	34 Nottingham Road Lowdham Nottinghamshire NG14 7AP	Householder Application for Loft conversion, creation of new dormer and internal alterations.	ALLOW	01.12.2016
16/00114/FUL	Land At Clay Barn Main Street Maplebeck Nottinghamshire NG22 0BS	Proposed two-bedroom single-storey dwelling (in replacement of existing independent residential use of building subject of LDC reference 15/00795/LDC)	DISMISS	21.11.2016

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager Growth and Regeneration



Appeal Decision

Site visit made on 18 October 2016

by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 December 2016

Appeal Ref: APP/B3030/W/16/3155759

Land to the South of Sherwood Forest Lodge, Main Road, Kings Clipstone, Old Clipstone, NG21 9BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Keith Laver against the decision of Newark & Sherwood District Council.
 - The application Ref 15/02155/FUL, dated 3 December 2015, was refused by notice dated 16 February 2016.
 - The development proposed is the change of use of two existing buildings to self-catering tourist accommodation with minor external alterations and associated parking.
-

Decision

1. The appeal is allowed and planning permission for the change of use of two existing buildings to self-catering tourist accommodation with minor external alterations and associated parking is granted on Land to the South of Sherwood Forest Lodge, Main Road, Kings Clipstone, Old Clipstone, NG21 9BT in accordance with the terms of the application Ref 15/02155/FUL dated 3 December 2015, subject to the conditions set out in the Annex.

Main Issue

2. In defining the reason for refusal, the Council identified specific concerns in respect of the failure to identify a local need for the proposed tourist development, as well as with regards to the suitability of the existing buildings for residential conversion.
 3. The appellant has subsequently made additional submissions as part of the appeal documentation, having made contact with *Experience Nottinghamshire* and the Council's own Economic Development Team in respect of local need. Furthermore, the appellant has submitted additional evidence in respect of the cited Tourism Policy of the Core Strategy being overly restrictive in the context of the National Planning Policy Framework (the Framework), and with an acknowledgement of emerging tourism policy.
 4. Further to the submission of this additional evidence and a recognition of the existing policy context, the Council is now satisfied on balance that the appellant has demonstrated there to be additional demand for tourist accommodation within the vicinity of the appeal site. However, the Council remains unconvinced that the buildings are suitable and of appropriate construction to support their conversion to residential accommodation.
-

5. As a consequence, the main issue is therefore whether the existing buildings would be appropriate and suitable for conversion in respect of the proposed use as residential tourist accommodation.

Reasons

6. The appeal site is occupied by two existing stable buildings which are accessed via a track from Mansfield Road along the side of Sherwood Forest Lodge and the adjacent caravan site, and around the rear boundaries of the properties fronting on to Mansfield Road to a turning and parking area in close proximity to the two buildings. Each building possesses a small concrete hardstanding in front of the structure and is surrounded by land in agricultural and equestrian uses, with the eastern building also adjacent to a further field shelter. Both buildings possess some limited screening to the rear.
7. The Council has drawn my attention to Policy DM8 of the Newark & Sherwood District Council Allocations and Development Management Development Plan Document 2013 (the Site Allocations DPD). The policy indicates that *planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension*. I note that the policy also indicates that tourist accommodation will be supported where it is necessary to meet identified tourism needs, and it constitutes rural diversification including the conversion of existing buildings. The Council has also cited Core Policy 7 of the Newark & Sherwood Core Strategy Development Plan Document 2011 (the Core Strategy) as echoing the requirement of Policy DM8 in offering support for the conversion of buildings provided they are soundly built and capable of being adapted without complete or substantial rebuilding. The Council has concluded that the proposed development would conflict with both of these Development Plan policies.
8. The appellant has provided details of the extent of works which would be required to facilitate the conversion of the buildings to allow tourist occupation. I note from the submitted plans that it is indicated that the conversion of the buildings would not require the extension of the existing floorspace or the head height of the buildings, but would entail some amendment to the internal layout. It is also indicated that the external alterations have been kept to a minimum in order to retain the integrity of the character and appearance of the building in the rural setting. These would include the replacement of a felt roof on Block B with a pantile roof to replicate the appearance of Block A, and some minor alterations to the size of the windows in Block B to allow a means of escape. On the basis of my observation of the buildings, I would not disagree with the summary of necessary works provided by the appellant, and I do not consider that the extent of such works would either be unexpected or unreasonable in the context of converting such a building. Furthermore, I do not consider that as a consequence of the extent of the proposed works and the comparatively screened position of the buildings within the wider rural landscape, that there would be an adverse effect on the broad rural character of the area.
9. Despite the apparent capability of the buildings to be converted to provide the proposed accommodation, I have had careful regard to the Council's contention that a building must be required to have either architectural or historic merit to

be eligible. In this respect I have noted that the adoption of the Site Allocations DPD, where the requirement has been most recently set out, post-dates the publication of the Framework, and I have also been mindful of the broad support offered to sustainable rural tourism at paragraph 28 of the Framework. Nevertheless, whilst it is evident that the appellant considers the Council's interpretation places too onerous a restriction on the scope of the conversion of rural buildings, the conformity of the policy and indeed the Site Allocations DPD as a whole to the Framework would have been considered at the time of the document's examination. In this respect, I do not consider that there is any justification to set aside the adopted Development Plan policy by reason of non-conformity.

10. I have therefore carefully considered the wording and reasoned justification of Policy DM8 of the Site Allocations DPD. In this respect, I do not agree with the appellant's implication that the conversion of buildings to tourist accommodation must be judged separately to the conversion of buildings for normal residential occupation. However, I note that the restriction of the conversion of existing buildings is based upon a judgement of '*locational sustainability*', where the conversion of buildings in unsustainable locations would only be supported if the architectural or historic merits of the building would outweigh their locational disadvantages. In this instance, I do not consider the appeal site to be within an unsustainable location, as whilst I accept shopping facilities are located within the next settlement, there is good access to regular bus services as well as some limited facilities locally in the form of a public house. In light of the nature of the occupation of the appeal site, I do not therefore consider that the application of criteria restricting conversions to buildings of architectural or historic merit only, would be applicable in this instance.
11. I have concluded that the buildings which would be converted are capable of conversion, and that the extent of works required to facilitate their occupation as tourist accommodation would not be unreasonable. I am also satisfied that the conversion of the buildings would not result in adverse effect on the rural character of the wider area. Furthermore, the appeal site is not within an unsustainable location, and I am therefore satisfied that in light of the identified tourism need within the area, that there would not be conflict with Policy DM8 of the Site Allocations DPD, Core Policy 7 of the Core Strategy, or paragraph 28 of the Framework.

Other Matters

12. The appeal site is located close to a Grade II listed Scheduled Ancient Monument (SAM) known as King John's Palace, which is also designated as a heritage asset of National Archaeological Importance. I am mindful that I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the listed building. Paragraph 132 of the Framework 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.
13. The existing stable buildings are, at their closest point, approximately 80 metres to the west of the heritage asset. Whilst it is evident from the submissions that the lodge was formerly a substantial property surrounded by

a moat with a complex of buried walls and robber trenches lying beyond the existing structure, I consider that the current setting of King John's Palace is derived from its prominent location surrounded by open agricultural land. In this respect, I accept that the existing stable buildings are located within the setting of the heritage asset, but I do not consider that their conversion and occupation as tourist accommodation would be likely to be anymore injurious than the impact of the existing equestrian related use. Furthermore, I note that I am satisfied that the scale of the buildings, the distance from the heritage asset, and the existing planting and screening available on the intervening field boundaries would assist in reducing the inter-visibility with the appeal site. As a consequence, I am satisfied that the significance of the heritage asset would not therefore be diminished by the proposal as it would not additionally detract from the setting, and would not therefore conflict with the policies of the Framework which seek to conserve and enhance the historic environment.

14. In addition to the above and the main issues, interested parties have also raised concerns over a number of other matters, including the impact on living conditions, the effect on ecology, traffic congestion and highway concerns, and the setting of a precedent for similar proposals.
15. I observed the relationship between the location of the proposed development and the rear of the existing dwellings to the north. Whilst I accept that the change from equestrian use to tourist accommodation would have the potential to be evident across existing land and fields, I consider that the distances involved would mitigate against the potential for any unacceptable impact on the living conditions of nearby occupiers.
16. In respect of ecological impacts, I have had regard to the conclusion of the Nottinghamshire Wildlife Trust that the conversion of the stable buildings would be unlikely to result in any additional impact on nightjar and woodlark, subject to a condition controlling works during the bird breeding season. Furthermore, as long as a precautionary approach is taken, it is concluded that there should be no impact on bats. I have not been provided with any detailed contrary evidence on these matters, and I am therefore satisfied that the ecological impacts of the appeal site have been addressed.
17. The proposed development would utilise the same access arrangements as the existing equestrian uses on the appeal site. Whilst I observed the highway passing the access point to be relatively busy, I consider the visibility to be acceptable for the character of the highway, and the level of traffic that would be likely to be generated by the development would not result in any noticeable adverse impacts on the existing highway use or capacity. I note that the highway authority has not raised any objections to the proposals in respect of highway impacts, and I have no reason to dispute that conclusion.
18. Turning to the issue of precedent, whilst I accept that there may prove to be similar buildings elsewhere in the wider area, I am satisfied that a scheme genuinely comparable to this one would be likely to be acceptable whilst I envisage that the Council would successfully be able to resist any development which could be shown to be likely to cause demonstrable harm.
19. I have noted that representations have been made to the effect that Geraldine and David Ormans' (the occupiers of No. 2 King John's Court) rights under Articles 1 & 8 of the European Convention on Human Rights would be violated if the appeal were allowed in conjunction with a further development at No. 1

King John's Court, which is for a change of use of a bed and breakfast establishment to a home for people with complex needs, learning disabilities and challenging behaviour. However, whilst I have been provided with the local authority reference number for the planning application concerning the other development, I have no further details of the proposals before me and cannot therefore consider whether cumulatively there would be a violation of human rights in this respect.

20. However, considering the appeal proposals before me alone, I do not consider the concerns to be well-founded because for the reasons I have already set out above, there would not be the alleged impact on the peaceful enjoyment of all possessions including the home and other land set out under Article 1, or on private and family life, including the countryside, as expressed under Article 8. I am satisfied that an acceptable relationship between the proposed development and No. 2 King John's Court would be attainable and as a result, there would be no violation of Geraldine and David Ormans' human rights.

Conditions

21. Conditions relating to timeliness and the identification of plans are necessary in the interest of proper planning and the avoidance of doubt. A condition ensuring the materials to be used accord with the details submitted would be required in the interests of the character and appearance of the area. The removal of permitted development rights for the occupation of the premises for any other use within Class C3, and the imposition of a limitation on the number of days which the premises may be occupied, would be in the interests of exercising appropriate control over the nature of use of the premises. The imposition of controls over the timing of works during the bird breeding season, and the requirement for agreement over the details and design of a scheme of lighting would be in the interests of the biodiversity of the site.
22. I have had regard to the appellant's contention that given the scope of the proposed works, a condition requiring a geo-physical investigation would be unnecessary. On the basis that the proposals do not result in any increase of building footprint and are indicated to utilise existing access routes and areas for parking, I would agree that such a condition would be unreasonable in the context of the proposals.

Conclusion

23. For the reasons above, and having regard to all other matters raised, the appeal should be allowed subject to the conditions listed.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 15/26/P/5a (Block Plan), 15/27/P/2a (Proposed Block A), and 15/27/P/4a (Proposed Block B).
- 3) The development hereby permitted shall be constructed in accordance with the details of the materials submitted in connection with the development hereby approved.
- 4) The premises shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 5) The properties hereby permitted for use as holiday accommodation shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year.
- 6) No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. All birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended)
- 7) Before development is commenced details of the design, layout and specification of any lighting on the site shall be submitted to and approved in writing by the local planning authority. Once approved in writing any external lighting on the site shall only be kept in accordance with the approved details.

Appeal Decision

Site visit made on 22 November 2016

by **I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2016

Appeal Ref: APP/B3030/D/16/3157540

3 Pings Close, Besthorpe, Newark, NG23 7HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Hillier against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00548/FUL, dated 1 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is the demolition of the existing garage, new side extension with new garage and room over, including new hard standing parking to the front.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garage, new side extension with new garage and room over, including new hard standing parking to the front at 3 Pings Close, Besthorpe, Newark, NG23 7HT in accordance with the terms of the application, Ref 16/00548/FUL, dated 1 April 2016, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are;
 - the effects of the proposed development on the character and appearance of the Besthorpe Conservation Area; and,
 - the effect of the proposed development on the living conditions of neighbours, with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is located within the Besthorpe Conservation Area. In the exercising of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies DM6 and DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document (NSADMDPD) and Core Policy 9 of the Council's Core Strategy, which between them require that new development respects and complements the character of the surrounding area, including the significance and setting of any heritage assets, are consistent with this test.
 4. In terms of assessing the significance of the Conservation Area, I have relied upon the comments received and my own observations during the site visit.
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The Conservation Area covers those parts of the village that contain simply designed older buildings. Typically, these buildings are modest gable ended buildings with a narrow rectangular plan form, one to two storeys in height, brick built and with pantile roofs. The significance of the Conservation Area therefore is historical.

5. The appeal property is the end dwelling in a row of three terraced houses built following the grant of planning permission in 1998. The house has a detached garage that would be demolished in order to make way for the proposed two storey side extension. The garage was built to serve the house and is of no particular architectural merit. Consequently, its demolition would not adversely affect the character and appearance of the Conservation Area.
6. The proposed extension would be set down in height from the roof of the house by approximately 0.39m and set back from the front elevation by approximately 0.86m. As a result, although relatively wide, it would appear subservient to the house and the terrace as a whole. Consequently, it would not unbalance the appearance of either, and so would comply with the guidance contained within the Council's supplementary planning document, 'Householder Development' (SPD), to which I have had due regard.
7. There are historic unlisted buildings which make a positive contribution to the Conservation Area and which the appeal property lies within the setting of. These non-designated heritage assets include 'The Old Post Office' and 'The Barn'. Both display the features that characterise older buildings with the Conservation Area described above. The arrangement of these buildings, set different distances back from the highway, and the 'L' shape of 'The Barn', illustrates how the pattern of development in the village has evolved informally over the years, and how the original purposes for which the buildings were constructed have given way to residential use. The significance of these buildings is therefore historical.
8. The proposed extension would be positioned slightly less than 1m away from the rear elevation of 'The Barn'. However, given the position of the proposed development to the rear of this building and 'The Old Post Office', and its sympathetic form which reflects the existing house, it would not detract from the setting of either building, or other historic unlisted buildings further away, within whose setting the proposed extension would lie.
9. Taking all these matters into account, I therefore conclude that the proposed development would not harm the Besthorpe Conservation Area as a whole. As a result, the statutory objective of preservation would be achieved. Similarly, the proposal would not harm the setting of non-designated heritage assets that the property lies within the setting of. The proposal would therefore comply with policies DM6 and DM5 of the NSADMDDP, Core Policy 9 of the Core Strategy and the SPD.

Living conditions

10. The proposal would move the two storey flank wall of No 3 to within 1m of the rear elevation of 'The Barn'. However, the only window in the rear elevation of 'The Barn' is obscurely glazed and serves a bathroom, which is not a main habitable room. Even if this were not the case, as the extension would be setback further from this window than the existing garage it would not dominate the outlook from this window, or reduce levels of light in this room. There would be no views of the proposed extension from other rooms within

'The Barn'. As a consequence, living conditions inside this dwelling would not be adversely affected by the proposal.

11. Outside, the proposed extension would form part of the backdrop to 'The Barn', but would not be so tall as to be overbearing in views from its driveway, or in views from its only garden area to the front and side of the dwelling. As the extension would be located on the northern side of 'The Barn' levels of sunlight and daylight would not be reduced by the proposal. At first floor level the extension would have a bedroom window in the front elevation. Views of 'The Barn's' side garden from this window would be peripheral and limited to its north easternmost corner. Consequently, material overlooking of 'The Barn' would not occur.
12. In relation to the houses whose rear elevations face the front of the terrace, the side extension would have a similar separation distance as other houses in the terrace. As a consequence, its first floor window would not harm privacy and the physical presence of the extension would not harm the outlook in views from these houses, or materially reduce levels of natural light. Similarly, in relation to the rear first floor window, the same distances would separate the extension from the rear elevations of houses along Low Road as currently separate these houses from the existing terrace. As a result, privacy, the outlook in views from these houses and levels of natural light would also not be harmed.
13. For all of these reasons, I therefore conclude that the proposed development would not adversely affect the living conditions of neighbours. It would therefore comply with policies DM6 and DM5 of the NSADMDDP which, amongst other matters, seek to prevent such harm.

Other matters

14. The officer report in relation to the planning application for terraced housing on Pings Close described the development as consisting of 'starter homes'. I have taken this to mean a small house suitable for a first time buyer. As the proposal would result in a modest two bedroom house becoming a larger three bedroom dwelling it would no longer be such a home. However, I agree with the Council that in the absence of a legal agreement or planning policies at local or national level preventing the house from being enlarged, this is a material consideration against the proposal to which I attach little weight.
15. Concerns have been expressed about the effect of the proposed development on the structural stability of neighbouring buildings. Extensions though are often built in close proximity to other buildings. In such situations controls, such as The Party Wall Act and Building Regulations, prevent structural harm from occurring.

Conditions

16. For the avoidance of doubt and in the interests of proper planning, otherwise than as set out in the conditions, the development needs to be carried out in accordance with the approved plans. In order to ensure that the development complements the Conservation Area and nearby historic buildings further details on materials and detailing, including a brickwork sample panel, are required. To protect the privacy of the occupant of 'The Barn' permitted development rights allowing the insertion of windows into the flank elevation of the extension need to be removed.

17. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JMH0216 A101 Rev C, Plans & Elevations as Proposed.
- 3) No development shall be commenced until details of the bricks and roofing tiles 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.
- 4) No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 5) No development shall be commenced in respect of external windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars, treatment of window and door head and cills, lintels, verges and eaves 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.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the southern elevation of the development hereby permitted.

Appeal Decision

Site visit made on 22 November 2016

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2016

Appeal Ref: APP/B3030/D/16/3158618 53 Westbrook Drive, Rainworth, NG21 0FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Clark against the decision of Newark & Sherwood District Council.
 - The application Ref: 16/00625/FUL, dated 19 April 2016, was refused by notice dated 10 August 2016.
 - The development proposed is a two storey and single storey rear extension incorporating the existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey and single storey rear extension incorporating the existing garage at 53 Westbrook Drive, Rainworth, NG21 0FB in accordance with the terms of the application, Ref: 16/00625/FUL, dated 19 April 2016, subject to conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on the living conditions of the occupiers of the neighbouring residential properties.

Reasons

Character and appearance

3. The appeal building is a two storey, gable fronted, detached house with a free standing single garage located to the side and rear of the property. It is located on a large housing estate dating from the later part of the Twentieth Century. The estate is a mix of two storey houses and bungalows of a similar age, and the use of a limited palette of materials gives the area a very homogeneous appearance. Nonetheless, there is also considerable variety within the built form due to the configuration of the buildings, resulting in buildings with gabled frontages and buildings with the ridge of the roof parallel to the road being arranged in no discernible pattern.

4. The extensions would be located to the rear of the appeal building and the proposed two storey rear extension would be set below the level of the eaves of the original house and as such would appear subordinate to the main building. Although there would be some views of the upper part of the proposed extension over the roofs of the bungalows to the west of the appeal building on Allendale Road, these views would be very limited and the use of materials to match the existing house would result in the proposed extension not appearing either excessively prominent or incongruous.
5. The proposed ground floor extension linking the main house to the converted garage would be largely concealed by the built form of the appeal building and the neighbouring house.
6. Whilst the proposed extensions would add to the overall floor area of the appeal building, the building footprint would not increase significantly. The house stands in a generously sized plot and, consequently, the small increase in the building footprint would not result in a cramped form of development on the site.
7. I therefore find that the proposed extensions would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policies DM5 and DM6 of the Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document 2013 (ADMDDP) which seek to ensure that new development respects the character of the surrounding area and reflects local distinctiveness.

Living conditions of neighbouring occupiers

8. Policies DM5 and DM6 of the ADMDDP when read together seek to ensure that new development does not have an adverse impact on the living conditions of the occupiers of neighbouring residential properties due to loss of light or overshadowing. They also seek to maintain suitable separation distances to prevent overlooking, loss of privacy or a sense of overbearing. It is not suggested that the proposal would result in any loss of daylight or overshadowing of the neighbouring properties.
9. Two additional windows are proposed to the eastern elevation of the scheme, with one being inserted to serve a bedroom and the other to serve a bathroom. These windows would look onto the blank gable wall of the neighbouring house at 51 Westbrook Drive, and whilst there would possibly be oblique views into the garden of this property from the new bathroom window, this could be addressed by a planning condition requiring that the window be glazed with opaque glass.
10. There are no windows in the side elevation of the proposed extension facing the properties to the west on Allendale Road, other than three roof lights, which will not result in any overlooking of the neighbouring properties. Although there would be a window in the south facing elevation of the proposed extension, there are currently first floor windows on the rear elevation of the appeal building which overlook neighbouring gardens and the proposed development would not cause a greater degree of overlooking than currently exists.

11. Number 51 Westbrook Drive is a two storey detached house that is positioned with its frontage behind that of the appeal building and the rear wall of the house also currently projects beyond the rear of the first floor of number 53. Whilst the proposed extension would result in the appeal building projecting approximately 2 metres past the rear wall of number 51, it would not impact on the outlook from the windows in the rear of this property and, as the two storey element would be located approximately 3 metres from the boundary, it would not appear excessively overbearing.
12. To the west of the appeal building are three bungalows on Allendale Road. These properties have rear gardens running up to the side boundary with the appeal building. The main side wall of the appeal building is approximately 1.8 metres from the boundary and the proposed first floor rear extension would be inset approximately 1.6 metres from this side wall. This would result in the first floor element of the rear extension being between approximately 16 metres from the main rear walls of the bungalows and approximately 12 metres from the conservatory that has been erected the rear of number 1 Allendale Road. The proposed first floor rear extension would be visible from the rear of these properties, however, due to the separation distance, it would not appear excessively overbearing. Although the proposed extension would alter the outlook from the rear of these properties by introducing additional built form, due to the distance that it is located from the properties in Allendale Road and the built up nature of the area, I do not consider that this alteration in the outlook would be a detrimental one.
13. I therefore find that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties. It would comply with the relevant requirements of Policies DM5 and DM6 ADMDPD which seek to ensure that new development does not adversely affect the living conditions of the occupiers of neighbouring properties. It would also be consistent with the guidance in the National Planning Policy Framework, which seeks a good standard of amenity for all occupiers.

Other matters

14. My attention has been drawn to the fact that the appeal proposal is identical to a proposal that was granted planning permission in April 2013. Although that planning permission has now expired, this occurred only recently. It is not suggested that there has been a material change in circumstances since the previous permission was granted and, within this context, and in the absence of any evidence to the contrary, it is difficult to see why a proposal that was considered acceptable three years ago would not be acceptable now.
15. I have noted that concerns have been raised that the weight of the proposed extension could cause subsidence and result in damage to other properties, however, there is no substantive evidence to show that this would occur. I have also had regard to the concerns that have been raised in respect of the value of neighbouring properties and the ability to market these. Nonetheless, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property, or the potential to sell a property, cannot be material considerations.

Conditions

16. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty as to what has been granted planning permission I have attached a condition specifying the approved drawings. In order to ensure that the proposed extensions are in keeping with the existing house and the surrounding area, it is also necessary to attach a condition requiring that the materials used in the construction of the extension match those of the existing building. In order to ensure that there is no overlooking of the neighbouring property at number 51, it is necessary to attach a condition requiring that the window in the proposed bathroom be fitted with opaque glazing.

Conclusion

17. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: SI 12/1067/1 (Existing layout & elevations); Drawing No: SI 12/1067/2 Revision A (Proposed layout & elevations); and Drawing No: SI 12/1067/3 Revision A (Site Plans).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. The bathroom window opening at first floor on the east elevation shall be opaque glazed to level 3 or higher on the Pilkington scale of privacy, or equivalent, and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Appeal Decision

Site visit made on 22 November 2016

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2016

Appeal Ref: APP/B3030/D/16/3160059
34, Nottingham Road, Lowdham, NG14 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Bryan against the decision of Newark & Sherwood District Council.
 - The application Ref: 16/01017/FUL, dated 24 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is a loft conversion, creation of a new dormer and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion, creation of a new dormer and internal alterations at 34, Nottingham Road, Lowdham, NG14 7AP in accordance with the terms of the application, Ref: 16/01017/FUL, dated 24 June 2016, subject to the conditions in the attached schedule.

Main Issue

2. The appeal building is situated in an area that is washed over by the Nottingham-Derby Green Belt. The construction of new buildings in the Green Belt is inappropriate development except in certain circumstances that are set out in Paragraph 89 of the National Planning Policy Framework. One of these exceptions is extensions or alterations to a building provided that it does not result in disproportionate additions over and above the size of the original building. The Council consider that the development is not inappropriate and have not raised harm to the Green Belt as an issue. From the evidence before me, I have no reason to conclude otherwise.
3. Therefore, the main issue in this appeal is the effect of the proposed development on the character and appearance of the existing house and the surrounding area.

Reasons

4. The appeal building is one half of a pair of, two storey, early Twentieth Century semi-detached houses. It is constructed of red brickwork with a projecting gable to the front and has a roof finished in natural slate. It is not Listed nor is it located within a conservation area. Adjacent to the appeal building and its adjoining neighbour are a pair of similarly designed semi-detached properties. Nottingham Road essentially comprises a ribbon of development extending into the countryside and primarily following the north-west side of the highway. The buildings are of a range of ages and designs with brickwork, or brickwork and

- render, finished walls but with a variety of roof forms and roofing materials. As a result there is no strong defining character to the area. The houses sit in large plots generally set well back from the highway.
5. The Council officer's report states that the internal alterations and the loft conversion would not, of themselves, require planning permission. Whilst this may be the case, I have to consider the proposal as a whole. However, the internal alterations to form an en-suite bathroom on the first floor and to insert a small window into the gable on the front elevation of the building are not inherently harmful to either the building itself, or to the character and appearance of the area.
 6. The proposed dormer would not be wholly confined to the rear of the building but would also extend along the side roof slope. Nevertheless, it would be set back from the front of the roof and partially concealed by a substantial chimney stack. There would be some limited views of the proposed dormer from the highway outside the site from the south and south-west, although it would not be visible over a wide area. The more complex elements of the roof form to the rear of the house are not evident from the road and can only be seen from the rear garden of the house and the garden of the neighbouring house.
 7. The proposed dormer would alter the appearance of the rear of the house, although this has previously been heavily altered at ground floor level with the addition of a flat roofed extension and a conservatory to an older range of single storey structures. Within this context, I do not consider that the alterations to the rear of the roof would be inconsistent with the other incremental additions at the back of the property and would add to the variety of built forms present to the rear of the house. Whilst the proposed dormer would alter the shape of the rear part of the roof, it would not fundamentally alter the character of the house. I also note that the Council do not consider that the proposed dormer would unbalance the appearance of the pair of semi-detached houses when viewed from the road.
 8. Although the chimneys on the appeal building are an architectural feature, they are not so prominent as to be a defining characteristic of the house. All of the chimney stacks would remain in situ and, whilst the rearmost of the chimney stacks would be partially subsumed into the structure of the proposed dormer, sufficient of the structure would remain exposed that the design integrity of the house would not be compromised.
 9. It is proposed that the vertical faces of the dormer would be clad with a fibre cement slate. Although these may have a different unit size to the natural slates used on the main roof, due to the height of the building, this will be less evident, particularly if a dark grey colour is used. I saw on my site visit that there are a variety of roofing materials in the area, including artificial slates. This material is, therefore, not alien to the area.
 10. The appellant also suggests that due to the volume and position of the proposed dormer, a dormer of the same size and design could be constructed using the permitted development rights set out in Part 1, Class B of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provided that the specified conditions are met. This would represent a fallback position. The appellant suggests that the only difference between the appeal proposal and a dormer which could be constructed using permitted development rights lies in the choice of materials.

11. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The existence of a fallback position is a material consideration.
12. It is necessary to consider whether there is a realistic prospect of the fallback position being implemented. The dormer shown on the submitted drawings would meet the criteria set out in Paragraph B1 of the GPDO and there is no evidence to suggest that the appellant would not wish to proceed or that the operation of permitted development rights is in any way restricted or constrained at the property. I therefore consider that there is a realistic prospect of this fallback position being implemented.
13. In determining the weight that should be given to the fallback position, the principle question is whether the fallback scheme is less desirable than the appeal scheme. The appellant suggests that a dormer of the same size and design could be constructed and faced in white uPVC, as this material is used in the conservatory that has been erected at the rear of the house, and which would be significantly more visible. This is not strictly correct, as the principal materials of the house are brick and slate. However, it is pertinent that the conditions set out in Paragraph B2 of the GPDO in respect of additions or alterations to the roof of a dwelling house do not require the use of identical materials, only that they be of a similar appearance to those used in the construction of the exterior of the existing dwelling house. This would allow for the use of an artificial slate provided that an appropriate colour match was made and the unit size was similar to that of the slates on the main roof.
14. Therefore, whilst the fallback position would not be inherently less desirable than the appeal proposal it would, nevertheless, be extremely similar to the appeal proposal, and I give significant weight to this fact.
15. As an essentially similar dormer window could be constructed using permitted development rights; and having regard to the limited visibility of the proposal from the public domain and the fact that there are a variety of roofing materials including artificial slates in use in the area, I therefore conclude that the proposed development would not cause harm to the character and appearance of the existing house and the surrounding area. It would comply with the relevant requirements of Policies DM5 and DM6 of the Newark and Sherwood Local Development Framework, Allocations and Development Management Development Plan Document 2013 which seek to ensure that new development is of a high standard of design that respects the design of the existing building and the character of the surrounding area, and which reflects local distinctiveness.

Other matters

16. As there are windows in the side elevation of the proposed dormer there is some potential for overlooking of the rear garden of the neighbouring property at 36 Nottingham Road. However, this could be addressed through a planning condition requiring installation of opaque glazing in the relevant windows. As the windows would serve a dressing room and a bathroom, this would not result in any adverse effect on the living conditions of the occupiers of the appeal building.

17. I note that concern has been raised in respect of the joint between new flat roof of the dormer and the existing roof and possible implications for the adjoining property. This is a technical matter that would be addressed through the Building Regulations and the building control process. Of itself, this is not a matter that would justify withholding planning permission.

Conditions

18. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty as to what has been granted planning permission I have attached a condition specifying the approved drawings. I have removed the reference to the three dimensional drawings as these are illustrative rather than technical specifications. The planning application does not specify the colour of the proposed fibre cement slates and, in order to ensure that the proposed extension is in keeping with the existing house, it is also necessary to attach a condition requiring that the materials used in the construction of the extension be submitted for approval. As there are windows in the side of the proposed extension that would present an opportunity for overlooking of the neighbouring property from a high level in order to preserve the living conditions of the occupiers of the neighbouring property it is necessary to attach a condition requiring that opaque glazing be installed in these windows. I have amended the wording of the condition suggested by the Council to more accurately describe the location of the windows in question.

Conclusion

19. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2013/10 OS Location Plan; 2013/02 Existing Floor Plans; 2013/03 Existing Elevations; 2013/04 Proposed First Floor Plan; 2013/05 Proposed Loft Plan; 2013/06 Proposed Block Plan; Front elevation; Side elevation; and Rear elevation.
- 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details/samples.
- 4) The window openings serving the proposed en suite and dressing room (on the South West and North West elevations) shall be opaque glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.